
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
JAMES L. SHEA, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

January 10, 2022

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 21-0160 – Building Code – Cool Roofs

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0160 for form and legal sufficiency. This for the purpose of requiring newly constructed buildings and additions to existing buildings partly financed using City funds to adhere to specified roofing requirements; authorizing certain exceptions; and generally relating to the installation of Cool Roofs.

State law authorizes local jurisdictions to amend their building codes. *see* Md. Ann. Code, Public Safety Art. § 12-504 (“(a)(1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not: (i) prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle; (ii) weaken energy conservation and efficiency provisions contained in the Standards; (iii) except as provided in paragraph (3) of this subsection, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; or (iv) weaken wind design and wind-borne debris provisions contained in the Standards.”) and COMAR 09.12.51.02 (“The purpose of this chapter is to adopt the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC), as may be modified by the Department, as the Maryland Building Performance Standards”). Assuming these additions fall within the state parameters, the amendments are authorized.

The recitals limit the scope of the amendments to those newly constructed buildings and additions partly financed with City funds. However, there is no mention of this limitation in scope in the actual text of the new law. The Law Department recommends amending the bill to clarify its scope and defining “partly financed” and “City funds.”

The bill could also be approved as written, but would not be limited in scope as the recitals intend.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', enclosed in a thin blue rectangular border.

Ashlea Brown
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor