

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

July 18, 2018

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

Attn: Natawna Austin, Executive Secretary

Re: City Council Bill No. 18-0189 – Short-Term Residential Rentals –
Regulation and Taxation

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 18-0189. City Council Bill 189 provides for the regulation and taxing of short-term residential rental units that are marketed and otherwise facilitated by a hosting platform. The bill requires that hosts be licensed and places limits on the number of units a single host may operate, the number days per year a unit can be rented and what records must be maintained. A hosting platform must also abide by certain requirements. The bill also modifies the hotel tax provisions to require that hosts and hosting platforms pay the hotel tax.

The licensing and regulation of short-term rental is within the authority of the Mayor and City Council to regulate by ordinance. Baltimore City Charter Art. II, Sec. 17. The Law Department notes that §48-15(F)(1) requires that the Host post contact information for a “representative” for emergencies but does not require that the Host’s contact information be posted. Secondly, §48-22 vests the licensing, regulatory and enforcement responsibility with the Director of Finance. A recently enacted City Code provision now requires that “non-owner occupied dwelling units” register with the Director of HCD and pay the registration fee. Some short-term residential rental units may be subject to both provisions of the Code. As a policy matter a determination should be made regarding how to most efficiently administer both Code provisions while also serving the purposes of each law.

City Council Bill 18-0189 is an appropriate exercise of the authority granted to the Mayor and City Council by the Charter. The Law Department therefore approves City Council Bill 18-0189 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: Andre M. Davis Solicitor
Kyron Banks, City Council Liaison, Mayor's Office
Kara Kunst, City Council President's Legislative Liaison
Hilary Ruley
Victor Tervalo
Ashlea Brown
Avery Aisenstark