

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Acting Housing Commissioner *AK*

Date: August 27, 2020

Re: City Council Bill 20-0496 Records Management – Modernizing, Correcting, and Conforming

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 20-0496 for the purpose of repealing and replacing City Code provisions regarding Baltimore City records management program to conform to State law requirements and to reflect modern practices in records management; establishing the position of City Records Management Officer to coordinate citywide records management; setting forth certain duties of the City Records Management Officer; requiring City agencies to provide certain cooperation to the City Records Management Officer; providing for the manner of the proper disposal of certain City records; defining certain terms; and generally relating to the management of the records of Baltimore City government.

If enacted the Bill would establish a City Records Management Officer who shall direct the development and administration of a records management, archival and disposal program for the records of all City agencies. DHCD would be required to designate an Agency Records Officer, to serve as the liaison to the City Records Management Officer, who will assist them in carrying out the program for the agency and at the request of the Officer; prepare a record inventory, cooperate in the preparation of record retention and disposition schedules and comply with the rules and records to be adopted.

Record is defined in the Bill as any documentary material in any form created or received by the agency in connection with the transaction of public business. This includes written materials, emails, books, photographs, photocopies, publications, forms, microfilms, tapes, computerized records, maps drawings and other materials in any format. Records also includes data generated, stored, or received, or communicated by electronic means for use by, or storage in, an information system for transmission from one information system to another. There are a number of “Record” exclusions laid out in the Bill, such as extra copies of documents.

DHCD maintains various files across its Divisions related to development projects, homeownership and housing preservation activities, research and planning data, housing & code enforcement actions, emergency operations activities, permits and litigation proceedings, and various community service requests.

DHCD currently maintains files in physical and electronic format and all Records such as notices, citations and permits are already publicly available, archived and accessible, through Code Map 2.0 or other digital portals. Digital records are managed electronically by DHCD's Division of Information and Technology through oversight of various online platforms, both public facing and internal.

DHCD is in favor of modernizing records management and supportive of transparency in government, but the impact on the agency is unclear. Additional staff would likely be needed in each of DHCD's Divisions to coordinate with DHCD's Agency Records Officer to meet reporting requirements. It is highly likely that additional investment in technology will be needed to fulfil the purpose of the legislation, as well. Also, DHCD and other agencies would need detailed guidance on implementation from the Law Department, specifically as DHCD records can contain private, sensitive or protected material; thus, drawing on resources of that agency and increasing cost of implementation. Finally, carrying out the Bill will be further compounded, and made more expensive if implemented during the period of the COVID crisis. While it is difficult to precisely anticipate the extent of the impact on the agency and associated costs, the bill represents a large-scale unfunded mandate with unpredictable implications.

DHCD takes no position on the Bill and will defer to the Law Department and Administration. DHCD recommends consideration be given to an amendment to 20-0496 providing for a study period to determine the feasibility of the bill and a schedule for implementation beginning at least 180 days after enactment to allow for agency planning.

DHCD takes **no position** on City Council Bill 20-0496.

sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*