
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA
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March 9, 2021

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

Re: City Council Bill 21-0040 - Floodplain Management Code – Revision

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0040 for form and legal sufficiency. The bill modifies the City laws governing floodplain management to meet or exceed requirements for eligibility in the National Flood Insurance Program and other requirements of Federal and State law. It incorporates certain flood-resistant design and construction standards adopted by the American Society of Civil Engineers and defines and redefines certain terms, and repeals redundant, obsolete, or otherwise superfluous provisions. The bill corrects and conforms certain obsolete nomenclature and provides for an immediate effective date.

The Maryland Department of the Environment requires the revisions proposed in Council Bill 21-0040 if the City is to remain in compliance with the requirements of the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA). These changes in turn were triggered by revisions to FEMA's Flood Insurance Rate Maps and associated Flood Insurance Study.

The Law Department notes that Council Bill 21-0040 includes text amendments to City Code Article 32 (the City's Zoning Code). In accordance with Article 32, text amendments are deemed "legislative authorizations." City Code, Art. 32, § 5-501(1). Certain hearing requirements therefore apply to the bill. *See* City Code, Art. 32, § 5-507. Moreover, the following standards must be considered by the City Council:

- (1) the amendment's consistency with the City's Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment's consistency with the intent and general regulations of this Code.

City Code, Art. 32, § 5-508. Article 32 also requires that certain notice be provided in advance of the bill's public hearing. City Code, Art. 32, § 5-601.

Provided all the procedural requirements are met, the Law Department is prepared to approve the bill for form and legal sufficiency as drafted.

Sincerely,



Victor K. Tervalo
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Nikki Thompson, Director of Legislative Affairs
Matthew Stegman, Director of Fiscal and Legislative Services
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor