



Legislation Details (With Text)

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Type: Ordinance **Status:** Enacted

File created: 2/6/2023 **In control:** Baltimore City Council

On agenda: **Final action:** 7/17/2023

Enactment date: **Enactment #:** 23-249

Title: Community Reinvestment and Reparations Commission
For the purpose of creating the Community Reinvestment and Reparations Commission to distribute certain funds in accordance with State law; establishing the purpose and duties of the Commission; providing for the composition of the Commission; requiring certain reports; defining certain terms; requiring certain individuals file certain financial disclosures; and generally relating to the Community Reinvestment and Reparations Commission.

Sponsors: President Nicholas J. Mosby, Kristerfer Burnett

Indexes: Commission, Community, Reinvestment

Code sections:

Attachments: 1. 23-0353~1st Reader, 2. ETHICS 23-0353, 3. 23-0353 Law, 4. Finance 23-0353, 5. 23-0353 DHR, 6. 22-0353 Agenda 03-28-23, 7. 23-0353 Bill Synopsis 03-28-23, 8. 23-0353 Attendance Sheet 03-28-23, 9. 23-0353 Hearing Notes 03028-23, 10. 23-0353 Minutes 03-28-23, 11. BCHD 23-0353, 12. 23-0353 OECR, 13. 22-0353 Agenda 04-25-23, 14. ECD Voting Session Notes 23-0353, 15. 23-0353 Voting Record, 16. OECR - Additional Information 23-0353, 17. 2nd Reader Committee Amendment 23-0353(2)~1st(ECD), 18. 2nd Reader Floor Amendment 23-0353(3)~1st(Law)(Middleton)(FLOOR), 19. 23-0353~3rd Reader, 20. 23-0353 Signed, 21. Completed Ordinance 23-0353

Date	Ver.	Action By	Action	Result
8/21/2023	0	Mayor	Signed by Mayor	
5/15/2023	0	Baltimore City Council	Approved and Sent to the Mayor	
5/1/2023	0	Baltimore City Council	3rd Reader, for final passage	
5/1/2023	0	Economic and Community Development	Recommended Favorably with Amendment	
4/25/2023	0	Economic and Community Development	Recommended Favorably with Amendment	Pass
3/29/2023	0	Economic and Community Development	Scheduled for Voting Session	
3/13/2023	0	Economic and Community Development	Scheduled for a Public Hearing	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Health	
2/9/2023	0	Baltimore City Council	Refer to Office of Equity and Civil Rights	
2/9/2023	0	Baltimore City Council	Refer to Board of Ethics	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Human Resources	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Finance	
2/9/2023	0	Baltimore City Council	Refer to City Solicitor	
2/6/2023	0	Baltimore City Council	Assigned	

2/6/2023

0

Baltimore City Council

Introduced

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: President Mosby

A Bill Entitled

An Ordinance concerning

Community Reinvestment and Reparations Commission

For the purpose of creating the Community Reinvestment and Reparations Commission to distribute certain funds in accordance with State law; establishing the purpose and duties of the Commission; providing for the composition of the Commission; requiring certain reports; defining certain terms; requiring certain individuals file certain financial disclosures; and generally relating to the Community Reinvestment and Reparations Commission.

By adding

Article 1 - Mayor, City Council, and Municipal Agencies

Sections 59-1 to 59-8, to be under the new subtitle designation

“Subtitle 59. Community Reinvestment and Reparations Commission”

Baltimore City Code

(Edition 2000)

By adding

Article 8 - Ethics

Section 7-8(6a)

Baltimore City Code

(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 59. Community Reinvestment and Reparations Commission

§ 59-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Area median income.*

“Area median income” means the median household income for an area adjusted for household size, as published and annually updated by the United States Department of Housing and Urban Development.

(c) *Cannabis*.

“Cannabis” has the meaning stated in § 5-101 {“Definitions”} of the State Criminal Law Article.

(d) *Commission*.

“Commission” means the Community Reinvestment and Reparations Commission.

(e) *Community-based organization*.

“Community-based organization” means a public or private organization that is representative of a community or significant segments of a community, and provides educational, health, or social services to individuals in the community.

(f) *Demonstrated knowledge*.

“Demonstrated knowledge” means an individual who has displayed competency with a subject, as demonstrated by:

- (1) publishing written material
- (2) delivering programmatic offerings to the public; or
- (3) creating and providing to the public educational materials.

(g) *Fund*.

“Fund” means the State Community Investment and Repair Fund.

(h) *Low-income community*.

“Low-income community” means a community where the average household income is less than 80% of the Area Median Income.

(i) *Structural racism*.

“Structural racism” means a policy or set of policies that widen the social and political disadvantages within society for members of 1 or more minority groups.

(j) *White supremacy*.

“White supremacy” means the belief, theory, or doctrine that white people are superior to those of other races and thus should dominate them.

§ 59-2. Commission created; purpose; duties.

(a) *Established*.

There is a Community Reinvestment and Reparations Commission, as established by State Health - General Article § 13-4601(a)(6).

(b) *Purpose.*

The purpose of the Commission is to distribute the funds disbursed to Baltimore City from the State Community Reinvestment and Repair Fund in accordance with Title 13, Subtitle 46 {"Community Reinvestment and Repair Fund"} of the State Health - General Article.

(c) *Duties.*

In accordance with the provisions of Title 13, Subtitle 46 {"Community Reinvestment and Repair Fund"} of the State Health - General Article, the members of the Commission shall:

- (1) establish the purposes for which money from the Fund may be used;
- (2) allocate supplemental funding to community-based organizations for services and programs intended to benefit low-income communities;
- (3) allocate supplemental funding to community-based organizations for services and programs intended to address the effects of the disproportionate enforcement of the cannabis prohibition before July 1, 2022;
- (4) make recommendations to the Mayor and City Council regarding repairing the damage done to communities determined by The Office of the Attorney General to have been the most impacted by disproportionate enforcement of the cannabis prohibition in Baltimore City before July 1, 2022; and
- (5) make recommendations to the Mayor and City Council regarding repairing the damage done by structurally racist and white supremacist policies to racial and ethnic minority communities in Baltimore City.

(d) *Use of funds.*

The Commission shall distribute funds in accordance with the provisions of § 13-4601(a)(6) of the State Health - General article.

§ 59-3. Members.

(a) *In general.*

- (1) The Commission comprises of 17 members.
- (2) Of these:
 - (i) 16 members are appointed by the Mayor in accordance with Article IV, § 6 of the Baltimore City Charter; and
 - (ii) 1 member shall be the Baltimore City Comptroller or the Comptroller's designee, serving as an ex officio member.

(b) *Appointed members: Qualifications.*

Of the 16 members appointed by the Mayor:

- (1) 1 member must be appointed from each of the 14 Council Districts;

- (2) at least 1 member must be a service provider for incarcerated persons or persons with a criminal record; and
- (3) at least 1 member must be a representative from a community-based organization that works with low-income communities.

(c) *Appointed members; Other requirements.*

(1) *General knowledge.*

An individual who is interested in becoming an appointed member of the Commission must submit an application describing the individual's demonstrated knowledge of 1 or more of the following:

- (i) the history of the resistance of people of African descent to white supremacy, enslavement, Jim Crow laws, and other examples of racial violence and discrimination;
- (ii) the history of the resistance of racial, ethnic, and other minority groups against discrimination, violence, and inequality;
- (iii) the needs of individuals returning to the community after incarceration;
- (iv) the impact of the disproportionate enforcement of drug laws on the quality of life experience by racial and ethnic minorities, especially people of African descent, including specialization in:
 - (A) the disruption of families;
 - (B) exposure to the prison system;
 - (C) trauma experienced as a result of community and police violence; or
 - (D) another similar factor contributing to quality of life; and
- (v) methods for delivering community investment that empower marginalized people to have a voice in the distribution of resources.

(2) *Application.*

The application of a prospective member must be in the form required by the Mayor.

§ 59-4. Terms; chair; removal.

(a) *Terms of appointed members.*

- (1) Each member of the Commission serves a 4-year term, concurrent with the Mayor's term of office.
- (2) An appointed member of the Commission may not serve more than 2 consecutive full terms.
- (3) A member of the Commission appointed to fill a vacancy serves the rest of the unexpired term.
- (4) A member of the Committee continues in office until the member's successor is appointed and qualified.

(b) *Commission Chair.*

One member of the Commission shall be elected as Chair by majority vote of the members of the Commission.

(c) *Removal.*

The Commission, with the approval of $\frac{3}{4}$ of its members, may remove a member for neglect of duty or misconduct in office.

§ 59-5. Compensation; expenses.

Each member of the Commission shall be compensated as provided in the Ordinance of Estimates and each member may be reimbursed for necessary and proper expenses incurred in the performance of the member's duties.

§ 59-6. Meetings.

(a) *In general.*

The Commission must meet at the call of the Chair as frequently as required to perform its duties, but not less than 1 time each quarter of the year.

(b) *Quorum.*

A simple majority of the members of the Commission shall serve as quorum.

(c) *Voting.*

An affirmative vote by the majority of a quorum is needed for any official action.

§ 59-7. Biannual report.

(a) *In general.*

Beginning in 2024, on or before December 1 and every 2 years thereafter, the Commission shall create and publish the report required by § 13-4601(b)(2)(ii) of the State Health - General Article.

(b) *Recipients.*

The Commission shall submit the report to the following recipients:

- (1) the Mayor;
- (2) the City Council;
- (3) the Governor;
- (4) the State Budget and Taxation Committee;
- (5) the State Senate Finance Committee;
- (6) the State House Judiciary Committee;

(7) the State House Health and Government Operations Committee; and

(8) any other entity required by State law.

§ 59-8. Rules and regulations.

Subject to Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Commission may adopt rules and regulations to carry out the provisions of this subtitle.

Article 8. Ethics

Subtitle 7. Financial Disclosure

Part II. Who Must File

§ 7-8. Persons required to file - Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:
...

(6a) *Community Reinvestment and Reparations Commission.*

(i) Members of Commission.

(ii) All non-clerical employees.

Section 2. And be it further ordained, That, prior to the first allocation of funds by the Commission, the City Council shall convene 1 or more hearings to allow residents of Baltimore to testify as to the effect of the prohibition of cannabis on themselves, their families, and their communities.

Section 3. And be it further ordained, That prior to January 1, 2024, the Commission shall submit an annual report to the Mayor and City Council regarding:

(1) the convening of the Commission;

(2) the activities of the Commission;

(3) the funding priorities identified by the Commission;

(4) the policy recommendations developed by the Commission; and

(5) the proposed amount of compensation for members of the Commission, as determined by the Department of Human Resources.

Section 4. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.