



House Bill 1448

District Court – Concurrent Civil Jurisdiction – Violation of Ordinances

MACo Position: **SUPPORT**

To: Judiciary Committee

Date: March 15, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1448. This bill allows counties and the City of Baltimore to serve as the first bodies, in addition to Maryland district courts, to hear an appeal of a civil citation issued based on local law.

This bill arises out of a Court of Appeals decision, *Angel Enterprises Limited Partnership, et al. v. Talbot County, Maryland, et al.* In *Angel Enterprises*, the Court stated that violations of county ordinances cannot be appealed to a county agency, invalidating several fines levied by Talbot County regarding a construction matter. The Court cited a state law requiring that appeals go directly to state court.

Like Talbot, several counties and Baltimore City have appeals processes that run through their respective agencies. HB 1448 would change state law, as cited by the *Angel Enterprises* court, to allow those counties to maintain their current appeals processes. Counties that already refer their appeals cases to district court would be unaffected, though some may opt to develop administrative appeals processes. Regardless of whether a county directly hears a civil citation appeal, according to state law, all decisions may be reviewed by a state court.

Absent this bill's passage, we believe certain counties, including Baltimore City, could be subject to the following:

- lawsuits regarding unlawful enforcement activity
- extensive rewrites of existing ordinances
- a flood of novel cases in local district courts

Altogether, this bill is needed to protect several counties from significant revisions to their administrative processes, and potentially prevent the overturning of their enforcement activities. For this reason, MACo **SUPPORTS** HB 1448 requests a **FAVORABLE** report.