

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

Senate Bill 521 (Senator McFadden)  
(Baltimore City Administration)

Judicial Proceedings

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**Courts - Appeals - Local Code Enforcement Cases**

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This bill provides that appeals from the District Court in criminal and civil code enforcement cases, and in cases in which a tenant has filed a petition for injunction for repair of dangerous defects, shall be heard on the record made in the District Court.

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**Fiscal Summary**

**State Effect:** The bill would not directly affect State operations or finances.

**Local Effect:** Efficiency savings for the circuit courts and local government agencies that are involved in code enforcement appeals.

**Small Business Effect:** Potential minimal. Small court reporting businesses could receive additional business as a result of the bill.

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**Analysis**

**Current Law:** Code enforcement cases and cases involving a petition for repair of dangerous defects that are appealed from District Court are tried de novo in circuit court.

**Background:** A code enforcement case is a case in which a county or municipality has filed a petition for enforcement of local health, housing, fire, building, electric, licenses and permits, plumbing, animal control, or zoning codes.

In Baltimore City, the District Court assigns a special housing court judge to hear code

enforcement and related cases twice a week.

**State Fiscal Effect:** The bill would require the preparation of transcripts in code enforcement appeals. This would be done by contractual court reporters, so the workload of the District Court would not increase. Appellants would be required to pay for transcript preparation, at an average estimated cost of \$100.

Information regarding the number of appeals that have been taken from the District Court in code enforcement cases is not readily available. That number, however, is not believed to be significant.

The bill could serve to reduce the number of code enforcement appeals, because some would-be appellants would be reluctant to pay for transcript preparation. In addition, cases appealed on the record may be seen as more difficult to “win” than de novo appeals.

**Local Fiscal Effect:** This bill would result in efficiency savings for circuit courts, because on the record appeals involve less court time than de novo appeals.

The bill would result in efficiency savings for local governments that are involved in code enforcement appeals. An on the record appeal would not require staff witnesses to appear in court a second time, as does a de novo appeal.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** HB 714 (Delegate Marriott, *et al.*) - Judiciary.

**Information Source(s):** Baltimore City, Judiciary (District Court of Maryland), Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2000  
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