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February 17, 2020

The Honorable Derek Davis
Chairman
House Economic Matters Committee
Maryland House of Delegates
House Office Building, 6 Bladen Street
Annapolis, Maryland 21401

Re: HB441 – Baltimore City – Alcoholic Beverages – Protest of License Renewal – Zoning Violations

Chairman Davis,

On behalf of the Board of Liquor License Commissioners for Baltimore City (BLLC) I respectfully request an unfavorable report from the House Economic Matters Committee for HB441 – Baltimore City – Alcoholic Beverages – Protest of License Renewal – Zoning Violations.

Currently, to protest the renewal of licensed establishment protestants must acquire 10 signatures of individuals who live in the immediate vicinity of the establishment and formulate a “specific complaint” about the operation of the establishment during the prior license year.¹ Protestants are prohibited from protesting a renewal of license based upon zoning issues.² In its current form, this bill would eliminate the latter provision.

First, the passage of this bill undermines the intent of *Williams v. Associated Professors of Baltimore of Loyola College in City of Baltimore*, 257 Md. 316 (1970), which was to preclude protests of renewal hearings based on violations of the Zoning Code.³ Second, the elimination of this provision would cause confusion by permitting both the BLLC and Board of Municipal and Zoning Appeals (BMZA) for the City of Baltimore to make conflicting rulings concerning the land use for specific properties for which the BMZA is solely authorized to determine per the Land Use Article.

Lastly, it should also be noted that the Board of Liquor License Commissioners for the following jurisdictions do not allow Protests of Renewal for allegations of zoning violations against licensees: Baltimore County, Montgomery County, Anne Arundel County, Harford County, Howard County, and Prince Georges County. In these jurisdictions, such allegations are forwarded to those counties’ respective County Boards’ of Appeal to consider.

Accordingly, I respectfully request an unfavorable report from the House Economic Matters Committee for HB441 – Baltimore City – Alcoholic Beverages – Protest of License Renewal – Zoning Violations.

Thank you for the opportunity to submit this written testimony.

Sincerely,

Albert J. Matricciani, Jr.
Chairman
Board of Liquor License Commissioners
For Baltimore City

¹ Alc. Bev. Art. §12-1805(1)

² Alc. Bev. Art. §12-1805(2)

³ It should be noted that Alc. Bev. Art. §12-1805(2) was passed as a result of the decision in *Williams v. Associated Professors of Baltimore of Loyola College in City of Baltimore*, 257 Md. 316 (1970)