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**HB 761**

February 23, 2022

**TO:** Members of the House Health and Government Operations Committee

**FROM:** Natasha Mehu, Director, Office of Government Relations

**RE:** House Bill 761 – County Boards of Health & Baltimore City Health Department-  
Procedures & Appeals process

**POSITION: OPPOSE**

Chair Pendergrass, Vice Chair Peña-Melnyk, and Members of the Health and Government Operations Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 761.

HB 761 implements new procedures and appeals processes for County Boards of Health and Baltimore City Health Department.

At present, Baltimore City Health Department has its own appeals process in place in the Baltimore City Health Code §2-301, Administrative Hearings. In all situations, any person aggrieved by a notice, order, decision, or other action of the Department may request a hearing on the matter. The request must be in writing; state the grounds on which the person is contesting the notice, decision, order, or other action; and unless a different time is specified, be filed with the Commissioner within 10 days of the notice, decision, order or other action.

The hearings are held by a hearing officer designated by the Commissioner and are given the authority to issue: final findings of fact, final conclusions of law, final orders, or a final administrative decision of the Department. Once a final decision is given by the hearing officer the aggrieved party may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure. Lastly, a party to the

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judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

Additionally, there is an appeal process in place for citations. The aggrieved person may appeal the citation through the Environmental Control Board (ECB). Upon judgment from the ECB Hearing Officer, the aggrieved has the right to appeal the decision to the ECB. The appeal must be done in writing within 30 days after receiving the Hearing Officer's decision. All fines and fees must be paid within 30 days from the Hearing Officer's decision for the appeal to be processed and heard. ECB will consider the record from the hearing—there will not be an additional hearing or new evidence for this appeal. Full board decisions on an appeal may be appealed to the Circuit Court of Baltimore City.

Because Baltimore City already affords hearing and appeal rights, we respectfully request an **unfavorable** report on HB 761.