

May 26, 2006

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 128 – *Baltimore City – Housing – Proposed Development – Notice to Community Association*.

This bill provides that before a developer may obtain a permit from Baltimore City for the construction of a development in Baltimore City consisting of 20 or more housing units within the boundaries of a community association, as defined in Real Property Article, Section 14-123, the developer shall:

1. Notify the community association of the proposed development; and
2. Attend a scheduled meeting of the community association or a committee or subcommittee of the association and consult with the members of the community association who attend the meeting.

The Attorney General, in his May 9, 2006 bill review letter, observed that the Maryland Constitution in Article XI-A, Section 1 permits the counties and Baltimore City to adopt a charter form of government, and Baltimore City has done so.

Among the “express powers” granted to Baltimore City through and under its Charter, is the authority “to regulate the location, construction, use, operation, maintenance and removal of buildings and structures, or any part thereof, of every kind”. Through House Bill 128, the General Assembly impermissibly attempted to invade the authority granted exclusively to Baltimore City in its Charter in an effort to regulate an aspect of the land development process in Baltimore City. The Attorney General concludes in his bill review letter that House Bill violates Maryland Constitution Article XI-A, Section 4.

For the above reason, I have vetoed House Bill 128.

Very truly yours,

Robert L. Ehrlich, Jr.  
Governor