

File No. 8790.

OPINION.

## LAW DEPARTMENT.

Baltimore, September 26, 1908.

Hon. J. Barry Mahool,  
Mayor of Baltimore.

Dear Sir:-

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I beg to advise you as follows in reference to the question suggested by the enclosed letter from Mr. J. B. Noel Wyatt, "Chairman Committee on Improved Housing". The position taken by Mr. Wyatt in his letter appears to me to be perfectly correct. The jurisdiction of the Inspector of Buildings as set forth in Section 79 of the Charter relates to the supervision of the construction of all buildings erected in the City and to the enforcement of all building laws relating to the construction of such buildings. Whereas by Section 71 of the Charter, the Commissioner of Health is charged with the duty of enforcing the ordinances relating to the preservation of health in the City of Baltimore.

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Applying these respective powers of the respective Departments to the situation mentioned in Mr. Wyatt's letter it seems clear to me that the Inspector of Buildings must see to it that the tenement and apartment houses are constructed, altered or repaired strictly in accordance with the provisions set forth in Section 45 of the new Building Code, sub-title Tenement and Apartment Houses. Whereas the use that is made of said houses after their construction, alteration or repair, in so far as the same bears upon matters of health and sanitation, properly comes under the supervision and control of the Commissioner of Health. I would say therefore that the appointment of Inspectors, whose duties consist in seeing that the provisions of the law bearing upon the occupancy of said tenement and apartment houses, are not violated, should be made by the Commissioner of Health.

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I call your attention to the fact that under the law as it now exists, registration of tenement and apartment houses must be made in the Departments of both the Inspector of Buildings and the Commissioner of Health.

Very truly yours,  
(Signed) Edgar Allan Poe,  
City Solicitor.