



BALTIMORE HOUSING

SHEILA DIXON
Mayor

PAUL T. GRAZIANO
Executive Director, HABCD
Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Karen Randle, Executive Secretary

From: Paul T. Graziano, Commissioner

Date: April 7, 2008

Re: City Council Bill 08-0094 Construction Debris - Proof of Proper Disposal

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 08-0094, which was introduced for the purpose of prohibiting the issuance of an occupancy permit or a certificate of completion for certain work without evidence of the lawful disposal of the debris or other waste produced by that work and further requiring that notice of this requirement be stamped on certain buildings permits.

City Council Bill 08-0094 endeavors to address the scourge of illegal dumping by prohibiting building officials from issuing a use and occupancy permit for a property or a certificate of completion for any construction until the applicant demonstrates that all debris or waste resulting from the project was lawfully disposed. The proposed bill further requires that a building official must estimate the aggregate amount of debris generated from a project and if the amount equals or exceeds 200 pounds, then the building permit must be stamped "Proof of Proper Waste Disposal Required".

DHCD supports the intent of the proposed bill to eliminate illegal dumping, but regretfully differs with the legislation's approach or effectiveness in remedying the problem. At present, the Department issues approximately 38,000 permits a year. Given this volume, DHCD does not possess sufficient personnel with the technical capability to estimate the approximate weight of debris for each individual permit. Further, any documentation provided by a contractor would not automatically account for all of the debris present on a site nor would it assure DHCD that some of it was not illegally hauled away. Finally, even if a licensed hauler was used, there is no way to verify that the debris removed from the site was properly disposed by that hauler.

Illegal dumping of construction debris is a significant problem that must be addressed through the vigilant and effective enforcement of existing laws. Unfortunately, while laudably intended, the proposed legislation would likely increase administrative costs and cause delays in the issuance of permits without sufficiently addressing illegal dumping. Consequently, the Department of Housing and Community Development cannot support passage of City Council Bill 08-0094.

PTG:pmd

cc: Ms. Angela Gibson
Mr. Demaune Millard

