



MEMORANDUM

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

From: Alice Kennedy, Acting Housing Commissioner

Date: March 16, 2021

Re: City Council Resolution 21-0016R Investigative Hearing - Building Backups of Untreated Sewage

The Department of Housing and Community Development (DHCD) has reviewed City Council Resolution 21-0016R for the purpose of inviting representatives from the Department of Public Works, the Law Department, the Health Department, and the Mayor's Office of Emergency Management to appear before the City Council to discuss the effectiveness and sufficiency of measures being taken to address basement backups of raw sewage in the City.

DHCD supports the intent of this Resolution to educate the public and the City Council with information regarding the effectiveness and sufficiency of measures being taken to address basement backups of raw sewage in the City.

Sewage backups reported through the 311 system are routed to DPW to investigate the source of the backup, if the problem is on the homeowner's property, they are responsible for the repair. If the problem is on the City side DPW will conduct the needed remediation. Depending on the location of the source of the backup, some cases are also referred to DHCD.

DHCD's Code Enforcement Division Inspectors enforce the city's Building, Fire and Related Codes (BFRC). The International Property Maintenance Code (IPMC) (2018 Edition) was adopted as part of Baltimore City's adoption of the BFRC. The IPMC applies to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life, and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures.

Upon inspection DHCD Code enforcement may issue a Defective Soil Pipe Repair Notice to the appropriate party citing Sections 307.5 of the BFRC for Interior Sanitary maintenance of plumbing fixtures, which are required to be kept clean and free from any foreign object or material that could obstruct a fixture or a line connected to a fixture, and; Section 504.3 of the BFRC, Plumbing Facilities and Fixture Requirements, requiring that plumbing system defects such as inadequate service, inadequate venting, cross-contamination, back-siphonage, improper installation, deterioration, damage, and similar defects in a plumbing system be corrected.

DHCD Inspectors make contact with the property owner as soon as possible after a problem is identified and post a notice on the property. If it is an Emergency Repair Notice the property owner will be required to make repairs within 72 hours. Inspectors will conduct follow up investigations and may refer the property to DHCD legal for failure to abate the notice. In some cases, DHCD may assist with relocation of homeowners or tenants, or in rare instances, have to arrange repairs and Bill the property owner, or lien the property.

While DHCD is not involved in the clean-up of sewage backups we remain dedicated to maintaining the health and safety of neighborhoods throughout the city by responding to complaints of sewage backups and issuing the appropriate notices for conditions that may be causing the problem, in addition to any sanitation issues that may result from the backup, such as the presence of mold.

DHCD acknowledges the financial burden the costs of cleaning up and disinfecting places on property owners after a sewage backup takes place. We support the establishment of a permanent version of the “Building Backup Expedited Reimbursement Program” to reimburse City homeowners, renters, non-commercial occupants, and residents for the costs of cleaning up.

DHCD **supports** the passage of City Resolution 21-0016R.

AK/sm

cc: Ms. Nina Themelis, *Mayor’s Office of Government Relations*