



MEMORANDUM

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

From: Alice Kennedy, Housing Commissioner

Date: January 11, 2024

Re: City Council Bill 22-0205 - Vacant Structures – Emergency Response Fee

Introduction

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 22-0205 for the purpose of establishing a fee structure for City emergency response services provided or rendered at vacant structures; defining certain terms; providing for a special effective date; and generally relating to emergency response fees for vacant structures.

If enacted, City Council Bill 22-0205 would require vacant property owners to pay for emergency response services provided by the Baltimore City Fire Department. The legislation is intended to allow the City's Fire Department to recoup costs spent on fire investigations, incidents involving hazardous materials, water incidents, and other incidents requiring fire personnel. The Bill allows the Department to bill property owners based on itemized costs of materials used after responding to an emergency service at their property.

DHCD Analysis

DHCD would defer to the Baltimore City Fire Department as the directly impacted agency but encourages the committee to take into account the following considerations:

The legislation specifies that the Department may charge the owner of a vacant structure associated fees based on the level of response. It may be difficult to coordinate the monitoring, tracking and enforcement of the appropriate fees based on services rendered by BCFD. The implementation of this legislation would likely require IT upgrades to the 911 system and additional administrative staff to monitor and track the invoices for each call for service.

Many vacant properties don't have a responsible party to charge a fee for emergency services or hold accountable. For example: there are vacant properties with deceased owners or defunct entities. More than half of the VBNs currently issued were issued at least 5 years ago and have failed to be abated despite owners receiving multiple \$900 failure to abate citations, suggesting that charging a fee for emergency services is not necessarily going to be recouped or get the desired response from the property owner.

The lack of clear title of many privately owned vacant properties poses a significant challenge to the City, such as their ongoing need for routine maintenance and emergency services. It is uncertain if imposing this fee for emergency services as outlined in this legislation would be recouped or compel property owners to abate the vacant building notice more expeditiously than is presently happening.

Most relevant to DHCD: It is unclear from the legislation if the fees for emergency response will be a lien on the property. The accrual of additional municipal liens on the property can make redevelopment of the vacant property unnecessarily complicated by adding another lien abatement step that would need to be taken to put the property back into productive re-use.

Suggested Amendment

Page 5, lines 13-15 defines vacant structure as “any structure that is subject to an unabated violation notice issued under § 116 {“unsafe structures”} of the Baltimore City Building Code. The word “unabated” in the definition is unnecessary. The structure either has a vacant building notice or it does not.

Conclusion

DHCD recognizes the blighting influence city owned and privately-owned, vacant properties have on our communities and the hardships they can impose on adjacent residential properties.

However, we have practical concerns around the complexity of implementing this bill. It remains unclear if this legislation would compel property owners to abate the vacant building notice more expeditiously or if fees would be able to be recouped.

DHCD is committed to working with the Council President, the City Council and the Mayor’s Office to collaboratively find legislative solutions that can support our shared goal of eliminating vacants and blight across Baltimore City.

We respectfully **defer to the Fire Department** on Council Bill 22-0205.

AK/sm

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

Brandon M. Scott, Mayor | **Alice Kennedy**, Housing Commissioner

417 East Fayette Street | Baltimore, MD 21202 | 443-984-5757 | dhcd.baltimorecity.gov



Ms. Natawna Austin, Executive Secretary of the City Council