



## 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: May 3, 2021

Re: **City Council Resolution 21-0027R – Informational Hearing – Illegal Dumping**

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The Department of Housing and Community Development (DHCD) has reviewed City Council Resolution 21-0027R, for the purpose of inviting the Acting Director of the Department of Public Works (DPW) and the Acting Commissioner of DHCD, as well as representatives from the Law Department, the Health Department, and the Baltimore Police Department to explain how agencies assist in solving the problem of illegal dumping in the city.

Illegal dumping is the disposal of waste without the knowledge or consent of the property owner. This includes littering along streets and alleys. DHCD's Code Enforcement Inspections Division and Special Investigations Unit (SIU) investigate and issue Environmental Control Board and Civil Citations for the offense of illegal dumping. The Code Enforcement team issues citations for sanitation issues while the SIU team investigates more serious complaints such as construction debris, multiple bags of trash and bulk items. Investigations are driven through 311 complaints, reports from community members, at the request of elected officials or sister agencies, and by proactive discovery during the course of duty. Once DHCD's Code Enforcement Inspectors or Special Investigations Unit have investigated an illegal dumping site, the matter may be referred to DPW to remove the illegally dumped debris. Some 311 complaints are referred directly to DPW and cleaned without investigation by DHCD.

In Fiscal Year 2019, DHCD's SIU responded to over 9,000 complaints of illegal dumping leading to the issuance of 1,192 dumping citations. In Fiscal Year 2020, DHCD issued 754 citations for illegal dumping activities. It should be noted that COVID has significantly impacted the issuance of illegal dumping citations. Investigations have been limited to what is clearly visible to avoid investigators having to dig through trash bags during this ongoing public health emergency.

DHCD uses data analysis to identify areas that are frequent targets for illegal dumping. DHCD works closely with DPW to provide data for the production of an annual report for the Baltimore City Delegation to the General Assembly detailing actions taken to remediate illegal dumping in Baltimore City. The annual report can be found at [Solid Waste\\_FY2020 Illegal Dumping Report.pdf \(baltimorecity.gov\)](#)

DHCD employs a variety of technologies in the pursuit of capturing illegal dumping. The agency owns and operates motion-activated cameras and has Inspectors working daily to monitor and investigate the dumping captured. Camera locations are installed in areas that are found to be used for illegal dumping based on 311 calls, community complaints, agency referrals, the work of our investigators in the field and the suitability of the location. Cameras do not work everywhere because of the geography or level of activity. Cameras are motion sensing and battery operated so too much vehicular or foot traffic can fill the camera before dumping occurs.

The 2020 Building, Fire and Related Codes of Baltimore City and the International Property Maintenance Code, regulate the minimum maintenance requirements for basic equipment, light, ventilation, heating, sanitation and fire safety. DHCD's Code Enforcement Section issues citations for sanitation issues on private property such as prohibited accumulation of trash and debris or improper use and storage of trash receptacles.

The Special Investigations Unit (SIU) is a unit within DHCD's Code Enforcement Section. They investigate large-scale dumping complaints and work to criminally prosecute illegal dumpers, seize vehicles used in dumping and issue environmental citations. If criminal charges are brought fines vary based on the weight or volume of the litter. Those found guilty may be subject to up to \$50,000 in fines, up to 5 years imprisonment, forfeiture of their vehicle, points on their Driver's License, loss of city held licenses and permits, loss of City contracts, court ordered community service or restitution for cleanup costs. In most cases the defendant receives probation before judgment, a fine and 50 to 100 community service hours dedicated to trash pick-up.

DHCD's Special Investigations Unit face some obstacles to catching illegal dumpers. To prosecute an individual for illegal dumping we need sufficient evidence to prove beyond a reasonable doubt that the person committed the crime of illegal dumping. SIU investigators utilize eyewitness accounts, motion-activated cameras, and any receipts or identifying information found on site. It is often difficult to prove who did the actual dumping but anytime we have enough evidence that a person dumped we file criminal charges. DHCD presently has 12 Special Investigators dedicated to locating and prosecuting illegal dumpers. If more positions were to be funded, it is reasonably expected that more citations could be issued and more criminal charges could be filed.

While investigation and enforcement responsibilities fall to DHCD those efforts are best supported by a proactive cleaning, education, and communication strategy City-wide. DHCD is committed to working in partnership with sister agencies to address the sanitation challenges in Baltimore City. Changing behavior is essential to this effort, which can be accomplished through a combination of education and enforcement in order to produce clean and habitable neighborhoods. DHCD has produced a number of community outreach materials to educate the community on their role in this collaborative effort such as, DHCD's Sanitation Guide, Code Enforcement Guide and "Dumping is Illegal" Guide. These resources are available on our website for constituents to learn about illegal dumping and how they can be involved in its reporting.



DHCD appreciates the opportunity to discuss activities around illegal dumping with the City Council and sister agencies to more effectively address the problem of illegal dumping in the city and improve collaboration and communication with the citizens of Baltimore.

DHCD **supports** the passage of City Council Resolution 21-0027R.

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