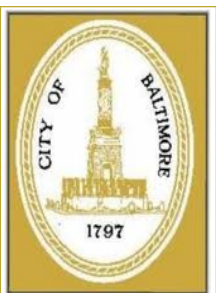


NAME & TITLE	Rebecca Woods, Esq., Executive Director	CITY of BALTIMORE MEMO	
AGENCY NAME & ADDRESS	Environmental Control Board 1 North Charles Street, 13th Floor, Baltimore, Maryland 21201		
SUBJECT	City Council Bill # 22-0207 Vacant Building Notices		

April 25, 2022

TO: The Honorable President and Members
Of the Baltimore City Council

Dear Mr. President and Members:

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill # 22-0207, Vacant Building Notices. The purpose of the bill is to define the term “vacant building notice”, create and amend certain penalties for failing to abate a vacant building notice, and generally address the issuance and enforcement of vacant building notices.

The ECB is an administrative hearing board that adjudicates contested environmental citations. Environmental citations are issued by various City agencies for violations listed under Article 1, § 40-14. One of such violations is the failure to abate unsafe structure notice and order. Typically, citations for a failure to abate unsafe structure are issued under the Baltimore City Building Code, § 123.8, which states “[i]f any person fails to comply with a violation notice... the Building Official... may enforce the violation notice... by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40.” The issued citation then references the underlying violation notice and the corresponding notice number.

Often with these citations, respondents find it difficult to understand the nature of the violation and/or they disagree as to whether their property is “unsafe.” Due to this, our staff will sometimes spend a considerable amount of time:

- 1) clarifying that an unsafe structure notice is a vacant building notice,
- 2) explaining what it means to be “vacant” in Baltimore City, and
- 3) instructing respondents on how to resolve the notice and the citation.

Considering the above, the purpose of this proposed bill resonates with the ECB and we hope that it will make things easier when we provide information to owners of vacant buildings with open citations. With that stated, the ECB would only make two recommendations.

First, the ECB would recommend removing the proposed language for § 116.11.2 **or** inserting a reference to § 123.8 of the Building Code, which already empowers building officials to issue these types of citations, as noted *supra*.

Secondly, this agency would also recommend removing the proposed language for § 116.11.3. Environmental citations are prepayable fines, as noted in Article 1, § 40-14(b), which are due and owing as soon as the citation is issued. These fines *may* accrue penalties *if* they are not paid or a hearing is not requested, per Article 1, § 40-8. Further, the fine amount is already noted in § 40-14(e), with the other violations listed under the ECB's jurisdiction. Due to this § 116.11.3 would only duplicate information that already exists in Article 1, § 40, and could possibly confuse the terminology surrounding environmental citations.

Notwithstanding the above recommendations, the ECB is largely in favor of City Council Bill # 22-0207. The proposed bill will not effect our hearing process itself but it could affect our staff's ability to explain vacant buildings, the associated violation notice, and any resulting citations.

Rebecca A. Woods

Rebecca A. Woods, Esq.
Executive Director
Environmental Control Board