




## MEMORANDUM

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

From: Michael Braverman, Housing Commissioner 

Date: January 7, 2020

Re: **City Council Resolution 19-0166R Informational Hearing - Small Haulers Program and Bulk Trash Program**

---

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0166R, for the purpose of inviting representatives from the Department of Public Works and the Department of Housing and Community Development to appear before the City Council to discuss the Small Hauler program and Bulk Trash Program and how these programs can be adjusted to reduce illegal dumping.

DHCD is pleased to address the Council at an informational hearing to discuss questions and possible solutions regarding the issues of illegal dumping and the Small Hauler Program in the City of Baltimore. Under the leadership of Commissioner Braverman we have reengineered housing code enforcement operations, reducing response times while increasing service outputs. DHCD's Special Investigations Unit is a dedicated unit which identifies and locates illegal dumpers in Baltimore and helps prosecute them for their crimes. Last year DHCD's Special Investigations Unit responded to over 9,000 complaints of illegal dumping leading to the issuance of 1,200 dumping citations.

Citations for illegal dumping are \$500 or \$1000. If criminal charges are brought fines vary based on the weight or volume of the litter.

- A person who disposes of litter in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,500 or both.
- A person who disposes of litter in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

- A person who disposes of litter in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$30,000 or both.

In most cases the defendant receives probation before judgment, a fine and 50 to 100 community service hours dedicated to trash pick-up.

DHCD has 12 Special Investigators dedicated to locating and prosecuting illegal dumpers. We have three open positions that we are in the process of hiring for. Once these positions are filled it would bring that number up to 15. If more positions were to be funded, it is reasonably expected that more citations could be issued and more criminal charges could be filed.

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. It is often difficult to prove who did the actual dumping. For instance, we have had cases where a suspected individual identified in an investigation by a mailing address was not the perpetrator of the crime because they had a package or mail stolen from their home and discarded amongst the debris. Anytime we have enough evidence that a person dumped we file criminal charges.

DHCD employs 79 cameras which are sufficient for the staff that we presently have but cameras only work if you work the cameras. Currently we have three people working every day to monitor and maintain the cameras as well as investigate the dumping captured on camera. More cameras require more personnel and equipment. Camera locations are determined and installed in areas that are found to be used for illegal dumping based on 311 calls, community complaints, agency referrals and the work of our investigators in the field. Cameras do not work everywhere because of the geography or level of activity. Our cameras are motion sensing and battery operated so too much vehicular or foot traffic will fill the camera before dumping occurs.

DHCD does not generally investigate cases of small haulers dumping without a waste hauler license. The enforcement process would involve pulling over small haulers on the road, transfer station or landfills. SIU investigators are not authorized to pull vehicles over and it would be extremely dangerous for an unarmed investigator to perform traffic stops.

DHCD would defer to the Department of Finance in coordination with DPW, to determine the need, feasibility and financial impact of establishing additional Citizen Convenience Centers. The City of Baltimore should allow small haulers to dump at transfer stations. Currently they can only drop off at the landfill and the NW transfer station.

DHCD would defer to the Department of Finance in coordination with DPW, to determine the feasibility and financial impact of eliminating the disposal fee.

DHCD does not coordinate with surrounding Counties related to a regional strategy to reduce illegal dumping. Dumping occurs everywhere to some degree but dumping in Baltimore City is not a regional issue. While some of the dumping comes from people that live or work outside the City a majority of the dumping is from within the City.

DHCD **supports** the passage of City Council Resolution 19-0166R.

MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*