



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: April 13, 2021

Re: City Council Bill 21-0049 Prohibited Disposals - Fines and Reporting (The Neighbors Against Predatory Dumping Act)

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 21-0049 for the purpose of modifying the applicable environmental control citation and civil citation fines for violating Title 7, Subtitle 6 of the Baltimore City Health Code; and requiring that the Health Commissioner submit an annual report detailing certain information regarding the City's prohibited disposal laws.

If enacted, City Council Bill 21-0049 would apply a fine of \$1,000 for any amount of illegally dumped material and require the Health Commissioner to submit a report to the Mayor and City Council detailing compliance on an annual basis. The report is to include the number of vehicles seized and forfeited, any grant awards made, the number of violations issued disaggregated by zip code and any legislative or administrative recommendations for better compliance and enforcement.

DHCD currently works closely with the Baltimore City Department of Public Works (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. Much of the information contained within the report would be of interest to the City Council in pursuit of reducing prohibited disposals. The report could be expanded to include the items required by this legislation. DHCD will continue to work in partnership with DPW and sister agencies, under the direction of the Health Commissioner to compile the data required under this ordinance.

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 investigate and issue Environmental Control Board and Civil Citations for the offense of illegal dumping. 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 if it is on public property, or on a private vacant property.

Code Enforcement Inspectors enforce the Building, Fire and Related Codes and the International Property Maintenance Code by issuing 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 work to criminally prosecute illegal dumpers, seize vehicles used in dumping and issue environmental citations. SIU generally investigates more large-scale dumping complaints, such as multiple bags of trash, bulk items and construction debris. If criminal charges are brought fines vary based on the weight and volume of the litter, or if the suspected dumping is for commercial gain. 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 or 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 presently has 12 Special Investigators dedicated to locating and prosecuting illegal dumpers. The Special Investigations Unit face a number of 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. Anytime we have enough evidence that a person dumped we file criminal charges.

Investigators monitor and maintain motion-activated cameras as well as investigate the dumping captured. 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. Cameras are motion sensing and battery operated so too much vehicular or foot traffic will fill the camera before dumping occurs.

In Fiscal Year 2019, DHCD's Special Investigations Unit 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. At the start of the pandemic DHCD inspectors were not initially in the field but once it was clear this would be an extended event the agency began responding to SRs. Investigations into the trash has been limited to what is clearly visible to avoid investigators having to dig through trash bags during this ongoing public health emergency.

While this ordinance is well intentioned there is not conclusive evidence to suggest that increasing the fine for illegal dumping will significantly curtail the problem or generate substantial revenue for the City. While investigation and enforcement responsibilities fall to DHCD those efforts are best supported by a proactive cleaning, education, and communication

Brandon M. Scott, Mayor • **Alice Kennedy**, Acting Housing Commissioner

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strategy City-wide. DHCD is committed to working in partnership with sister agencies under the direction of the Health Commissioner 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 **does not object** to the passage of City Council Bill 21-0049.

AK/sm

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