


FROM	NAME & TITLE	Sandra E. Baker, Esq., Executive Director <i>SEB</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	ENVIRONMENTAL CONTROL BOARD 417 East Fayette Street, Room 634		
	SUBJECT	City Council Bill No 08-0181 Environmental & Civil – Bldg. Code Notices - Service		

TO The Honorable Stephanie Rawlings- Blake
President of City Council of Baltimore
400 City Hall

DATE: September 11, 2008

The Environmental Control Board (**ECB**) is not in support of the above Bill regarding service of environmental and other civil citations.

The Baltimore City Code under Article 1, Section 40 was amended in 2002 to expand the ways of providing service to respondents of environmental citations. It was one of the first actions that were taken, when I became the Executive Director. Historically, the former provision allowed only certified mail as a means of service. It was discovered at that time that most individuals did not pick up certified mail, and thus causing all sorts of notice issue when they were essentially evading service. Many other constituents expressed frustration at having to go to the post office and queried as to why it could not be sent by regular mail.

The problem over the last year has been the disuse of the proper provisions already existing. The only agency that ECB has difficulty with respect to the use of the existing service issue is the Department of Housing and Community Development (HCD). When HCD took over sanitation enforcement, they went back to the old method of sending all notices by certified mail, thus revisiting a problem that had essentially cease to exist for several years. ECB began to receive an influx of no service complaints. HCD was advised by ECB to send only certified citations to Corporate or non-owner occupied properties, which is a practice that has worked successfully for several years for the environmental citations. They were told to send regular mail and posting to owner occupied properties. They continued to send by certified mail only, until as recently as July 2008. Now they send both certified and regular mail.

It is extremely expensive to send both certified and regular mail, when depending on the circumstances, one or the other is sufficient. There are several other city agencies that also issue environmental citations. I would not want to see the financial burden that forcing those other agencies to send out certified and regular mail would cause. ECB does not have service issue complaints with these agencies. For example the Health Department has three divisions that also issue environmental citations. They account for as least 1/3 of all citations written in the City of Baltimore in a fiscal year. The Animal Control Division sends almost all of their citations out by regular mail and posting. The Tobacco Division issues by personal service for almost all environmental tobacco citations, and regular mail for others with posting. The Ecology Division usually sends everything by certified mails only. If this version of the bill were to pass, it would force the Ecology Division of the Health Department to send out both mailings where now it sends out certified without a problem, whereas HCD need only send out regular to most of its non- business constituents without a problem. It has worked successfully in the past. . When HCD took over sanitation enforcement, they sent everything out by certified mail. DPW who formally had sanitation enforcement discovered that most non-business people do not pick up certified mail.

ECB is in agreement with the response from the Law Department. Service by certified mail should be by "restricted delivery". It currently has that language in the existing law, however I would support an amendment to Article 1, Section 40 (c) (2) (ii) to adding "or" instead of "and" for regular mail.

SEB:dk

