



**BALTIMORE CITY COUNCIL  
ECONOMIC AND COMMUNITY DEVELOPMENT  
COMMITTEE**

*Mission Statement*

*On behalf of the Citizens of Baltimore City*, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

**The Honorable Sharon Green Middleton**

PUBLIC HEARING

**March 12, 2024**

**2:02 PM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**22-0205**

**Vacant Structures - Emergency Response Fee**

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**BILL SYNOPSIS**

**Committee: Economic and Community Development**

**Bill: 22-0205**

**Vacant Structures – Emergency Response Fee**

**Sponsor:** *President Mosby*

**Introduced:** *March 21, 2022*

**Purpose:**

FOR the purpose of establishing a fee structure for City emergency response services provided or rendered at vacant structures; defining certain terms; providing for a special effective date; and generally relating to emergency response fees for vacant structures.

BY adding  
Article 9 - Fire Suppression and Prevention  
Section(s) 7-1 through 7-2 to be under the new subtitle designation,  
“Subtitle 7. Vacant Structures”  
Baltimore City Code  
(Edition 2000)

**Effective:** 90 days after the date it is enacted

**Agency Reports**

City Solicitor	Approve for form and sufficiency
Department of Finance	Defers to Law, BCFD, & DHCD
Dept of Housing & Community Development	Defers to Fire Department
Mayor’s Office of Information Technology	No position
Baltimore City Fire Department	Opposes

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## Analysis

### Background

According to Fire Department reports the BCFD in the first three quarters of 2023 responded to 464 total fire incidents of which 102 fire incidents were at structures classified as vacant or code X. 11 incidents were at structures classified as undetermined or other.

In the same period, incidents at vacant structures account for 20 of 41 injuries to firefighters. 9 injuries during the same period were sustained at structures classified as undetermined or other.

### Bill Analysis

This bill if enacted would define new terms and create fees for owners of vacant structures that use services from the Baltimore City Fire Department.

The bill defines different types of events and incidents and assigns fees to their use at vacant structures.

For example, a Level 1 Hazardous Materials Incident Response is a basic hazardous material response service which includes:

- Engine Response
- First Responder Assignment
- Perimeter Establishment
- Evacuations
- Set Up of Service Delivery
- Command of the Scene

There is a Level 2 and 3 Hazardous Materials Incident Response where additional services such as the use of HAZMAT protective suits (Level 2) or the use of a robot (Level 3) are needed.

In addition to Hazardous Materials the bill specifies Special Rescue Response (one level only) and Water Incident Response (three levels of response)

The Bill also describes the fees to be charged these include:

- Fire response:
  - \$400 per hour per fire engine

- \$500 per truck
- Fire investigations:
  - \$500 per hour

There is also a difference in fee based on the level of response for example:

- Hazardous Materials Response
  - Level 1 \$700
  - Level 2 \$750
  - \$2,780 Plus Disposal fees for Level 3 response
  - An additional \$750 per hour fee after 3 hours of response time at all levels.
- Additional fees can be added for HAZMAT \$50 per hour.
- For special rescue fees are determined on a case-by-case basis.
  - Fees must be at a market rate and the owner given an itemized bill.
- The department may also charge a collateral service fee.
  - Fees must be at a market rate and the owner given an itemized bill.

### Agency Reports

The Law Department in their report notes that to qualify as regulatory a fee must require compliance with certain conditions beyond mere payment of a prescribed sum. The revenue the fee generates must also be reasonable and have a relation with the purpose of the regulation.

The Department of Finance in their report can not estimate how much revenue these fees may generate because they note that BCFD does not currently have the ability to track all the metrics associated with the fees. They do note that they believe that the bill would cost between \$20,000 and \$30,000 to upgrade their systems to implement the legislation but can not estimate how many additional staff members would be needed to implement. The Mayor's Office of Information Technology believes that these upgrades would take one to two months to complete.

The Department of Housing and Community Development in their report note some concerns about the legislation including:

- Does the fee constitute a lien on the property? If yes this may make it more difficult to redevelop the property later.
- Difficulties in coordination, tracking and enforcement of fees with BCFD based on the services that they render to vacant properties.
- Concerns about holding the appropriate party responsible given the lack of clear titles.

DHCD is proposing an amendment:

- Amendment 1 Page 5, lines 13-15 defines vacant structure as “any structure that is subject to an unabated violation notice issued under § 116 {“unsafe structures”} of the Baltimore City Building Code.

The Baltimore City Fire Department opposes this legislation. They note several concerns in their report including:

- Staffing shortages which will hamper their ability to meet the administrative burden of the proposed legislation.
- The need to upgrade their system to track additional metrics for the proposed fees and penalties.
- The difficulty in calculating the cost associated with individual incidents to determine a fee.

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### **Additional Information**

**Fiscal Note:** 20,000-30,000 for system upgrades for BCFD

**Information Source(s):** Baltimore City Code, Reporting Agencies, Bill 22-0205.

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Analysis by: Anthony Leva      Direct Inquiries to: 410-396-1091

Analysis Date: January 18, 2024

**CITY OF BALTIMORE  
COUNCIL BILL 22-0205  
(First Reader)**

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Introduced by: President Mosby, Middleton

Introduced and read first time: March 21, 2022

Assigned to: Economic and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Housing and Community Development, Baltimore City Fire Department

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Vacant Structures – Emergency Response Fee**

3 FOR the purpose of establishing a fee structure for City emergency response services provided or  
4 rendered at vacant structures; defining certain terms; providing for a special effective date;  
5 and generally relating to emergency response fees for vacant structures.

6 BY adding

7 Article 9 - Fire Suppression and Prevention

8 Section(s) 7-1 through 7-2 to be under the new subtitle designation,

9 “Subtitle 7. Vacant Structures”

10 Baltimore City Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
13 Laws of Baltimore City read as follows:

14 **Baltimore City Code**

15 **Article 9. Fire Suppression and Prevention**

16 **SUBTITLE 7. VACANT STRUCTURES**

17 **§ 7-1. DEFINITIONS.**

18 (A) *IN GENERAL.*

19 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

20 (B) *DEPARTMENT.*

21 “DEPARTMENT” MEANS THE BALTIMORE CITY FIRE DEPARTMENT.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 22-0205**

1 (C) *COLLATERAL SERVICES.*

2 “COLLATERAL SERVICES” MEANS FOLLOW-UP SERVICES DELIVERED BY THE DEPARTMENT  
3 AFTER THE INITIAL RESPONSE TO AN INCIDENT.

4 (D) *FIRE INVESTIGATION.*

5 (1) *IN GENERAL.*

6 “FIRE INVESTIGATION” MEANS THE SERVICES RENDERED WHEN A FIRE INVESTIGATOR  
7 OR INVESTIGATION TEAM RESPONDS TO AN INCIDENT.

8 (2) *INCLUSIONS.*

9 “FIRE INVESTIGATION” INCLUDES:

- 10 (I) MEASURES TAKEN TO SECURE THE SCENE OF THE INCIDENT;
- 11 (II) ACTIONS TAKEN TO INVESTIGATE THE CIRCUMSTANCES OF THE INCIDENT;
- 12 (III) IDENTIFICATION OF THE SOURCE OF THE INCIDENT;
- 13 (IV) USE OF A K-9 OR ARSON DOG UNIT;
- 14 (V) USE OF EQUIPMENT TO IDENTIFY THE SOURCE OF THE INCIDENT;
- 15 (VI) USE OF MOBILE DETECTION EQUIPMENT; AND
- 16 (VII) GENERATING A FIRE REPORT.

17 (E) *HAZARDOUS MATERIALS INCIDENT LEVELS.*

18 (1) *LEVEL 1 HAZARDOUS MATERIALS INCIDENT RESPONSE.*

19 “LEVEL 1 HAZARDOUS MATERIALS INCIDENT RESPONSE” MEANS THE DEPARTMENT’S  
20 PROVISION OF BASIC HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES,  
21 INCLUDING:

- 22 (I) ENGINE RESPONSE;
- 23 (II) FIRST RESPONDER ASSIGNMENT;
- 24 (III) PERIMETER ESTABLISHMENT;
- 25 (IV) EVACUATIONS;
- 26 (V) SET-UP OF SERVICE DELIVERY; AND
- 27 (VI) COMMAND OF THE SCENE.



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1 (2) *LEVEL 2 HAZARDOUS MATERIALS INCIDENT RESPONSE.*

2 “LEVEL 2 HAZARDOUS MATERIALS INCIDENT RESPONSE” MEANS THE DEPARTMENT’S  
3 PROVISION OF INTERMEDIATE HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES,  
4 INCLUDING:

- 5 (I) THE SERVICES NAMED IN PARAGRAPH (1) OF THIS SUBSECTION;
- 6 (II) DEPLOYMENT OF HAZARDOUS MATERIAL- (HAZMAT) CERTIFIED PERSONNEL  
7 AND APPROPRIATE EQUIPMENT;
- 8 (III) THE USE OF:
  - 9 (A) LEVEL A OR LEVEL B PROTECTIVE SUITS;
  - 10 (B) BREATHING EQUIPMENT; OR
  - 11 (C) DETECTION EQUIPMENT; AND
- 12 (IV) SET-UP AND REMOVAL OF A DECONTAMINATION CENTER, IF NECESSARY.

13 (3) *LEVEL 3 HAZARDOUS MATERIALS INCIDENT RESPONSE.*

14 “LEVEL 3 HAZARDOUS MATERIALS INCIDENT RESPONSE” MEANS THE DEPARTMENT’S  
15 PROVISION OF ADVANCED HAZARDOUS MATERIALS RESPONSE SERVICES, INCLUDING:

- 16 (I) THE SERVICES NAMED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION;
- 17 (II) ROBOT DEPLOYMENT;
- 18 (III) DETECTION, RECOVERY, AND IDENTIFICATION OF MATERIALS;
- 19 (IV) DISPOSAL OF MATERIALS;
- 20 (V) ENVIRONMENTAL CLEAN-UP; AND
- 21 (VI) DISPOSAL OF CONTAMINATED EQUIPMENT AND CONTAMINATED MATERIALS  
22 USED AT THE SCENE OF THE INCIDENT.

23 (F) *SPECIAL RESCUE RESPONSE.*

24 “SPECIAL RESCUE RESPONSE” MEANS AN INCIDENT REQUIRES THE DEPARTMENT TO  
25 DELIVER SERVICES THAT ARE NOT CONSIDERED:

- 26 (1) A FIRE RESPONSE;
- 27 (2) A FIRE INVESTIGATION;
- 28 (3) A HAZARDOUS MATERIALS INCIDENT;

**Council Bill 22-0205**

1 (4) A WATER INCIDENT; OR

2 (5) COLLATERAL SERVICES.

3 (G) *WATER INCIDENTS.*

4 (1) *LEVEL 1 WATER INCIDENT RESPONSE.*

5 “LEVEL 1 WATER INCIDENT RESPONSE” MEANS THE DEPARTMENT’S PROVISION OF  
6 BASIC WATER INCIDENT RESPONSE SERVICES, INCLUDING:

7 (I) ENGINE RESPONSE;

8 (II) FIRST RESPONDER ASSIGNMENT;

9 (III) PERIMETER ESTABLISHMENT;

10 (IV) EVACUATIONS;

11 (V) FIRST RESPONDER SET-UP AND COMMAND;

12 (VI) ACTIONS TAKEN TO ENSURE SCENE SAFETY;

13 (VII) INVESTIGATION;

14 (VIII) PATIENT CONTACT; AND

15 (IX) HAZARD CONTROL

16 (2) *LEVEL 2 WATER INCIDENT RESPONSE.*

17 “LEVEL 2 WATER INCIDENT RESPONSE” MEANS THE DEPARTMENT’S PROVISION OF  
18 INTERMEDIATE WATER INCIDENT RESPONSE SERVICES, INCLUDING:

19 (I) THE SERVICES NAMED IN PARAGRAPH (1) OF THIS SUBSECTION;

20 (II) CLEAN-UP OF THE SCENE;

21 (III) USE OF MATERIALS TO CLEAN UP THE SCENE;

22 (IV) MINOR HAZARDOUS CLEAN-UP AND DISPOSAL; AND

23 (V) CLEAN-UP OF SMALL AMOUNTS OF GASOLINE OR OTHER FLUIDS SPILLED AS A  
24 RESULT OF THE INCIDENT.

25 (3) *LEVEL 3 WATER INCIDENT RESPONSE.*

26 “LEVEL 3 WATER INCIDENT RESPONSE” MEANS THE DEPARTMENT’S PROVISION OF  
27 ADVANCED WATER INCIDENT RESPONSE SERVICES, INCLUDING:

**Council Bill 22-0205**

- 1 (I) THE SERVICES NAMED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION;
- 2 (II) MUTUAL AID BOX ALARM SYSTEM ACTIVATION;
- 3 (III) USE OF A BREATHING APPARATUS;
- 4 (IV) USE OF DETECTION EQUIPMENT;
- 5 (V) SET UP AND REMOVAL OF A DECONTAMINATION CENTER;
- 6 (VI) RECOVERY AND IDENTIFICATION OF MATERIAL;
- 7 (VII) DISPOSAL OF MATERIAL;
- 8 (VIII) ENVIRONMENTAL CLEANUP; AND
- 9 (IX) DISPOSAL OF CONTAMINATED EQUIPMENT AND CONTAMINATED MATERIALS
- 10 USED AT THE SCENE.

11 (H) *VACANT STRUCTURE.*

12 (1) *IN GENERAL.*

13 “VACANT STRUCTURE” MEANS ANY STRUCTURE THAT IS SUBJECT TO AN UNABATED  
14 VIOLATION NOTICE ISSUED UNDER § 116 {“UNSAFE STRUCTURES”} OF THE  
15 BALTIMORE CITY BUILDING CODE.

16 (2) *EXCLUSIONS.*

17 “VACANT STRUCTURE” DOES NOT INCLUDE AN ACCESSORY STRUCTURE THAT IS NOT  
18 INTENDED FOR OCCUPANCY, SUCH AS A GARAGE, SHED, OR STORAGE BUILDING.

19 **§ 7-2. FEES.**

20 (A) AMOUNT OF FEES.

21 AN OWNER OF A VACANT STRUCTURE WHO UTILIZES THE EMERGENCY SERVICES OF THE  
22 BALTIMORE CITY FIRE DEPARTMENT SHALL BE CHARGED A FEE FOR EMERGENCY  
23 SERVICES IN THE FOLLOWING AMOUNTS:

24 (1) FOR FIRE RESPONSE SERVICES:

25 (I) \$400 PER HOUR PER FIRE ENGINE; AND

26 (II) \$500 PER HOUR PER TRUCK;

27 (2) FOR FIRE INVESTIGATION SERVICES, \$500 AN HOUR;

28 (3) FOR HAZARDOUS MATERIALS INCIDENT SERVICES:

**Council Bill 22-0205**

- 1 (I) \$700 AN HOUR FOR A LEVEL 1 RESPONSE;
- 2 (II) \$750 AN HOUR FOR A LEVEL 2 RESPONSE;
- 3 (III) \$2,780 PLUS DISPOSAL FEES FOR A LEVEL 3 RESPONSE; AND
- 4 (IV) AN ADDITIONAL \$750 AN HOUR AFTER 3 HOURS OF RESPONSE SERVICE
- 5 DELIVERY AT ALL LEVELS;

- 6 (4) FOR A HAZMAT TECHNICIAN, \$50 AN HOUR;
- 7 (5) FOR A SPECIAL RESCUE, TECHNICIAN FEES IN AN AMOUNT TO BE DECIDED ON A
- 8 CASE-BY-CASE BASIS AND TO BE PROVIDED IN AN ITEMIZED LIST;
- 9 (6) FOR WATER INCIDENT SERVICES:

- 10 (I) \$400 AN HOUR FOR A LEVEL 1 RESPONSE;
- 11 (II) \$800 AN HOUR FOR A LEVEL 2 RESPONSE;
- 12 (III) \$2,000 AN HOUR FOR A LEVEL 3 RESPONSE; AND
- 13 (IV) \$50 AN HOUR FOR A TECHNICIAN.

14 (B) *SPECIAL RESCUE FEES.*

15 (1) *IN GENERAL.*

16 THE DEPARTMENT MAY CHARGE THE OWNER OF A VACANT STRUCTURE FEES FOR  
17 SPECIAL RESCUE SERVICES DELIVERED.

18 (2) *PROCEDURE.*

19 THE DEPARTMENT MUST CHARGE FEES FOR SPECIAL RESCUE SERVICES AT A MARKET  
20 RATE AND PROVIDE AN ITEMIZED BILL TO THE OWNER OF THE VACANT STRUCTURE.

21 (C) *COLLATERAL SERVICES FEES.*

22 (1) *IN GENERAL.*

23 THE DEPARTMENT MAY CHARGE THE OWNER OF A VACANT STRUCTURE FEES FOR  
24 COLLATERAL SERVICES DELIVERED.

25 (2) *PROCEDURE.*

26 THE DEPARTMENT MUST CHARGE FEES FOR COLLATERAL SERVICES AT A MARKET RATE  
27 AND PROVIDE AN ITEMIZED BILL TO THE OWNER OF THE VACANT STRUCTURE.

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90<sup>th</sup> day  
29 after the date it is enacted.

# **Economic and Community Development Committee**

**22-0205**

**Vacant Structures – Emergency Response Fee**

## **Agency Reports**

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
EBONY M. THOMPSON  
ACTING CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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January 18, 2024

The Honorable President  
Members of the City Council  
c/o Natawna Austin, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 22-0205 Vacant Structures – Emergency Response Fee

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0205, which would establish a fee structure for City emergency response services provided or rendered at vacant structures.

There are various forms of charges the City is authorized to implement and each has its own legal parameters. “Generally, a tax is designed primarily to raise revenue, a regulatory fee funds a regulatory measure, and a user fee pays for a commodity consumed or a service rendered.” 96 Opinions of the Attorney General at 67.

For a fee to qualify as regulatory, therefore, the fee generally must “require[] compliance with certain conditions beyond mere payment of a prescribed sum,” and “[t]he amount of revenue generated by [[the] ... fee must be ‘reasonable’ and bear ‘some definite relation to the purpose of the regulation.” 91 Opinions of the Attorney General 152, 156 (2006) (quoting *Mayor & City Council of Ocean City v. Purnell-Jarvis*, 86 Md. App. 390, 405 (1991)). In other words, to be a regulatory fee, there must be a sufficient “nexus between the charges and the stated regulatory purpose.” *Id.* (citing *Eastern Diversified Properties*, 319 Md. at 55).

Thus, if the amounts charged in the bill reflect the actual costs of the services being rendered, the Law Department would approve Council Bill 22-0205 for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', enclosed in a thin blue rectangular border.

Ashlea Brown  
Chief Solicitor

cc: Ebony Thompson, City Solicitor  
Stephen Salsbury  
Matthew Bradford  
Nikki Thompson, President's Office  
Nina Themelis, MOGR  
Hilary Ruley  
Jeff Hochstetler,  
Ashlea Brown  
Michele Toth  
Teresa Cummings  
Ahleah Knapp

<b>FROM</b>	<b>NAME &amp; TITLE</b>	Robert Cename, Budget Director	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Bureau of the Budget and Management Research Room 432, City Hall		
	<b>SUBJECT</b>	City Council Bill 22-0205 Vacant Structures – Emergency Response Fee		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400

January 18, 2024

**Position: Defers to Law, BCFD and DHCD**

The Department of Finance is herein reporting on City Council Bill 22-0205, Vacant Structures – Emergency Response Fee, the purpose of which is to establish a fee structure for City emergency response services provided or rendered at vacant structures.

**Background**

Baltimore has roughly 13,600 vacant structures owned by individuals, companies, and the City. These structures pose numerous problems for the community and for the City government. One issue is fire, which poses a threat to surrounding structures, but particularly to members of the Baltimore City Fire Department. In 2022, three members of the BCFD died fighting a fire in a vacant building. This fire was one of many in vacant buildings. This legislation is written to share the financial burden of responding to incidents at vacant buildings with the owners of vacant buildings.

**Fiscal Impact**

In general, the Finance Department considers that any initiative pursuing adjustments to City fees should be in accordance to the City’s fee policy, which intends to provide guidance in determining the appropriate level for fees based on City costs for providing services. The policy establishes that City fees should be reviewed and updated on an ongoing basis to ensure that they keep pace with cost-of-living and or levels of cost recovery.

The Baltimore City Fire Department (BCFD) does not track many of the metrics needed to properly implement this legislation. One of the reasons some of the metrics mentioned in the legislation are functions of the Baltimore Police Department. The BCFD also would need to add staff to accommodate the new fee structures. Finance and BCFD cannot estimate how many staff are needed to process and track the fees prescribed in this legislation. Due to the lack of tracking, the Department of Finance cannot estimate the potential revenues from fees.

Based on data from the Baltimore Office of Information Technology (BCIT), the Department of Finance estimates that BCIT would need to spend between \$20,000 and \$30,000, to purchase and implement systems upgrades in order to implement this legislation.

**Conclusion**


The Department of Finance understands the intent of the legislation which is to charge owners of vacant properties for the City’s response to the fire. BCFD has stated that they cannot track some of the metrics



listed in the legislation, partially due to the fact that they are functions of the BPD. The Law Department has also stated that the fee structure must be tied to program costs. Taken together the Finance Department defers to the Law Department, BCFD and DHCD.

**For the reasons stated above, the Department of Finance defers to Law, BCFD and DHCD on City Council Bill 22-0205.**

cc: Michael Moiseyev  
Nina Themelis

F R O M	NAME & TITLE	Todd Carter <i>Todd A. Carter</i> Chief Information Officer	CITY of	
	AGENCY NAME & ADDRESS	Baltimore City Information & Technology 401 E. Fayette Street, 3rd floor	BALTIMORE	
	SUBJECT	<b>City Council Bill 22-0205 Vacant Structures – Emergency Response Fee</b>	M E M O	

January 10, 2024

TO: The Honorable President and  
Members of the City Council  
Room 400 City Hall  
c/o Natawna Austin, Executive Secretary

Baltimore City Office of Information and Technology (BCIT) has completed its review of CCB 22-0205 Vacant Structures – Emergency Response Fee. The purpose of this bill is to establish a fee structure for emergency services from the Baltimore City Fire Department rendered at vacant structures. This bill would also define terms related to emergency responses at vacant structures.

This bill requires system modifications. BCIT estimates the cost for these modifications to be between \$20,000 - \$30,000 and the development period to be between one and two months. Therefore, these modifications could be completed prior to the anticipated effective date of this ordinance.

BCIT has no position on CCB 22-0205 Vacant Structures – Emergency Response Fee. We look forward to attending the upcoming hearing. If you have any questions, please contact Leyla Layman, Chief of Staff, at (443) 202-4511.

cc: Ms. Nina Themelis, Director, Mayor’s Office of Government Relations



## MEMORANDUM

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

From: Alice Kennedy, Housing Commissioner

Date: January 11, 2024

**Re: City Council Bill 22-0205 - Vacant Structures – Emergency Response Fee**

### Introduction

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 22-0205 for the purpose of establishing a fee structure for City emergency response services provided or rendered at vacant structures; defining certain terms; providing for a special effective date; and generally relating to emergency response fees for vacant structures.

If enacted, City Council Bill 22-0205 would require vacant property owners to pay for emergency response services provided by the Baltimore City Fire Department. The legislation is intended to allow the City's Fire Department to recoup costs spent on fire investigations, incidents involving hazardous materials, water incidents, and other incidents requiring fire personnel. The Bill allows the Department to bill property owners based on itemized costs of materials used after responding to an emergency service at their property.

### DHCD Analysis

DHCD would defer to the Baltimore City Fire Department as the directly impacted agency but encourages the committee to take into account the following considerations:

The legislation specifies that the Department may charge the owner of a vacant structure associated fees based on the level of response. It may be difficult to coordinate the monitoring, tracking and enforcement of the appropriate fees based on services rendered by BCFD. The implementation of this legislation would likely require IT upgrades to the 911 system and additional administrative staff to monitor and track the invoices for each call for service.

Many vacant properties don't have a responsible party to charge a fee for emergency services or hold accountable. For example: there are vacant properties with deceased owners or defunct entities. More than half of the VBNs currently issued were issued at least 5 years ago and have failed to be abated despite owners receiving multiple \$900 failure to abate citations, suggesting that charging a fee for emergency services is not necessarily going to be recouped or get the desired response from the property owner.

The lack of clear title of many privately owned vacant properties poses a significant challenge to the City, such as their ongoing need for routine maintenance and emergency services. It is uncertain if imposing this fee for emergency services as outlined in this legislation would be recouped or compel property owners to abate the vacant building notice more expeditiously than is presently happening.

Most relevant to DHCD: It is unclear from the legislation if the fees for emergency response will be a lien on the property. The accrual of additional municipal liens on the property can make redevelopment of the vacant property unnecessarily complicated by adding another lien abatement step that would need to be taken to put the property back into productive re-use.

### Suggested Amendment

Page 5, lines 13-15 defines vacant structure as “any structure that is subject to an unabated violation notice issued under § 116 {“unsafe structures”} of the Baltimore City Building Code. The word “unabated” in the definition is unnecessary. The structure either has a vacant building notice or it does not.

### Conclusion

DHCD recognizes the blighting influence city owned and privately-owned, vacant properties have on our communities and the hardships they can impose on adjacent residential properties.

However, we have practical concerns around the complexity of implementing this bill. It remains unclear if this legislation would compel property owners to abate the vacant building notice more expeditiously or if fees would be able to be recouped.

DHCD is committed to working with the Council President, the City Council and the Mayor’s Office to collaboratively find legislative solutions that can support our shared goal of eliminating vacants and blight across Baltimore City.

We respectfully **defer to the Fire Department** on Council Bill 22-0205.

*AK/sm*

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

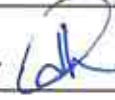
**Brandon M. Scott**, Mayor | **Alice Kennedy**, Housing Commissioner

417 East Fayette Street | Baltimore, MD 21202 | 443-984-5757 | [dhcd.baltimorecity.gov](http://dhcd.baltimorecity.gov)



*Ms. Natawna Austin, Executive Secretary of the City Council*

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Name & Title	James W. Wallace, Fire Chief 
Agency Name & Address	Baltimore City Fire Department 401 E. Fayette Street, Mezzanine
Subject	City Council Bill #22-0205 – Vacant Structures – Emergency Response Fee

CITY OF  
BALTIMORE  
**MEMO**



TO: The Honorable Nick J. Mosby, President  
And All Members of the Baltimore City Council  
City Hall, Room 408

DATE: March 11, 2024

The proposed legislation creates a new Subtitle to Article 9 of the City Code to establish a fee for services provided by the Baltimore City Fire Department (BCFD or the Department) at vacant structures.

On January 24, 2022, the BCFD lost three of its members (Lt. Paul Butrim, Lt. Kelsey Sadler and Firefighter Kenny Lacayo) in a tragic collapse of a vacant building. This legislation is a part of a package of bills introduced by the Baltimore City Council in an effort to provide solutions to the issue. Subsequent to the incident, the BCFD clarified some its policies related to vacant buildings and revised a program that would enable the Department to clearly identify vacant properties that are potentially dangerous for firefighters to enter (Code X). The Department has also implemented an effort with its sister agency, the Department of Housing and Community Development (HCD), to share information on the location and condition of vacant properties within the city.

The BCFD welcomes working with the Council on ways to mitigate the impact of vacant properties on our service, however, the creation of this new subtitle would create an administrative burden for the Department. Currently, the BCFD is understaffed and we have a structural resource deficit in the area of administration. There are currently no personnel available to examine the approximately 600+ incidents per day to identify which properties are vacant. The reporting system that BCFD uses, the National Fire Incident Reporting System, does not track whether a structure is occupied or vacant. Additionally, personnel resources are inadequate to create, send, and monitor invoices sent to the property owner. Should the Department get additional resources to address our administrative deficits, we would need them to go to mission critical areas in human resources, training, and information technology.

Additionally, it is very difficult to calculate the costs associated with an individual incident to determine a fee. Fire personnel are often working overtime and have varying degrees of seniority, which make determining a standardized fee per hour difficult to determine and fees must have a clear nexus to the service that is provided.

The Baltimore City Fire Department welcomes the opportunity to collaborate with the Baltimore City Council on ways to ameliorate the vacant property issue. However, the Department opposes CC 22 – 0205 as it would cause a serious administrative burden.

JW/kw