



# MEMORANDUM

STEPHANIE  
RAWLINGS-BLAKE,

PAUL T. GRAZIANO,

Executive Director of the  
Department of Housing and Community Development

To: The Honorable President and Members of the Baltimore City Council  
c/o Karen Randle, *Executive Secretary*

From: Paul T. Graziano, *Commissioner*

Date: August 5, 2010

Re: **City Council Bill 09-0416 - Environmental and Civil Citations - Notice Requirements**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 09-0416, which was introduced for the purpose of repealing certain "override" provisions that allow an environmental citation or a civil citation to be issued without the notice otherwise required by the law establishing the violation being cited; conforming related provisions; and generally relating to the use of environmental and civil citations for various offenses.

DHCD echoes the concerns raised in the reports from the Environmental Control Board (ECB) and the Department of Health that an expectation of prior notice would potentially inhibit the use of citations as an effective enforcement tool. The mailing cost of issuing citations and the abate time period would likely double under a prior notice requirement while delaying timely abatement of violations.

DHCD issues approximately 40,000 sanitation citations per year. If enacted, City Council Bill #09-0416 would effectively double the number of inspections required for every sanitation citation. In addition, it would prevent DHCD from taking enforcement action for all the trash violations that are picked up by the Department of Public Works in the intervening abatement period. For example, a Housing Code Enforcement Inspector, upon seeing a violation such as trash bags outside of a can, would have to return to their office first to issue the prior notice. The prior notice's certified and regular mailing would incur an additional cost to the City not presently required. Assuming delivery within 24 hours of mailing, the notice would provide an additional 24 hours abatement period from receipt. Consequently, at least two days could pass, even longer if there is an intervening weekend, between the discovery of the alleged violation and resolution of the violation. During that time, trash will remain and further accumulate. The inspector would then have to revisit the site after expiration of the abatement period. If the violation persisted, the inspector would then have to return to their office to issue a citation via certified and regular mail, still another 24 hours, before the violator may feel compelled to modify their behavior or resolve the problem.

The Department of Housing and Community Development respectfully opposes the adoption of City Council Bill 09-0416.

PTG:pmd

cc: Ms. Angela Gibson, *Mayor's Office of Government Relations*  
Ms. Diane Hutchins, *Mayor's Office of Government Relations*  
Ms. Kaliope Parthemos, *Deputy Mayor*

