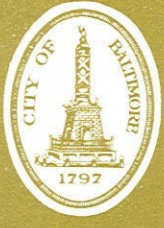


<b>FROM</b>	NAME & TITLE	Sandra E. Baker, Esq., Executive Director	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	ENVIRONMENTAL CONTROL BOARD 417 East Fayette Street, Room 634		
	SUBJECT	City Council Bill No 09-0352 Environmental Citations - Penalties		

*Seb*

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

DATE: July 14, 2009

The Environmental Control Board (**ECB**) opposes Bill 09-0352, whose purpose is to preclude placing liens on residential real properties for exterior sanitary maintenance. This includes garbage and mixed refuse handling, types of receptacles, and placement of these receptacles on collection and non-collection days.

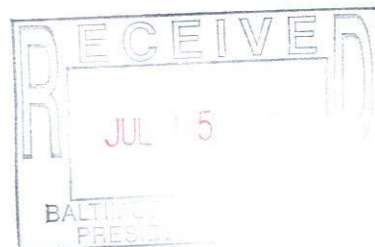
This bill moves to amend or further restrict a provision in Article 1 § 40 of the Baltimore City Code, specifically § 40-11(a)(II) which states "... if the offenses involves real property owned by that person, creates a lien on that property in favor of the City". This is an original provision of the law created in 1998.

Presumably the legislative intent at the time was to add a powerful incentive for the constituents to take the law seriously or suffer consequences based on their own inaction to abate and/or pay a fine for behavior that is causing blight to the City.

Although the lien provision existed from 1998, it was not implemented until 2004. Under this same City Code, ECB is designated as the entity that is charged with the responsibility of tracking all environmental citations written by various city agencies, in addition to the hearing and appeals process. ECB is also responsible for the collection of the fines for all environmental citations. Therefore I approached the Law Department, Finance, and Collections to determine what process ECB needed to become part of the tax sale for environmental fines. We developed an administrative procedure for the environmental liens to be added to the tax sale.

If this bill passes, it would make it less likely that the citizens would pay the relatively small fines imposed for violations of the sanitation provisions in Baltimore City. Without the threat of the lien process, these fines will be ignored. Prior to liens being placed, many citizens ignored the environmental citations. The lien process serves as an effective method used by the City to collect unpaid fines and demonstrates the seriousness of keeping the trash and debris contained for a healthier and cleaner environment.

MOIT collects data for ECB which outlines the collection activity before and after liens were used as an enforcement tool (Exhibit A). These statistics show that the City collected payments as follows:



<u>BEFORE</u>		<u>AFTER</u>	
2001	\$ 650,258.36	2006	\$3,500,158.35
2002	\$ 781,174.92	2007	\$4,207,668.17
2003	\$1,094,653.66	2008	\$3,844,137.34
2004	\$ 999,913.89		
2005	\$1,218,117.92		

The first year liens were actually placed on the tax sale final bill and notice was 2006. Please note the revenue tripled and has remained consistent since that date.

Our procedure is geared towards informing the constituents very early in the process. The information regarding the lien is on the original citation. It is also on every bill sent out by the Bureau of Treasury Management. If an environmental fine is not paid by the original due date on the citation, Collections sends a bill as a reminder. The bill contains the language "This charge is a lien on the Property the same as taxes".

If the environmental bill is not paid in ninety days, Treasury Management sends out an ECB default letter and a bill tripling the fine. These rules and procedures are in compliance with the Baltimore city Code. All of the relevant information regarding the Board, the fines and the liens may be found on the City's website and publicized through other pamphlets and handouts. ECB itself does community outreach and education in addition to putting the information on the actual citation and bills.

Historically citizens have ignored the environmental citations and the violations associated with the fines. The data shows that the lien process is an effective tool used to collect other unpaid fines and should be similarly employed here. The majority of the environmental citations are for violations of the very offenses that this bill is trying to exempt. The results would be disastrous because there currently is no other way to address the behavior. Citizens would continue to trash neighborhoods with no expectation of any consequences. It is imperative that this bill does not become law particularly with the commencement of the new "One Plus One" procedure. Secondary we need to consider the negative fiscal impact. The City collected a third less without the liens.

This is not the first challenge to the lien provision. In February of 2005, State Senator George Della of the 46<sup>th</sup> Legislative District of the City of Baltimore proposed a Senate bill "prohibiting tax sales of real property for nonpayment of charges for environmental violations". Senate Bill 679 was introduced and read the first time on February 4, 2005 and assigned to Judicial Proceedings (Exhibit B).

In March of 2005 I appeared before the Senate Judicial Proceedings Committee to justify why liens should be placed on residential properties for certain environmental offenses. Attached is a copy of my written response to the Senate Committee dated March 2, 2005. The rationale is the same today (Exhibit C).

ENVIRONMENTAL BILLING  
 PAYMENTS RECEIVED BY FISCAL YEAR BEGINNING 07/01/04  
 EC610

MONTH	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
JULY	1,394	1,737	2,414	1,810	2,222
AUGUST	1,484	2,303	3,161	2,012	1,832
SEPTEMBER	1,337	2,292	2,648	1,753	1,944
OCTOBER	1,266	2,294	3,119	1,932	2,079
NOVEMBER	1,099	2,278	3,094	1,948	1,794
DECEMBER	1,175	1,980	2,527	1,995	2,044
JANUARY	1,233	2,643	3,449	2,229	1,885
FEBRUARY	1,501	3,116	3,880	3,577	3,147
MARCH	1,741	3,975	5,186	3,443	3,337
APRIL	1,769	4,426	4,217	3,461	3,151
MAY	1,394	6,558	7,837	7,767	8,273
JUNE	2,011	2,922	2,285	2,304	2,548
TOTAL:	17,404	36,524	43,817	34,231	34,256

EXHIBIT A

ENVIRONMENTAL BILLING  
 PAYMENTS RECEIVED BY FISCAL YEAR BEGINNING 07/01/00  
 EC610

MONTH	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005					
JULY	39	2,025.00	1,143	67,508.00	1,724	149,686.86	1,014	63,980.00	1,394	95,120.
AUGUST	446	24,800.00	1,285	75,095.00	1,371	96,735.00	938	63,875.00	1,484	94,337.
SEPTEMBER	741	38,910.00	931	54,010.00	1,079	69,222.00	1,285	82,385.00	1,337	88,361.
OCTOBER	1,043	54,092.02	1,366	77,560.00	1,433	91,914.00	1,244	80,664.50	1,266	84,248.
NOVEMBER	1,057	58,365.00	1,194	64,280.00	1,375	90,033.00	1,228	73,877.50	1,099	73,070.
DECEMBER	861	47,790.00	1,206	62,985.00	1,132	85,698.00	1,254	76,385.00	1,175	84,164.
JANUARY	1,050	58,100.00	1,422	74,781.11	1,319	91,854.00	1,241	74,588.44	1,233	87,437.
FEBRUARY	1,005	56,248.00	1,166	60,532.18	1,166	80,588.00	1,341	87,365.50	1,501	104,195.
MARCH	1,374	79,949.00	1,172	59,844.89	1,205	95,387.80	1,581	101,179.32	1,741	124,302.
APRIL	1,150	67,604.34	1,247	63,848.74	1,142	86,815.00	1,484	102,624.00	1,769	134,021.
MAY	1,300	75,179.00	1,078	54,525.00	1,095	77,645.00	1,240	80,637.39	1,394	102,994.
JUNE	1,462	87,196.00	1,053	66,205.00	1,161	79,075.00	1,726	112,352.24	2,011	145,866.
TOTAL:	11,528	650,258.36	14,263	781,174.92	15,202	1,094,653.66	15,576	999,913.89	17,404	1,218,117.



INTERGOVERNMENTAL RELATIONS

SB 679

JEANNE D. HITCHCOCK  
DEPUTY MAYOR

88 STATE CIRCLE  
ANNAPOLIS, MARYLAND 21401  
TELEPHONE: 410-269-0207

MARTIN O'MALLEY  
MAYOR

March 2, 2005

STATEMENT OF SANDRA BAKER, EXECUTIVE DIRECTOR,  
BALTIMORE CITY ENVIRONMENTAL CONTROL BOARD,  
REGARDING SENTATE BILL 679 – BALTIMORE CITY – SALES FOR  
NONPAYMENT OF ENVIRONMENTAL CITATIONS PROHIBITION –  
AS PREPARED FOR A HEARING BEFORE THE SENATE JUDICIAL  
PROCEEDINGS COMMITTEE ON MARCH 2, 2005.

Chairmen Frosh and Members of the Committee:

On behalf of the Baltimore City Environmental Control Board (ECB), I would like to express the City's **opposition** to Senate Bill 679.

Senate Bill 679 prohibits the sale of real property for the nonpayment of municipal charges imposed for environmental violations in the City of Baltimore.

ECB is an impartial body whose purpose in part is to review and determine the legality of civil citations issued by seven city agencies. The agencies include the Department of Housing and Community Development, the Department of Public Works, the Baltimore City Fire Department, the Baltimore City Health Department, the Baltimore City Police Department, the Department of Recreation and Parks, and the Department of Transportation.

The Board oversees the tracking of these citations, collection of the fines, and the hearing and appeal processes for all of these agencies. The bill's provisions would make it less likely that citizens would pay the relatively small fines imposed for violations of sanitation provisions in the Baltimore City Code. Without the threat of the lien process, these fines will be ignored.

Our procedure is geared to making sure citizens are not taken by surprise. If an environmental fine is not paid by the due date specified in the citation, Treasury Management will send out a bill. This bill contains the language " This Charge is a Lien on the Property the Same as Taxes". If the environmental fine is not paid in ninety days, Treasury Management will send out an ECB default letter and a bill tripling the fine. These rules and procedures are in compliance with the Baltimore City Code. All of the relevant information regarding the Board, the fines and the liens is carried on the City's website and is publicized through other pamphlets and handouts. ECB itself does community outreach and education in addition to putting the information on the actual citation and bills.

~~\_\_\_\_\_~~, many citizens have ignored the environmental citations. The lien process is an effective method used by the City to collect other types of unpaid fines and should be similarly employed here.. The debt owed to the city as result of these fines is an appropriate addition to the lien sheet. *wjg*

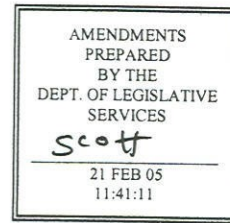
We respectfully request your assistance in securing an **unfavorable** report on Senate Bill 679.

cc: Baltimore City Senators  
George Winfield, Department of Public Works  
Dr. Peter L. Beilenson, Commissioner, Health Department  
Paul Graziano, Department of Housing

EXHIBIT C



SB0679/043328/1



BY: Senator Della

(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL NO. 679

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "City -" insert "Tax"; in line 4, after "prohibiting" insert "tax"; in the same line, strike "or personal"; in line 6, after "to" insert "tax"; and in lines 6 and 7, strike "or personal".

AMENDMENT NO. 2

On page 1, strike beginning with "EXCEPT" in line 27 down through "SECTION," in line 28.

AMENDMENT NO. 3

On page 2, in line 4, strike "SALES OF" and substitute "NO"; in the same line, strike "OR PERSONAL"; in the same line, strike "BY ANY PERSON" and substitute "MAY BE OFFERED FOR SALE IN A BALTIMORE CITY TAX SALE SOLELY"; in line 5, strike "§ 40-7" and substitute "ARTICLE 1, SUBTITLE 40"; and in line 6, strike "ARE PROHIBITED".

**EXHIBIT D**

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By: **Senator Della**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Sales for Nonpayment of Environmental Citations -**  
3 **Prohibition**

4 FOR the purpose of prohibiting sales of real or personal property by any person for  
5 nonpayment of certain municipal charges imposed for certain environmental  
6 violations in the City of Baltimore; and generally relating to sales of real or  
7 personal property for nonpayment of municipal charges.

8 BY repealing and reenacting, with amendments,  
9 The Charter of Baltimore City  
10 Article II - General Powers  
11 Section (19)  
12 (1996 Edition and 2000 Supplement, as amended)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **The Charter of Baltimore City**

16 Article II - General Powers

17 The Mayor and City Council of Baltimore shall have full power and authority to  
18 exercise all of the powers heretofore or hereafter granted to it by the Constitution of  
19 Maryland or by any Public General or Public Local Laws of the State of Maryland;  
20 and in particular, without limitation upon the foregoing, shall have power by  
21 ordinance, or such other method as may be provided for in its Charter, subject to the  
22 provisions of said Constitution and Public General Laws:

23 (19)

24 (A) To establish a Bureau of Liens and to provide for the issuance of  
25 certificates stating what, if any, State and municipal taxes, charges and assessments  
26 exist against any particular property, all of which taxes, charges and assessments  
27 shall be liens against the property affected until paid, EXCEPT AS PROVIDED UNDER  
28 SUBSECTION (B) OF THIS SECTION, and to make a reasonable charge for furnishing

## UNOFFICIAL COPY OF SENATE BILL 679

1 each such certificate. No charge not shown on such certificate shall be a lien against  
2 the property mentioned therein. No statute of limitations shall run against charges  
3 listed on such certificate.

4 (B) SALES OF REAL OR PERSONAL PROPERTY BY ANY PERSON FOR  
5 NONPAYMENT OF ENVIRONMENTAL CITATIONS ISSUED UNDER § 40-7 OF THE  
6 BALTIMORE CITY CODE ARE PROHIBITED.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 2005.



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By: **Senator Della**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2005

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CHAPTER 502

1 AN ACT concerning

2 **Baltimore City - Tax Sales for Nonpayment of Environmental Citations -**  
3 **Prohibition**

4 FOR the purpose of prohibiting tax sales of real ~~or personal~~ property ~~by any person~~  
5 for nonpayment of certain municipal charges imposed for certain environmental  
6 violations in the City of Baltimore; and generally relating to tax sales of real ~~or~~  
7 ~~personal~~ property for nonpayment of municipal charges.

8 BY repealing and reenacting, with amendments,  
9 The Charter of Baltimore City  
10 Article II - General Powers  
11 Section (19)  
12 (1996 Edition and 2000 Supplement, as amended)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
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17 The Mayor and City Council of Baltimore shall have full power and authority to  
18 exercise all of the powers heretofore or hereafter granted to it by the Constitution of  
19 Maryland or by any Public General or Public Local Laws of the State of Maryland;  
20 and in particular, without limitation upon the foregoing, shall have power by  
21 ordinance, or such other method as may be provided for in its Charter, subject to the  
22 provisions of said Constitution and Public General Laws:

**EXHIBIT E**

## UNOFFICIAL COPY OF SENATE BILL 679

1 (19)

2 (A) To establish a Bureau of Liens and to provide for the issuance of  
3 certificates stating what, if any, State and municipal taxes, charges and assessments  
4 exist against any particular property, all of which taxes, charges and assessments  
5 shall be liens against the property affected until paid, ~~EXCEPT AS PROVIDED UNDER~~  
6 ~~SUBSECTION (B) OF THIS SECTION~~, and to make a reasonable charge for furnishing  
7 each such certificate. No charge not shown on such certificate shall be a lien against  
8 the property mentioned therein. No statute of limitations shall run against charges  
9 listed on such certificate.

10 (B) ~~SALES OF REAL OR PERSONAL PROPERTY BY ANY PERSON MAY NOT BE~~  
11 ~~OFFERED FOR SALE IN A BALTIMORE CITY TAX SALE SOLELY FOR NONPAYMENT OF~~  
12 ~~ENVIRONMENTAL CITATIONS ISSUED UNDER § 40-7 ARTICLE 1, SUBTITLE 40 OF THE~~  
13 ~~BALTIMORE CITY CODE ARE PROHIBITED.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 2005.