

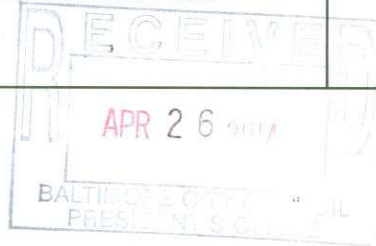


FROM	Name & Title	Jacquelyn Duval-Harvey, PhD Interim Commissioner 	Health Department	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201	MEMO	
	Subject	Council Bill 14-0369 Health Department Seasonal Food Facility Licenses and Food Facility Late Fees		

To: President and Members
of the City Council
c/o 409 City Hall



April 25, 2014

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review Council Bill 14-0369 Health Department Seasonal Food Facility Licenses and Food Facility Late Fees. The purpose of this bill is to create seasonal food facility licenses for high priority and moderate priority food facilities; changing the food facility late fee schedule; and providing for a special effective date.

Baltimore City Health Code § 6-403 provides for annual license fees to be set from time to time by the Commissioner with the approval of City Council. Fees are intended to defray the cost of these services to the City and are based on costs to the program.

A cost study undertaken in 2008 did not take into account that seasonal facilities operating less than 12 months receive fewer inspections.

High priority facilities operating at markets receive two as opposed to three inspections, but are charged the full \$520 annual fee. We agree with the pro-rated fee for high and moderate priority seasonal facilities based upon the number of mandated State inspections.

- High Priority - inspected 2 times (out of a possible 3) – reduce by approximately one third, bringing it from \$520 to \$350
- Moderate Priority – inspected 1 time (out of a possible 2 – moderate priority facilities are inspected every six months) – reduce by approximately half, bringing it from \$285 to \$145.

Baltimore City Health Code § 6-406 provides for the imposition of late fees for facility owners who fail to renew their facility license within 5 days of its expiration. The late fee, which is imposed for each day late after the 5 day grace period is currently set at \$25.00 daily and it is capped so as not to exceed the cost of the type of permit being sought.

An administrative late fee is intended, in part, to defray administrative costs to the program that late renewals might cause and it is intended it in part as a punitive measure. In general, there is little direct cost to the program caused by late renewal. With regard to the punitive aspect, the

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daily accrual of late fees poses undue burden on business owners who may also receive a \$300 Environmental Control Board citation for operating without a license. A scaled late fee that increases the punitive aspect across a range of days slows the early, rapid accrual of late fees and places greater weight on high priority facility late renewals and renewals more than 30 days late.

The reduced fee schedule will still send the appropriate compliance message but ease the burden of excessive late fees. Additionally, seasonal high priority and moderate priority facilities late fees would cap at the new permit cost should those recommended seasonal fees be approved.

We appreciate the opportunity to review this bill and will be available at the hearing to answer any questions.

cc: Angela Gibson, Office of the Mayor
Dr. Patrick Chaulk, Deputy Commissioner, Department of Health
Amy Samman, Legislative Director, Department of Health