



F R O M	Name & Title	Olivia D. Farrow, Esq., RS Interim Health Commissioner 	Health Department MEMO	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201		
	Subject	Council Bill 09-0416 – Environmental and Civil Citations – Notice Requirements		

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

April 16, 2010

The Baltimore City Health Department (BCHD) opposes Council Bill 09-0416. The purpose of the bill is to repeal certain “override” provisions that allow an environmental or civil citation to be issued without the notice otherwise required by the law establishing the violation being cited.

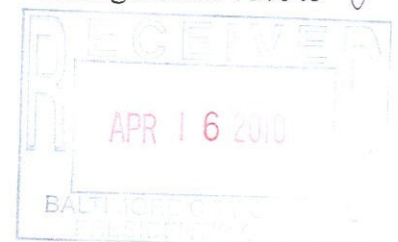
Below is a breakdown of the number of citations and the amount of fines the Health Department has issued:

	FY08		FY09		FY10-to present	
	# of Citations	Total Amount of Fines	# of Citations	Total Amount of Fines	# of Citations	Total Amount of Fines
Animal Control	5,312	\$510,525	5,994	\$1,070,320	4,720	\$1,267,220
Other Health Bureaus	249	\$89,925	348	\$82,750	251	\$31,500
Total	5,561	\$600,450	6,342	\$1,153,070	4,971	1,298,720

BCHD’s main concern is the negative impact the bill will have on the effectiveness of the Bureau of Animal Control’s Health Code enforcement. The Bureau of Animal Control receives an average of 31,000 CSR complaints a fiscal year. The Bureau currently is funded for 13 Animal Enforcement Officers (AEO) and has all positions filled at this time.

Complaints range from minor infractions such as a dog without a City license to major concerns such as animal cruelty and abuse and potential rabies cases. The current procedure for issuing animal-related citations is to issue them to noncompliant individuals at the time the violation is discovered; a notice is regularly not provided. This is due to the high volume of animal-related complaints received. The Bureau’s present timely closure rate of complaints ranges from 73% to 89% with the implementation of current procedures and resources.

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Requiring that AEOs issue notices would result in additional hurdles for the Bureau. It would require that the officers return to the office to organize the paper work for mailings, which in turn decreases their field time addressing complaints. In addition, the AEOs would be required to conduct follow-up inspections after the notices have been issued. The Bureau does not have the manpower to add additional administrative responsibilities and follow-up inspections on the AEOs.

More importantly, many of the violations found detrimentally affect animals and need to be abated immediately. The Bureau cannot wait additional days to ensure that an animal receives proper food and shelter and necessary care. Finally, the issuance of fines and the fear that additional fines can be attached each day for failure to comply are the only reasons many citizens quickly address violations.

Preventing the Department from issuing citations without notice will greatly reduce our ability to respond to citizen complaints and address public health concerns in a timely and effective manner. For the reasons stated above, BCHD opposes Bill 09-0416.

CC: Angela Gibson, Office of the Mayor
Christopher Thomascutty, Deputy Mayor
Michelle Spencer, Chief of Staff, Department of Health
Rachel Indek, Legislative Director, Department of Health