

**CITY OF BALTIMORE
COUNCIL BILL 12-0012R
(Resolution)**

Introduced by: Councilmembers Branch, Henry, Stokes, Scott, Clarke, Welch

Introduced and read first time: January 30, 2012

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: Environmental Control Board, Department of Housing and Community Development, Department of Public Works, Health Department, Police Department, Fire Department

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigative Hearing – Baltimore City Environmental Control Board**

3 FOR the purpose of requesting the Executive Director of the Environmental Control Board, the
4 Housing Commissioner, the Director of Public Works, the Health Commissioner, the Police
5 Commissioner, the Fire Chief, and appropriate personnel to report to the City Council on the
6 workings of the Board; to clarify the purpose and process of issuing fines and citations; to
7 address issues of due process, and; to identify measures that can be implemented to make the
8 entire process more transparent and equitable for the residents of Baltimore City.

9 **Recitals**

10 The mission statement of the Baltimore City Environmental Control Board (ECB) states that
11 the Board is a regulatory agency with an administrative court charged with the responsibility of
12 adjudicating civil citations, dedicated to identifying and working toward controlling harmful
13 environmental factors to promote environmental awareness and enforcement through behavior
14 modification, education, and training.

15 The ECB is responsible for the enforcement of provisions of the Baltimore City Code that
16 specifically affect the sanitation, environmental, health, safety, and other quality-of-life issues.
17 Specifically, the Board establishes procedures for the issuance of citations; trains code
18 enforcement personnel; provides officers to conduct hearings on contested environmental
19 citations; reviews appeals of decisions, and; adopts rules and regulations necessary to carry out
20 its duties.

21 The Board was created in 1998 to relieve overburdened criminal courts where “nuisance”
22 crimes related to trash, pets, and other minor offenses tended to sit unresolved. The ECB was
23 expected to be a revenue-neutral entity to adjudicate such offenses, aid the City in keeping the
24 streets and alleys clean and, generally improve the quality of life for all Baltimore City residents
25 and visitors. It was expected that the approximately 72,000 citations issued each year would be
26 ample to make the Board fiscally self-sufficient.

27 Since its inception, the ECB reportedly has done much better than break even – according to
28 local media accounts, in 2010, 78,192 citations were issued, of which only a little over 2,000
29 were dismissed. The number of citations issued have climbed fairly steadily since the ECB was

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 12-0012R

1 established. In 2003, the earliest year for which statistics are available, 35,852 citations were
2 given out. The Board is projected to generate \$6million for fiscal 2011 at a cost to the city of
3 merely \$600,000.

4 Since its inception as well, the ECB has generated citizen complaints. City officials have
5 been inundated with complaints that include the lack of due process in appealing citations; failure
6 of code enforcement officers to identify the proper violators; an excessive wait for appeal
7 hearings; insufficient amount of time to correct violations, and; excessive fines that residents are
8 not able to pay in these hard economic times.

9 While we all share the goal of a clean and healthy Baltimore, we have to make certain that
10 the measures in place to attain that goal are fairly applied and do not impose an undue financial
11 burden on those least able to pay.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
13 Executive Director of the Environmental Control Board, the Housing Commissioner, the
14 Director of Public Works, the Health Commissioner, the Police Commissioner, the Fire Chief,
15 and appropriate personnel are requested to report to the City Council on the workings of the
16 Board; to clarify the purpose and process of issuing fines and citations; to address issues of due
17 process, and; to identify measures that can be implemented to make the entire process more
18 transparent and equitable for the residents of Baltimore City.

19 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
20 Executive Director of the Environmental Control Board, the Housing Commissioner, the
21 Director of Public Works, the Health Commissioner, the Police Commissioner, the Fire Chief,
22 and the Mayor's Legislative Liaison to the City Council.