# **CITY OF BALTIMORE COUNCIL BILL 21-0095** (First Reader)

Introduced by: Councilmembers Burnett, Cohen, Dorsey, Bullock

Introduced and read first time: June 8, 2021

Assigned to: Public Safety and Government Operations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Baltimore Police Department, Mayor's Office of Neighborhood Safety and Engagement, Health Department, Mayor's Office of Homeless Services

## A BILL ENTITLED

1	AN ORDINANCE concerning
2	Labor Trafficking – Notice Requirements
3	FOR the purpose of requiring certain contractors with the City of Baltimore to place a notice
4	regarding the human-trafficking prevention hotline in certain locations; providing that certain
5	contractors may obtain the required human-trafficking notices from the United States
6	Department of Homeland Security's Blue Campaign website; providing for certain penalties;
7	and generally relating to labor trafficking notice requirements for city contractors.
8	By adding
9	Article 5 - Finance, Property, and Procurement
10	Sections 26A-1 through 26A-5, to be under the new subtitle,
11	"Labor Trafficking Notice Requirements"
12	Baltimore City Code
13	(Edition 2000)
14	By repealing and re-ordaining, with amendments,
15	Article 1 - Mayor, City Council, and Municipal Agencies
16	Section 40-14(e)(.5a)
17	Baltimore City Code
18	(Edition 2000)
19	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
20	Laws of Baltimore City read as follows:
21	Baltimore City Code
22	Article 5. Finance, Property, and Procurement
23	SUBTITLE 26A. LABOR TRAFFICKING NOTICE REQUIREMENTS

**EXPLANATION:** CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.

# Council Bill 21-0095

1	§ 26A-1. APPLICABILITY.
2	THE REQUIREMENTS OF THIS SUBTITLE APPLY TO:
3	(1) CONSTRUCTION CONTRACTS, INCLUDING:
4	(I) CONTRACTS IN EXCESS OF \$5,000 MADE BY THE BOARD OF ESTIMATES, OR ON ITS
5	BEHALF, WITH ANY PERSON, FIRM, OR CORPORATION FOR THE CONSTRUCTION,
6	RECONSTRUCTION, ERECTION, CONVERSION, INSTALLATION, ALTERATION,
7	REPAIR, MAINTENANCE, RENOVATION, RAZING, DEMOLITION, MOVING, REMOVING,
8	GRADING, PAVING, REPAVING, CURBING, FILLING, EXCAVATION, OR ANY OTHER
9	OPERATION OR WORK TO BE DONE OR PERFORMED IN, ON, UPON, OR IN
10	CONNECTION WITH ANY BUILDING, BRIDGE, VIADUCT, TUNNEL, TOWER, STACK, OR
11	OTHER STRUCTURE, AIRPORT, LAND, HIGHWAY, PIER, WHARF, SEWER, DRAIN, MAIN
12	CONDUIT, MACHINERY, OR MECHANICAL, ELECTRICAL, OR OTHER EQUIPMENT;
13	(II) EACH AND EVERY PROJECT APPROVED BY THE MAYOR AND CITY COUNCIL ON OR
14	AFTER JANUARY 1, 2021, RECEIVING FUNDS FROM TAX INCREMENT FINANCING IN
15	EXCESS OF $$10,000,000$ IN THE AGGREGATE TO THE EXTENT THOSE FUNDS ARE
16	USED IN WHOLE OR IN PART FOR THE CONSTRUCTION, RECONSTRUCTION,
17	ERECTION, CONVERSION, INSTALLATION, ALTERATION, REPAIR, MAINTENANCE,
18	RENOVATION, RAZING, DEMOLITION, MOVING, REMOVING, GRADING, PAVING,
19	REPAVING, CURBING, FILLING, EXCAVATION, OR ANY OTHER OPERATION OR WORK
20	TO BE DONE OR PERFORMED IN, ON, UPON, OR IN CONNECTION WITH ANY BUILDING.
21	BRIDGE, VIADUCT, TUNNEL, TOWER, STACK, OR OTHER STRUCTURE, AIRPORT,
22	LAND, HIGHWAY, PIER, WHARF, SEWER, DRAIN, MAIN, CONDUIT, MACHINERY, OR
23	MECHANICAL, ELECTRICAL, OR OTHER EQUIPMENT; AND
24	(2) SERVICE CONTRACTS, AS DEFINED IN $\S$ 26-1(E) OF THIS ARTICLE.
25	§ 26A-2. REQUIREMENTS.
26	(1) THE PRIME CONTRACTOR MUST POST A SIGN THAT STATES THE FOLLOWING:
27	"LABOR TRAFFICKING 101
28	LABOR TRAFFICKING INCLUDES RECRUITING, HARBORING, TRANSPORTING,
29	PROVIDING, OR OBTAINING PEOPLE FOR FORCED OR COERCED LABOR.
30	THE COERCION COULD BE THREATS DIRECTED AT THE VICTIM OR SOMEONE ELSE.
31	LABOR TRAFFICKING IS OFTEN LINKED WITH EXPLOITATION OF A WORKER. TO
32	LEARN MORE, VISIT <u>WWW.MDHUMANTRAFFICKING.ORG.</u>
33	IF A WORKER
34	(1) LACKS POSSESSION OF THEIR OWN IDENTIFICATION AND TRAVEL
35	DOCUMENTS,
36	(2) LIVES AT THEIR PLACE OF WORK AND IN ISOLATED CONDITIONS

# Council Bill 21-0095

1 2	(3) EXPERIENCES VERBAL OR PHYSICAL ABUSE FROM THEIR EMPLOYER OR SUPERVISOR,
3 4	(4) IS MADE TO WORK IN UNSAFE CONDITIONS, PREVENTED FROM TAKING ADEQUATE BREAKS, OR FORCED TO MEET DAILY QUOTAS
5	THEY MAY BE A VICTIM OF LABOR TRAFFICKING.
6 7	FOR IMMEDIATE ASSISTANCE CALL THE NATIONAL HUMAN TRAFFICKING HOTLINE
8	+1 (888) 373-7888 OR TEXT "BEFREE" TO 233733"
9	(2) THE SIGN MUST:
10	(I) BE AT LEAST 16 BY 20 INCHES IN SIZE;
11 12 13	(II) CONTAIN THE TEXT REQUIRED UNDER SUBSECTION (1) OF THIS SECTION IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGES REQUIRED BY THE FEDERAL VOTING RIGHTS ACT FOR VOTING MATERIALS IN BALTIMORE CITY; AND
14 15 16	(III) DRAW ATTENTION TO THE PHONE AND TEXT NUMBERS OF THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE BY SHOWING THE PHONE AND TEXT NUMBERS IN BOLD TYPE.
17 18 19 20 21	(3) THE PRIME CONTRACTOR MAY MEET THE REQUIREMENTS OF THIS SECTION BY CREATING THEIR OWN SIGNS USING A FONT SIZE OF NOT LESS THAN 30 POINTS FOR THE HOTLINE AND TEXT NUMBERS AND A FONT SIZE OF NOT LESS THAN 12 POINTS FOR THE BODY TEXT, OR USING COPIES OF THE SIGNS CREATED AND MADE AVAILABLE ONLINE BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY'S BLUE CAMPAIGN WEBSITE.
22	§ 26A-3. SIGN LOCATION.
23 24 25 26 27	A COPY OF THE LABOR TRAFFICKING SIGN REQUIRED BY §26A-2 {"REQUIREMENTS"} OF THIS SUBTITLE SHALL BE POSTED BY THE CONTRACTOR AT THE SITE OF THE WORK IN A CLEAR AND CONSPICUOUS PLACE WHERE IT CAN BE EASILY SEEN AND READ BY THE WORKERS. EXAMPLE AREAS INCLUDE BREAK ROOMS, LOCKER ROOMS, CAFETERIAS, AND OTHER SIMILAR LOCATIONS.
28	§ 26A-4. PENALTIES FOR FAILURE TO POST SIGNAGE.
29	(A) IN GENERAL.
30	(1) Prerequisite to issuance.
31 32 33	A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER THE ISSUANCE OF A WRITTEN WARNING AND A FAILURE TO CORRECT THE VIOLATION WITHIN 30 DAYS OF THE DATE OF THE WARNING.

# Council Bill 21-0095

1	(2) AUTHORIZATION TO ISSUE.	
2 3 4	IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40.	
5	(B) PROCESS NOT EXCLUSIVE.	
6 7	THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZ	
8	(C) EACH DAY A SEPARATE OFFENSE.	
9	EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.	
10	§ 26A-5. ADDITIONAL PENALTIES.	
11 12 13	A PRIME CONTRACTOR WHO FAILS TO COMPLY WITH ANY PROVISION OF THIS SUBT SUBJECT TO WITHHOLDING OF FUNDS UNDER THE CONTRACT UNTIL THE PRIME CONCOMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE.	
14 15	Article 1. Mayor, City Council, and Municipal Agencies	
16	Subtitle 40. Environmental Control Board	
17	§ 40-14. Violations to which subtitle applies.	
18	(e) Provisions and penalties enumerated.	
19	(.5a) Article 5. Finance, Property, and Procurement	
20	Subtitle 11. Fair Election Fund	\$500
21	SUBTITLE 26A. LABOR TRAFFICKING NOTICE REQUIREMENTS	\$50
22	<b>SECTION 2. AND BE IT FURTHER ORDAINED</b> , That this Ordinance takes effect on after the date it is enacted.	the 30 <sup>th</sup> day