

Legislative Update
MARY PAT CLARKE
14th District, Baltimore City Council

NEW LAW WITH HEAVY FINES FOR DISTURBING THE PUBLIC
City Council Bill 10-0618
Now in effect as
Article 19. Police Ordinances
Subtitle 43B.

NEIGHBORHOOD NUISANCES – CITATIONS

First offense can result in a \$500 environmental citation
to some or all parties.

Subsequent offenses within 12 months are each \$1000.

Citations are triggered by a police report and enforced by the Baltimore City
Housing Department and the Environmental Control Board.

Environmental citations are a lien against a property.

Key Housing contact is Robert.durocher@baltimorecity.gov.

Key Police contact is jamesh.green@baltimorepolice.org.

**This law defines a neighborhood nuisance as “any premises on or in
which an owner, operator, tenant, or occupant of the premises:**

(1) Acts in a disorderly manner that disturbs the public....or

**(2) creates or maintains conditions that lets others to act in a
disorderly manner that disturbs the public....” (emphasis my own)**

So the law applies to residents/ tenants of a property AND to owners of that
property, whether or not “... the owner, operator, tenant, or occupant knew
of the existence of the neighborhood nuisance.” 43B-6 (C)

Trigger:

“(B) *Police report as prima facie evidence.*

**A police report, written in the regular course of business, of a premises
having been used for activities described in 43B-1(B) {‘Definitions:
Neighborhood Nuisance’} ... is prima facie evidence that the premises
are a neighborhood nuisance.”**

(Writing a citation, by the way, does not prevent an officer from also making arrests and using other additional enforcement procedures.)

This law and its enforcement are new, but this is what Mr. Green and Mr. Durocher explained as how this will work:

- The written police incident report will be faxed to Mr. Durocher's unit in Housing.
- Housing investigators will immediately send out environmental citations to the property owner and property manager (for out-of-town owners) and to tenant(s) named in the report.
- Persons cited may appeal the citation to the Environmental Control Board(whose director is Ms. Sandra Baker at
- Sandra.baker@baltimorecity.gov)

One major amendment protects property owners and operators if, upon receipt of a citation, they can prove that they have already evicted the offending tenants or have already filed eviction court proceedings; and, that the court has already entered a judgment.

If eviction court proceedings are still pending at the time of the citations, the Environmental Control Board will postpone its [appeal] proceedings [for owners and operators] until the court eviction proceedings have concluded.

Since my personal goal is to have the offending tenants evicted and gone, I support these amendments which encourage landlords to act at the first indication that tenants are about to bring public nuisance citations down on their own and the landlord's heads.

Mr. Robert Durocher, director of Housing's Property Crimes Division, is already working with Officers Jonathan Walter and Douglas Gibson at Northern District in coordinating on enforcement procedures. Mr.Durocher routinely works with Deputy Major Darryl DeSousa at Northeastern District and will specifically make contact to ensure coordination regarding Neighborhood Nuisances enforcement.

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