



THE PRINCE GEORGE'S COUNTY GOVERNMENT


Office of Audits and Investigations


October 12, 2020

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Senior Legislative Budget and Policy Analyst

FROM: Arian Albear 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-081-2020 Property Standards Enforcement (Draft 2)

CB-081-2020 (*Proposed and sponsored by: Council Member Mel Franklin and Council Member Rodney C. Streeter*)

Assigned to the Committee of the Whole

AN ACT CONCERNING PROPERTY STANDARDS ENFORCEMENT ON NONRESIDENTIAL PROPERTY IN PRINCE GEORGE'S COUNTY for the purpose of increasing the authority of the Administrative Hearing Unit of the Department of Permitting, Inspections, and Enforcement (DPIE) to enforce property standards and maintenance violations on nonresidential property in Prince George's County.

Fiscal Summary

Direct Impact:

Expenditures: None

Revenues: Potentially positive due to increased ability to issue and collect fines

Indirect Impact:

Positive

Legislative Summary:

CB-081-2020¹, proposed and sponsored by Council Members Franklin and Streeter, was presented on September 29, 2020 and referred to the Committee of the Whole (COW). The Bill would increase the authority of the Administrative Hearing Unit (AHU) of the Department of Permitting, Inspections, and Enforcement (DPIE) to enforce property standards and maintenance violations on nonresidential properties. It is Council staff's understanding that a Draft 2 of the Bill will be considered at the COW meeting, and all references in this memorandum are to the proposed Draft 2.

The bill would allow the Director of DPIE or their designee to issue an "administrative citation" in the amount of one thousand dollars (\$1,000) if the owner does not comply with the remedial action set forth in the notice of violation within the time period provided.

CB-81-2020 would also add subsection (e)(4) to Section 13-1133. "Violations to which subtitle applies." which would permit an inspector to issue and an Administrative Hearing Officer to adjudicate notices of violation and administrative citations for one thousand dollars (\$1,000).

Current Law/Background:

DPIE, under Section 13-230 of the County Code, is the agency responsible for ensuring minimum standards and maintenance of "structures, equipment, and exterior property for all property and structures used or zoned for commercial and industrial purposes in Prince George's County and for residentially zoned property where the use is other than residential."² As defined in the Code in Sections 13-233 through 13-243, DPIE enforces maintenance of 1) property, 2) disposal of garbage and rubbish, 3) screening, 4) accessory structures, 5) weeds, 6) insect and rat control, 7) public areas, 8) exterior surfaces, walls, and foundations of structures, 9) roofs and drainages, 10) decorative features, *and* 11) signs, marquees, and awnings.³

Currently, under Section 13-246,⁴ if the owner of a property deemed in violation of County property standards does not comply with the remedial action noted in the "notice of violation," they may be issued only a "civil citation" for one thousand dollars (\$1,000).

Resource Personnel:

Brendon Laster, Chief of Staff/Legislative Aide
Lori Parris, DPIE

Discussion/Policy Analysis:

CB-81-2020 is one of several items introduced in the 2020 legislative session aimed at streamlining the actions and responsibilities of DPIE by granting the Department greater power to adjudicate and enforce

¹ [CB-81-2020](#).

² Prince George's County Code, [Subtitle 13. Housing and Property Standards](#), Section 13-230.

³ *Ibid.*, Sections 13-233 – 13-243.

⁴ *Ibid.*, Section 13-246.

legislation. As such, the proposed legislation grants the DPIE-internal Administrative Hearing Unit the ability to adjudicate on nonresidential properties. Previous legislation, CB-35-2020, CB-36-2020, and CB-37-2020 granted the AHU adjudication powers over residential and rental properties. The proposed legislation differs from the current process by allowing the Director of DPIE or their designee to impose civil penalties and take direct action from the onset while cutting back on the administrative steps within the appeals process. Administrative citations, as opposed to civil citations, do not need to go through the District Courts. As stated under the Policy Analysis and Fiscal Impact Statement for CB-36-2020,⁵ DPIE is allotted one half-day per month to present cases to the District Court.⁶ Were DPIE able to bypass part of the current judicial review process the Department would be able to more expeditiously enforce the County nonresidential property standards as they currently do with residential and rental properties.

Issue for Committee Consideration:

- Under which circumstance would DPIE issue a “civil citation” going through the District Court rather than an “administrative citation?”

Fiscal Impact:

Direct Fiscal Impact

Enactment of CB-81-2020 may result in additional revenue from the collection of civil penalties. Granting DPIE the authority to directly issue administrative citations and monetary fines would allow the Department to more expeditiously enforce nonresidential property standards in the County. This would decrease the caseloads in the District Courts, thereby freeing time and resources for other judicial review matters in other County government functions.

Indirect Fiscal Impact

Enactment of CB-81-2020 could prove to be a deterrent to future or possible violators and lead to maintenance and speedy corrections of property standards violations resulting in more appealing neighborhoods, higher property values, and healthier communities. A 2019 study⁷ found that “[b]eautiful cities’ disproportionately attracted highly educated individuals and experienced faster housing price appreciation, especially in supply-inelastic markets.”

Effective Date of Proposed Legislation:

Forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach me via phone or email.

⁵ CB-36-2020, [Policy Analysis and Fiscal Impact Statement](#).

⁶ [CB-36-2020](#) and Personal Communications with DPIE, 16 June 2020.

⁷ Wiley Online Library. “[Beautiful city: Leisure amenities and urban growth](#).” 01 April 2019.