



June 21, 2023

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Alex Hirtle 
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement
CB-058-2023 Antilitter and Weed Ordinance Violations

CB-058-2023 (*proposed by*: Chair Dernoga, at the request of the County Executive)

Assigned to Transportation, Infrastructure, Energy, and Environment (TIEE) Committee

AN ACT CONCERNING SERVICE OF PROCESS FOR ANTILITTER AND WEED ORDINANCE VIOLATIONS for the purpose of amending the service of process for antilitter and weed violations.

Fiscal Summary

Direct Impact:

Expenditures: Modest reduction in expenditures through cost savings, both in postage and administrative costs.

Revenues: No revenue impact likely.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CB-058-2023 was presented by the Chair of the Council at the request of the County Executive on May 2, 2023, and referred to the Transportation, Infrastructure, Energy and Environment (TIEE) Committee. This bill would change the method of service from certified mail to first-class mail. The bill also allows for personal service and posting as an alternative means of service.

Current Law/Background:

The proposed bill will change the method of providing service of process for anti-litter and weed ordinance violations. The County Code, in Division 9, Sections 266-269 outline the Notice to Remove, Action Upon Noncompliance, and the lien recording process the County uses when a property owner does not comply with a notice issued to remove litter or cut/remove high weeds and/or grass.

The County currently uses certified mail as the primary method of notice for such violations. This process tends to be costly as the County spends approximately \$1,500 per week on certifications. The average certification is \$13.50. Using first class mailings will provide cost savings to the County. Additionally, first class mailings are processed through the new Momentum system; processing a certified mailing takes approximately 20 minutes of manual staff time per violation.

Resource Personnel:

- Lori Parris, Senior Advisor, Department of Permitting, Inspections and Enforcement
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Discussion/Policy Analysis:

The legislation facilitates a quicker and less expensive method for the County to provide service of notice for violations of antilitter and weeds (which includes tall grass violations). It also automates the process, given the County's newer Momentum system can process first-class mailings automatically (certified mailings are currently done manually). Given the County spends about \$1,500 per week on certified mailings, the cost will be modest but continual.

A larger discussion, though, needs to take place regarding the County's ability to *collect* the fees contained in the violations sent out by DPIE. The Department, as reported in the FY 2024 Budget Report, estimates that, under the Clean Lot Program, which oversees parcels that are prone to litter

and weed violations, the cost to the County will be projected at \$2 million, with liens of about \$2.5 million.¹ Collections for these violations have historically been very low, with collection rates estimated for all Property Standard violations at 22% for FY 2023.² DPIE and the Office of Finance need to work collaboratively to strategically increase collective rates well above the current rate to make the violations process, regardless how service takes place, notably more effective.

Fiscal Impact:

- *Direct Impact*

Enactment of CB-058-2023 should have a modest favorable fiscal impact. The Department of Permitting, Inspections and Enforcement reports that they spend approximately \$1,500 per week on certified mailings, and the average mailing is \$13.50. Additionally, using the newer Momentum system to process first-class mailings of service for litter and weed violations will save time administratively, as certified mailings current take about 20 minutes of staff time per violation, verse the automated processing of Momentum. Faster, more efficient automated service may also increase the collection rates of violation simply through violations being processed quicker and with greater consistency.

- *Indirect Impact*

Enactment of CB-058-2023 should have notable favorable indirect impacts on the County by reducing the amount of staff time utilized to service litter and weed violations. DPIE has had consistent staff shortages and by using more efficient processes for administrative tasks, the Department may be able to improve in meeting its overall goals, translating into an increased quality of life for residents within the County.

- *Appropriated in the Current Fiscal Year Budget*

Yes.

Effective Date of Proposed Legislation:

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.

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

¹ [FY 2024 DPIE Budget Report](#), pg. 10

² IBID, pg. 12