



THE PRINCE GEORGE'S COUNTY GOVERNMENT


Office of Audits and Investigations


June 17, 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: Warren E. Burris, Sr. 
Senior Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-35-2020 Unpermitted Construction (DR-1)

CB-35-2020 (sponsored by: Council Chair Turner by Request of the County Executive)

Assigned to Committee of the Whole (COW)

AN ACT CONCERNING UNPERMITTED CONSTRUCTIONS FOR THE PURPOSE OF AUTHORIZING the administrative adjudication of matters involving violations of the Building Code and by updating the organization of the Building Code adopted by the Prince George's County.

Fiscal Summary

Direct Impact:

Expenditures: Minimal additional expenditures

Revenues: Potentially positive

Indirect Impact:

Likely positive

Legislative Summary

CB-35-2020, sponsored by Council Chair Turner, was presented to the County Council on June 9, 2020 and referred to the Committee of the Whole. CB-35-2020 would repeal and reenact with amendments §§4-116, 4-117, and 4-255 of the Building Code and would add a new §4-255.01. This would provide another tool in the toolbox for the Director of the Department of Permitting, Inspections and Enforcement (DPIE) to provide civil citations for to cure issues instances where construction takes place without the appropriate permits. Also, this bill provides for the issuance of “administrative citations” in lieu of civil citations. Appeals of administrative citations would be handled by an in-house administrative appeals mechanism, the “Administrative Hearing Unit,” as outlined in CB-36-2020.¹

If enacted, CB-35-2020 would:

- Authorize the Director to issue a Notice of Violation to direct the discontinuance of the illegal action or condition and the abatement of the violation.
- Authorize a Civil Fine, in addition to any other sanction provided by law, of \$1,000 per violation in conjunction with the written notice of Civil/Administrative Citation with each day the violation continues constituting a separate violation.
- Provide the option for Director to have the written notice of violation recorded with the Director of Finance, which will constitute a lien on the subject property that can only be removed with duly adjudicated appeal.
- Authorize the Director the option if imposing an Administrative Citation, which will comply with requirements with the appropriate sections on Section 13 of the Code.
- Authorize Director to provide immediate work stoppage upon notification that any building or construction activities being executed contrary to this Provision.

Background/Current Law:

Division 1 of Subtitle 4 of the County Code currently outlines the process for assessing, appeal, recording and releasing tax liens for Civil Fines and violation of Stop Work Orders for persons, firms, and entities embarked in construction activities without the appropriate permits. It authorizes the Director of DPIE to provide a Notice of Violation and the option of imposing a Civil Fine not to exceed \$1,000 per violation.

Policy Analysis

- *Potential Benefits of Enacting CB-35-2020*

As DPIE continues to revamp its permitting processing, the Department has been looking to streamline and repeal any outdated license requirements to ensure a more efficient and fair system for residents and businesses operating in the County. Also, the Department has been diligently seeking to impose mechanisms that give them the opportunity to enforce in-house through enhancement of the Director’s Enforcement Toolbox. In reviewing the Unpermitted Construction process, it was determined that there were insufficient tools to enforce the laws in the Code. Enactment of this law provides the ability to issue a notice of violations to immediately stop the work and imposing civil fines for all violations and make each day the violation continues constitutes a separate violation. This legislation as proposed would allow for the abatement of violations immediately without having to ensure a lengthy judicial process. This

¹ CB-35, CB-36, and, to some degree, CB-37, are companion pieces of legislation aimed at streamlining the County’s handling of certain code violations. CB-36 and CB-37 are also on the agenda for discussion at the June 18, 2020 Committee of the Whole meeting.

benefits the County and community to ensure that all construction has the proper plans and appropriate permits and ensures that the community is safe from unpermitted construction, which can cause various other community issues down the road.

- *Potential Costs of Enacting CB-35-2020*

Enactment of CB-35-2020 will require some degree of re-education of DPIE staff to become familiar with and implementing the citations and possible cause an increase in inspections activities. These changes in the legislation enhance the requirements put in place by CB-47-2019.

Fiscal Impact:

Direct Impact

Enactment of CB-35-2020 would likely be require a small amount of additional expenditures due to the need to re-educate DPIE staff to the citation process and the possibility of need for increased staff due to implementing the citations, increased inspections, and increased demand on the Administrative Hearing Unit as a result of the enforcement of the Administrative Citations.

However, the increase in expenditures could be offset by a potentially significant positive fiscal impact through the collection of the civil fines.

Indirect Impact

There would likely be a positive indirect impact to the community as construction activities will be appropriately permitted and inspected. In addition, enactment of this legislation could reduce the caseload of the Board of Appeals as this legislation provides the opportunity to abatement of the violations without the necessity of a judicial process.

Appropriated in the Current Fiscal Year Budget

No.

Resource Personnel

DPIE Staff
Council Administration
