



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

September 22, 2021

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-056-2021 – Subpoena Power

CB-056-2021 (*Proposed by the Chair by request of the County Executive*)
Assigned to Committee of the Whole (COW)

AN ACT CONCERNING BUILDING CODE OF PRINCE GEORGE'S COUNTY DEPARTMENT OF PERMITTING, INSPECTION, AND ENFORCEMENT FOR THE PURPOSE of establishing additional enforcement methods to effectuate service of subpoenas by the Prince George's County Department of Permitting, Inspections, and Enforcement.

Fiscal Summary

Direct Impact:

Expenditures: Minimal.

Revenues: None

Indirect Impact:

Potentially Positive.

Legislative Summary:

CB-056-2021, proposed by the Chair at the request of the County Executive was presented on September 8, 2021 and referred to the Committee of the Whole (COW). The purpose of this Bill is to amend Subtitles 4, 5, and 13 of the County Code to add Subpoena Power as an additional enforcement tool for the Department of Permitting, Inspection, and Enforcement to effectuate the duties and responsibilities of permit issuance, inspections, and enforcement. If enacted, CB-56-2021 would add the following language to Subtitle 4-264 - Building Code, Subtitle 5-154 Business Licenses, and Subtitle 13-103 - Housing and Property Standards:

- ✓ Add subpoena power to as a tool for the Department of Permitting, Inspections, and Enforcements to issue subpoenas necessary to effectuate the duties and responsibilities of permit issuance, inspections, and enforcement (Section 4-264, Section 5-154, and 13-103.
 - ✓ Adds the process of service of subpoenas to Section 4-264 (b); Section 5-154 (b), and Section 13-103 (b):
 - (1) Certified Mail, return receipt
 - (2) Personal Service either a competent (A) Private person or (B) the Sheriff or Deputy Sherriff.
 - ✓ Adds enforcement of subpoenas to Section 4-264 (c), 5-154 (c), and 13-103 (c)
 - (1) The County may apply to court of appropriate jurisdiction requiring attendance, testimony of witnesses, and/or production of documents, and/or taking of interrogatories and depositions.
 - (2) Any failure to obey such an order of the court may be punished as contempt of court.
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Background/Current Law:

Currently, the Department of Permitting, Inspection and Enforcement (DPIE) does not have the means to secure documentation and information needed to enforce their responsibilities in the County Code. Therefore, the Department is requesting subpoena authority to ensure residents, stakeholders and businesses are compliant with the legislation of the County. The subpoena authority would be another tool in the Director's enforcement toolbox, and will allow them to collect the information, witness testimony, etc., needed to ensure proper enforcement.

Discussion/Policy Analysis:

- *Potential Benefits of Enacting CB-056-2021*

Enacting CB-056-201 would update the County Code to add subpoena power to the DPIE Director's enforcement toolbox in order effectuate the duties and responsibilities of the department to ensure stakeholders conform to the County standards.

- *Potential Costs of Enacting CB-056-2021*

Enactment of CB-056-2021 may require additional duties by DPIE staff to mail the subpoenas and/or transport the subpoenas to the appropriate person.

Fiscal Impact:

Direct Impact

Enactment of CB-020-2021 may require minimum additional expenditures due to the increased staff training, additional duties of mailing, monitoring and enforcing the subpoenas.

Indirect Impact

With the use of the subpoenas, the Department will be able to better perform its duties of permitting, inspecting and enforcement. In doing so, the community may benefit due to increased compliance with standards for buildings, housing and issuance of permits.

Appropriated in the Current Fiscal Year Budget

No.

Effective Date of Proposed Legislation:

The proposed legislation shall take effect forty-five (45) calendar days after it becomes law.

Resource Personnel:

Council Administration
DPIE Staff

If you require additional information, or have questions about this fiscal impact statement, please call me.