

**CODE ENFORCEMENT PROCESS IMPROVEMENT
AND PROPOSED TITLE 23 AMENDMENTS**

September 30, 2024



King County

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I. Proviso Text

Ordinance 19546, Section 90, Local Services Administration, P1¹

P1 PROVIDED THAT:

Of this appropriation, \$250,000 shall not be expended or encumbered until the executive transmits a King County Code Title 23 update report, a proposed ordinance implementing the recommendations in the report, and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

In 2015, the executive transmitted a Code Enforcement and Abatement Process Evaluation report as 2015-RPT0150. 2015-RPT0150 evaluated the County's existing code enforcement process and made recommendations on process improvements and code changes that would streamline the code enforcement process in order to shorten the time from initial complaint through resolution, with an emphasis on improving the experience for affected property owners, tenants and neighbors.

A. The King County Code Title 23 update report shall include, but not be limited to, the following:

1. A description of the County's existing code enforcement process, as outlined in KCC Title 23 and administrative procedures, and a description of the ways the code enforcement process has changed from what is described in 2015-RPT0150;
2. An evaluation of any changes made to the code enforcement process from what is described in 2015-RPT0150, including whether the timeframe between initial complaint through resolution has been shortened;
3. Recommendations for ways that the County's existing code enforcement process, including KCC Title 23, and other parts of the King County Code that address land use code enforcement and the County's administrative procedures could be revised to reduce the length of time between initial complaint and resolution; and
4. Recommendations for provisions of the County's development regulations, including but not limited to, KCC Titles 6, 9, 13, 14, 16, 17, 19A, 20, 21A, 27 and 27A, that could be amended in order to simplify the land use code enforcement process, including to reduce the length of time between initial complaint and resolution.

B. Based on the King County Code Title 23 update report described in subsection A. of this proviso, the executive shall transmit a proposed ordinance with recommended changes to KCC Title 23 and other parts of the King County Code that address land use code enforcement.

The executive should electronically file the report, proposed ordinance, and motion required by this proviso no later than January 4, 2024, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services and land use committee or its successor.

¹ Ordinance 19546 [\[LINK\]](#)

II. Executive Summary

The Code Enforcement Section of the Permitting Division investigates complaints regarding violations of the King County Code (KCC) that relate to zoning, building, property maintenance, shorelines, and critical areas in unincorporated King County, including work done without required permits. In recent years, the Code Enforcement Section has experienced a case backlog, and this report builds on previous work done to increase the efficiency and effectiveness of code enforcement processes, including a 2015 report submitted in response to a Council Proviso (2015-RPT0150, the "2015 report") and a 2023 report prepared by the King County Auditor's Office.

In response to the Proviso requirements, the report details the County's existing code enforcement process and reviews the process changes that have been made in response to the recommendations made in the 2015 report. The report finds that, despite the seven recommendations made in the 2015 Report being partially implemented, the process changes did not significantly shorten the timeframe between initial complaint and resolution between 2015 and 2023. Critically, the overall case backlog grew significantly from 710 cases in 2015 to 1,815 cases in 2022, as more new cases were opened each year than existing cases were closed. A new ban on fireworks in 2022 added more cases to the growing backlog.

Recommendations for ways that the County's existing code enforcement process could be revised to reduce the length of time between initial complaint and resolution include prioritization, alternative means and tools for compliance, streamlining of procedural requirements, increasing civil penalties for nonresidential entities, and changing how Already Built Construction permits are handled.

Recommended code amendments to effectuate these strategies are summarized in the report and include the following:

1. Updating Title 9: Surface Water Management to authorize the use of citations by DNRP Storm and Surface Water inspectors for violations of water quality regulations.
2. Updating Title 17: Fire Code to increase penalties for nonresidential violations.
3. Updating Title 20: Planning to eliminate appeals by "aggrieved parties" of department decisions on stop work orders, Notices and Orders, and whether to take enforcement action on a specific case, and
4. Updating Title 23: Code Compliance to make extensive procedural updates to support the recommendations of this report, including updating the communication methods the Code Enforcement Section may use, broadening the evidentiary sources specifically authorized for investigations, and increasing penalties in certain circumstances.

III. Background

Department Overview: The Permitting Division (Permitting) of the King County Department of Local Services (DLS) provides regulatory and operating permits under the land use, building, and fire codes, as well as a limited number of business licenses, for unincorporated areas of King County. Permitting also provides code enforcement services in the unincorporated areas of King County. The Code Enforcement Section of the Permitting Division (Code Enforcement) investigates complaints reporting violations of the King County Code (KCC) that relate to zoning, building, property maintenance, shorelines, and critical areas in unincorporated King County, including work done without required permits.

Code Enforcement investigations and enforcement actions are conducted in accordance with KCC Title 23.² Title 23 provides: guidelines for code enforcement investigations; authority to issue stop work orders, citations, Notices and Orders, and voluntary compliance agreements; and establishes a schedule of civil penalties for code violations. Appeals of citations, Notices and Orders, and civil penalties under Title 23 are handled by the King County Hearing Examiner in accordance with KCC Chapter 20.22.³

Historical Context: In 2015, responding to a proviso in the 2015-16 County budget, DLS Permitting's organizational predecessor, the Department of Permitting and Environmental Review (DPER), conducted a comprehensive review of code enforcement operations and processes in 2015 with the Office of Performance, Strategy and Budget (PSB). This review resulted in the Code Enforcement and Abatement Process Evaluation report 2015-RPT0150 (2015 Report), which made seven recommendations for implementation by 2017.⁴ These recommendations reflected the Council's direction to DPER "to look for ways to improve code enforcement processes so that service levels could be maintained within existing resources."⁵

"Since the large backlog and due process challenges impact most code enforcement cases, the search for improvements in the 2015 Report focused on those two problems. Many changes were considered, the underlying premise of which was that *code enforcement is a discretionary service provided by King County, not a mandatory service.*"⁶ (Emphasis added.)

"The process evaluation [in the 2015 Report] identified four challenges to efficient and timely code enforcement:

- Excessive backlog of non-compliant cases awaiting legal action.
- No reasonable code compliance option for some violators.
- No teeth in existing process or penalties to incentivize timely compliance by some violators.
- Due process for legal notification and action is time-consuming and expensive for the County."⁷

The 2015 Report went on to make seven proposals to address the challenges identified in the report:

² King County Code (KCC) 23.01.010 [\[LINK\]](#)

³ KCC 20.22.040 [\[LINK\]](#)

⁴ 2015-RPT0150 [\[LINK\]](#)

⁵ 2015-RPT0150 [\[LINK\]](#), p. 7

⁶ 2015-RPT0150 [\[LINK\]](#), p. 5

⁷ 2015-RPT0150 [\[LINK\]](#), p. 5

- “Expand the definition of de minimis code violations that may be dismissed without enforcement action.
- Defer enforcement action on cases without recent complaints.
- Abate violations prior to issuing Notice and Order.
- Streamline/consolidate the citation appeal process.
- Assign a single point-of-contact to facilitate permitting of illegal construction work.
- Disclose potential civil penalties for illegal construction work with notice of violation.
- Increase civil penalties for home occupation and commercially zoned property violations.”⁸

The implementation of these proposals required KCC updates for some, and reallocation of resources and priorities within the division for others.⁹

Current Context:

Recommendations from 2023 Code Enforcement Audit

In 2023, the King County Auditor’s Office (KCAO) conducted an audit of code enforcement operations and processes focusing on the period between 2015 and 2022, resulting in a report titled Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources (2023 Audit). The 2023 Audit makes 22 recommendations to improve Code Enforcement’s efficiency and effectiveness, generally falling into the following categories:

- Updating internal operational systems and workflow: implementing technological updates that allow staff to enter data from the field; assigning priorities to open cases if no priority is yet assigned and ensuring future cases are assigned a priority; and developing a process for monitoring data relating to officer discretion including case timelines, fines, fees, and resident feedback.
- Updating customer-facing communication materials: revising its violation letter templates in accordance with the “King County Plain-Language Writing Guide”; sending educational materials alongside violation letters; creating a “Frequently Asked Questions” resource to assist property owners in answering common code questions; and providing publicly available materials in Spanish.
- Modifying how code enforcement cases are handled: modifying case prioritization to align with King County’s environmental goals; developing a plan for using citations for some types of cases; raising civil penalty fines for commercial entities.⁹

The 2023 Audit acknowledges that Code Enforcement works on "challenging, and complex cases that can be delayed or obstructed for reasons outside of the section’s control," and that it is making positive progress under challenging circumstances. Out of 15 recommendations made in three reports between 2015 and 2019, the 2023 Audit notes that Code Enforcement completed or made progress on about half of these.¹⁰ Recommendations taken include expanding the quantity of violations dismissed for minimal impact, disclosing potential civil penalties for illegal construction work with notices of violation, and

⁸ 2015-RPT0150 [[LINK](#)], p. 5

⁹ *Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources*, by the King County Auditor's Office, 2023 [[LINK](#)]

¹⁰ The three reports are 2015-RPT0150 [[LINK](#)], Best Practices in Code Enforcement (2016) conducted by consultants from SAFEbuilt and LSL Planning for DPER, and 2019-RPT0095 [[LINK](#)].

streamlining the review of Already Built Construction (ABC) permits.¹¹ The 2023 Audit reported that, even with partial implementation of the 2015 recommendations, the backlog of code enforcement cases continues to grow.

Figure 1: Backlog of code enforcement cases (Source: Accela database)

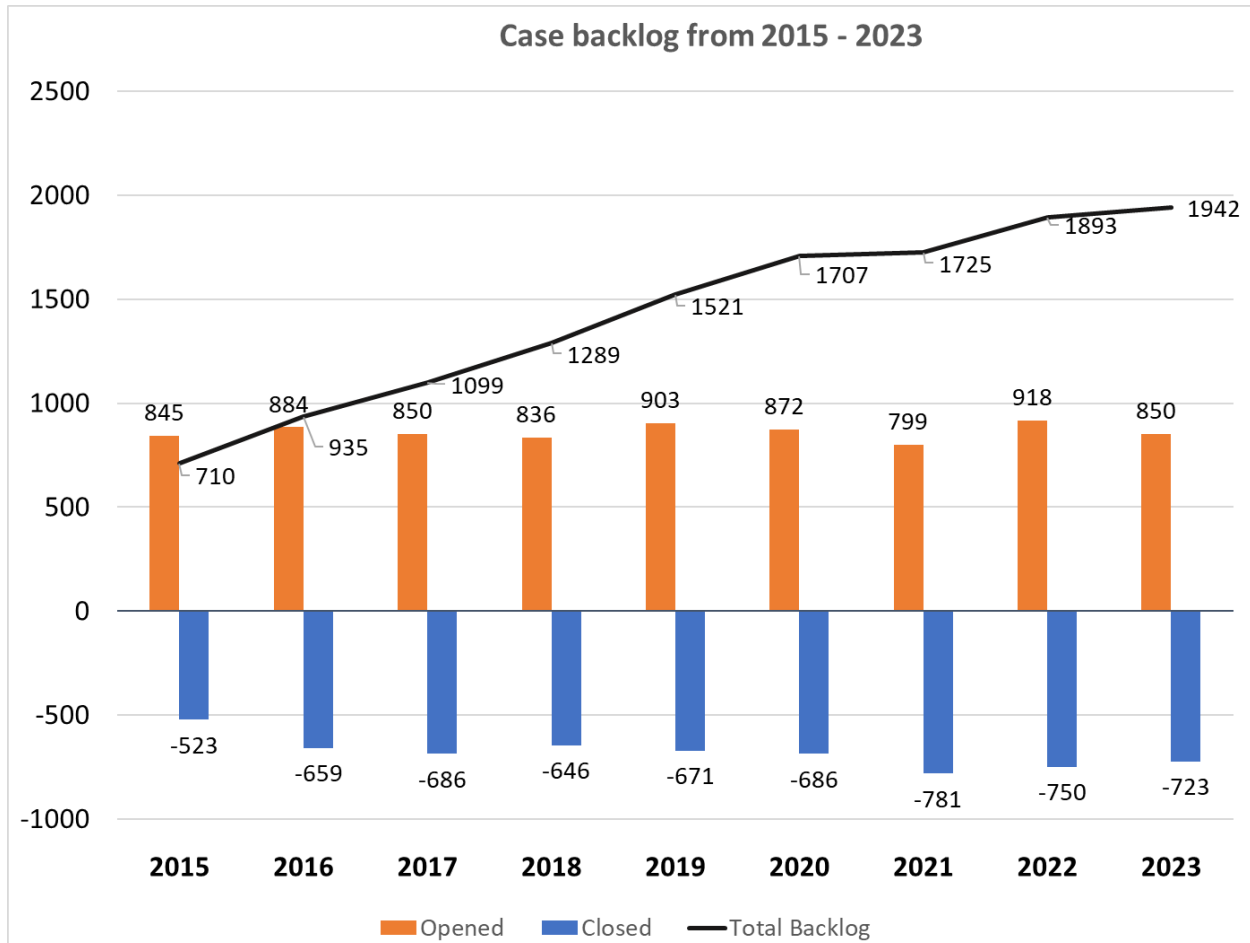


Figure 1 shows that case backlog grew consistently from 2015 (710 cases) to 2023 (1942 cases). This growth in backlog simply reflects that more new cases were opened each year than existing cases were closed. As the 2023 Audit notes, “The increasing backlog resulted in code enforcement officers spending more of their time resolving cases from past years, reducing the amount of time they can spend on cases from the current year. This cycle reduces their ability to resolve cases in a timely manner and could allow some dangerous or environmentally harmful code violations to persist.”¹²

There are a variety of potential factors that could be contributing to the growing case backlog since 2015, such as complexity of regulations and changing public attitudes towards complying with regulations. However, the number of new cases opened has remained within a fairly stable range during

¹¹ *Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources*, King County Auditor's Office, 2023 [\[LINK\]](#)

¹² *Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources*, King County Auditor's Office, 2023 [\[LINK\]](#)

that time (800-900 new cases opened each year, see Figure 1 above). The code enforcement processes have not grown more complex during this time. The increasing backlog is most likely due to a staffing level for Code Enforcement from 2015-2023 that has not been sufficient to resolve existing cases at the rate that new cases are opened. As the 2023 Audit concluded, the “County’s anticipated general fund shortfall means it is unlikely Code Enforcement will receive additional resources to confront its rising backlog of cases, increasing the necessity of implementing our recommendations.”¹³

Factors outside of Code Enforcement’s control affect case resolution time

There is a minimum amount of time that needs to go into each complaint that is filed that cannot be reduced below at least a few hours. Code Enforcement Officers (CEOs) need to investigate the complaint to verify the existence of the reported code violation. Where a complaint is verified, the CEO then continues to investigate and gather enough evidence to build a case solid enough to support further enforcement action (e.g., letter, Notice and Order, etc.).¹⁴ The code violators are often reluctant to cooperate, so more time is needed to communicate, educate, and persuade the responsible party to voluntarily comply with code requirements. If a code violator chooses to appeal a code enforcement action, the appeal process adds time and cost to the resolution process. These fundamental elements of code enforcement seriously constrain the ability of CEOs to reduce the length of time between initial complaint and resolution. Acknowledging this, the 2023 Audit noted:

“Each case is different and the time to resolution can vary significantly. From 2015 to 2022, Code Enforcement took an average of seven months to bring a case to resolution. Of the cases opened during that time, Code Enforcement closed 50 percent within 46 days and 83 percent within a year. CEOs may have some ability to reduce case durations by closely tracking the timeframes during which property owners can take action and by ensuring that property owners understand how to resolve violations. However, there are other factors affecting timelines that are outside of Code Enforcement’s control. For example, cases issued a legal Notice and Order for compliance take the longest to resolve, taking just over two years on average, partly due to appeals to the King County Hearing Examiner. Code Enforcement cannot change the appeals timelines. Other factors outside of Code Enforcement’s control that affect case duration include the property owner’s willingness to cooperate, property owner’s access to resources to resolve the violation, and Permitting timeframes for ABC cases (e.g., permit application reviews, property inspections, and issuance of required permits).”¹⁵

Report Methodology: Multiple sources of information were used to respond to the requirements of the Proviso and develop recommendations for updating the County's code, including conversations with subject matter experts within the County, code enforcement professionals in other jurisdictions, and members of the public and unincorporated King County community groups. The following contributors and data sources informed the report.

¹³ *Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources*, King County Auditor's Office, 2023 [[LINK](#)], p. 1

¹⁴ A Notice and Order is the legal document, required by KCC 23.24, that the County uses to communicate to the person responsible for code compliance the County’s determination that a civil code violation has been committed on the subject property.

¹⁵ *Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources*, King County Auditor's Office, 2023 [[LINK](#)]

Contributors:

- Code Enforcement Section, DLS Permitting Division (Code Enforcement): provided detailed feedback and historical context for County code enforcement procedures and previous efforts at process improvement.
- King County Auditor’s Office (Basil Hariri, Luc Poon, and Ben Thompson, 2023 Audit team members): developed the 2023 Code Enforcement Audit and discussed specific recommendations made in the report.
- Product Line Managers, DLS Permitting Division: provided historical perspective on code requirements and the permit process, as well as practical challenges with permitting in ABC cases.¹⁶
- King County Prosecuting Attorney’s Office, Civil Division: provided in-depth explanation of legal requirements for code enforcement processes and reviewed proposed amendments for practicality and legal sufficiency.
- King County Office of the Hearing Examiner: explained details of the appeals process, scope of Hearing Examiner’s jurisdiction, and ways KCC 20.22 could be amended.
- Washington Association of Code Enforcement (WACE): provided contacts for code enforcement in other jurisdictions to compare enforcement processes.

Data Sources:

- DLS Permitting Division Accela database and reports.
- 2015 DPER Report responding to Ordinance 17941 (a budget proviso)¹⁷
- 2023 Code Enforcement Audit, King County Auditor’s Office¹⁸

King County Code-Civil Enforcement Procedures:

- KCC Title 23 Code Compliance¹⁹
- KCC Chapter 20.22 Hearing Examiner²⁰

Information from these sources led to the development of the code enforcement strategies recommended in this report. These strategies were reviewed alongside existing standards providing Code Enforcement and Hearing Examiner authority to ensure internal consistency of standards and processes. For example, a code concept that might appear to help expedite case resolution time might also inadvertently run afoul of appeal rights. Therefore, legal analysis was essential for developing report recommendations.

IV. Report Requirements

This report is organized to follow the structure of the Proviso. This report includes the following:

¹⁶ Product Line Managers lead the work of the various sections (Product Lines) of the Permitting Division, including Residential, Commercial and Code Enforcement.

¹⁷ 2015-RPT0150 [[LINK](#)]

¹⁸ *Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources*, King County Auditor's Office, 2023 [[LINK](#)]

¹⁹ KCC Title 23 [[LINK](#)]

²⁰ KCC Chapter 20.22 [[LINK](#)]

1. A description of the County's existing code enforcement process, as outlined in KCC Title 23 and administrative procedures, and a description of the ways the code enforcement process has changed from what is described in 2015-RPT0150

The County's existing code enforcement process is set forth in KCC Title 23 and related administrative procedures. Title 23 lays out required administrative procedural steps in detail. The process is described below and summarized in the flowchart (Figure 2) that follows:

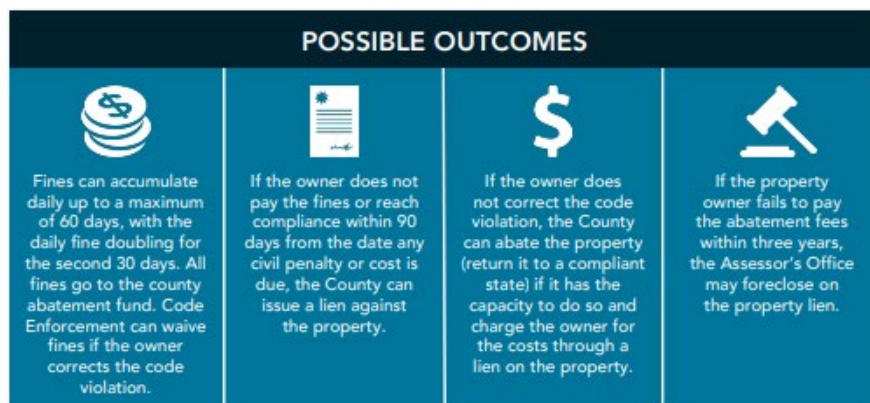
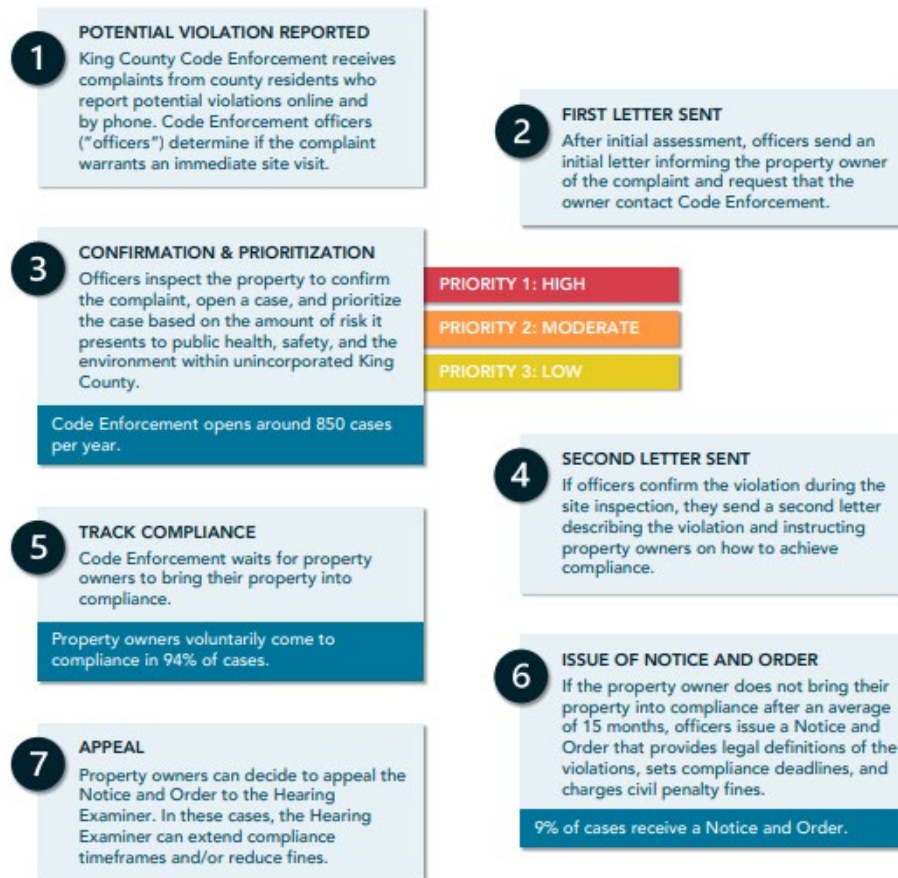
1. The code enforcement process is triggered when a code violation has occurred or is reported, determined by either "field observations or reliable complaints."²¹
2. CEOs issue an initial violation letter ("Vio 1 letter") informing the person responsible for the alleged violation that a violation has been reported.²²
3. CEOs conduct research and investigation to verify whether the reported property conditions exist and violate specific section(s) of the King County Code.²³
4. If research and investigation confirm that a violation has indeed occurred, Code Enforcement staff send a violation letter ("Vio 2 letter") informing the person responsible for the violation that a violation has been confirmed and describing the steps that must be taken to correct it.
5. Code Enforcement staff seek resolution. Possible outcomes may include:
 - a. Violator voluntarily complies by completing corrective actions before the initial or extended code compliance deadline.
 - b. Department issues citations imposing civil penalties for failure to comply with code requirement.
 - c. Department issues Notice and Order with civil penalties.
 - d. Department enters into a voluntary compliance (or settlement) agreement with violator.
 - e. Department orders abatement.
 - f. Department allows violator to perform community service in lieu of civil penalties (very rare).
 - g. Department issues stop work order.
 - h. Department suspends or revokes previously issued permit, or.
 - i. No action is taken if violation is "de minimis."

²¹ KCC Title 23 [\[LINK\]](#)

²² KCC 23.02.070 [\[LINK\]](#)

²³ Ibid.

Figure 2: How Code Enforcement receives and processes complaints (2023)



Source: King County Auditor's Office

The current enforcement process is essentially the same process as the one described in the 2015 Report. The difference is the changes resulting from partial implementation of the seven

recommendations made in the 2015 Report. Table 1 lists those recommendations and provides the implementation status for each.

Table 1: Status of Proposed Recommended Improvements from 2015 Report

Proposal for Recommended Improvement	Status
(a) Expand the definition of de minimis code violations that may be dismissed without enforcement action.	This recommendation was partially implemented. The term “de minimis” is not defined in Title 23. By 2022, Code Enforcement staff had developed some criteria for determining whether a code violation is de minimis, but the criteria were not always easy to apply to varying property conditions.
(b) Defer enforcement action on cases without recent complaints.	This recommendation was partially implemented. Enforcement action was deferred on some older cases without recent (within one year) complaints.
(c) Abate violations prior to issuing Notice and Order.	This recommendation was not implemented. The 2015 Report identified cases that could “easily be abated by the County.” However, legal due process limits what the County can do by way of direct abatement action before a Notice and Order and appeal hearing. Only emergency abatements for serious and imminent life/health/safety hazards or significant environmental damage would be done before issuance of a Notice and Order. A fire-damaged house that was unsafe to occupy or a tall retaining wall built without permit that poses a hazard to the street or occupied structures below are examples where emergency abatement action might be taken without issuance of a Notice and Order.
(d) Streamline/consolidate the citation appeal process.	This recommendation was not implemented. The requirements for citations in Title 23 are currently the same as in 2015. Actual use of citations declined by 2022 (Note: this was before enforcement of the fireworks ban went into effect in 2023).
(e) Assign a single point-of-contact to facilitate permitting of illegal construction work.	This recommendation was partially implemented. Initially a Permit Review Coordinator (PRC) was assigned to manage the permit scheduling and communications with the applicant for ABC cases where work had been done without required permits. Then a project manager with extensive environmental planning

Proposal for Recommended Improvement	Status
	experience was assigned to manage the growing backlog of ABC cases. In 2023, budget reductions led to the loss of that dedicated Code Enforcement position. ABC cases are now monitored by CEOs with PRC assistance.
(f) Disclose potential civil penalties for illegal construction work with notice of violation.	This recommendation was implemented. Potential civil penalties are included on Notices and Orders for all types of code violations, not just work without required permits.
(g) Increase civil penalties for home occupation and commercially-zoned property violations.	This recommendation was not implemented. However, amendments to the KCC to effectuate these changes are included in the proposed code amendments accompanying this report.

Four of the seven recommendations were at least partially implemented by 2022 and are the primary changes to how the code enforcement process described in the 2015 Report changed.

2. An evaluation of any changes made to the code enforcement process from what is described in 2015-RPT0150, including whether the timeframe between initial complaint through resolution has been shortened

The first recommended change from the 2015 Report that was implemented is an expansion of the types of cases that could be dismissed as de minimis with no further enforcement action taken. Although the term “de minimis” was not defined in the code, Code Enforcement staff developed a more detailed list of the types of violations that could be considered de minimis, and following site inspection, closed cases that in the CEO’s judgment were de minimis.

The second recommended change from the 2015 Report that was partially implemented was deferral of enforcement action on older cases without recent complaints. While deferral of enforcement action might free up CEOs' time to work on new cases or higher-priority code violations, in-practice, deferral simply adds to the case backlog.

The third recommended change from the 2015 Report that was partially implemented was assigning a single point of contact for permitting of illegal construction work (ABC cases). However, Code Enforcement lost the project manager dedicated to that role due to budget reductions in 2023. CEOs are now monitoring the ABC cases, which can often take years to resolve, with the assistance of Permit Review Coordinators.

The fourth recommended change from the 2015 Report that was implemented was disclosure of civil penalties for illegal construction work on the Notice and Order. This change provided clarity on the fines associated with unpermitted construction work, but it is difficult to discern what impact this change may have had on time to resolution in ABC cases (e.g., through deterrent effect).

Despite implementation of four of the seven recommendations from the 2015 Report, the time between initial complaint and issuance of a Notice and Order (for cases where voluntary compliance was not obtained) increased between 2015 and 2023 (see Table 2 below).

Table 2: Average Time from Complaint to Case Resolution through Notice and Order

Year	Average Number of Days from Complaint to Notice and Order
2015	555
2016	602
2017	526
2018	579
2019	751
2020	618
2021	986
2022	621
<u>2023</u>	<u>965</u>
Average 2015-2023	689

Source: DLS Permitting Accela Database search

Another significant factor contributing to the length of time between initial complaint and resolution is that Code Enforcement has chosen to spend more resources on the most impactful code violation cases to protect human and environmental health and safety, while closing de minimis cases. More impactful cases take more time to resolve, because they are typically of a larger scope, scale and/or complexity. Pursuing these more impactful cases pushes the number of days needed to resolve cases higher than if all cases were to be accorded equal priority and time.

Moving forward, renewed effort at fuller implementation of the recommendations from the 2015 Report that are feasible, implementation during 2024 of recommendations from the 2023 Audit, and the procedural and enforcement strategies advanced in this report (see Section 3 below) should help reduce the time between complaint and resolution.

3. Recommendations for ways that the County's existing code enforcement process, including KCC Title 23, and other parts of the King County Code that address land use code enforcement and the County's administrative procedures could be revised to reduce the length of time between initial complaint and resolution

Limited code enforcement staff and resources justify a focus on enforcement action for the most impactful (high and medium priority) code violations and providing only code education for the less serious (low priority) violations, except where the director determines that enforcement action is merited.

The recommendations offered below support the Proviso's requirement to address reducing the length of time between initial complaint and resolution. "Initial complaint" is the date that a code violation complaint is received (as recorded in the Accela database). "Resolution," as it applies to code enforcement complaints, is not defined in the Proviso, the King County Code, or the 2023 Audit. For the purposes of this report, "resolution" of a complaint is defined to be the date at which either voluntary

compliance is reached, or a Notice and Order is issued due to failure of the responsible party to correct the code violation(s) by the deadline set by the CEO.

If voluntary compliance is reached, the case is closed. The period during which a reasonable opportunity for voluntary compliance is being provided is when the case is most within the control of the CEO, and therefore most amenable to process improvements to reduce the time required for investigation and obtaining voluntary compliance. Voluntary compliance is obtained in 94 percent of cases, and a Notice and Order is issued in 6 percent of cases.²⁴

When a Notice and Order is issued, civil penalties apply and the person responsible for the violation can appeal the Notice and Order to the Hearing Examiner (who then has jurisdiction over the case). If a Notice and Order is not appealed, the civil penalties are attached to the property through a lien and the case is added to the list of properties to be abated. It should be noted that the County's abatement fund is relatively small compared with the cost of abating the properties on the abatement list (currently about 500), and most of the properties on the list will not be abated by the County because the fund is not able to cover them.

Code enforcement strategies for reducing the length of time between initial complaint and resolution include: 1) prioritization; 2) alternative means/tools for compliance; 3) streamlining procedural requirements; 4) increasing civil penalties for nonresidential (commercial) entities; 5) changing how ABC permits are handled; and 6) potentially adding Code Enforcement staff.

1. Prioritization

Prioritization recognizes historic and ongoing limits of Code Enforcement resources relative to the range of regulations enforced and number of complaints received. Triage of both existing and new cases is necessary to focus available Code Enforcement resources on the higher priority code violations that present the risk of serious life, health, safety, and environmental impacts. To achieve recommended prioritization, guidelines for case priority in Title 23 need to redefine the code enforcement response levels for each of the existing categories of high, medium, and low risk used in KCC 23.02.050. See Appendix A for the current risk definitions and the proposed code language to change from high, medium, and low risk definitions to high, medium, and low priority definitions.

For low-risk code violations, which would include de minimis violations, the recommendation is to provide education and information about the reported violation(s) to the responsible party and take no further enforcement action. Redefining low-risk code violations would streamline the processing time for an estimated 20 percent of new complaints. It would also enable closure of multiple backlogged cases. Streamlining new complaints and reducing the backlog of existing cases would free up time for CEOs to work on and resolve higher priority cases.

2. Alternative Means/Tools for Compliance

²⁴ *Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources*, by the King County Auditor's Office, 2023 [\[LINK\]](#)

Defining low-priority violations, referred to as low-risk violations in the existing code, to include outreach and education as the only required step before closing the case without further enforcement action is one alternative way to resolution.

Another alternative tool is increased use of Voluntary Compliance Agreements (VCAs) before issuance of Notices and Orders, as currently authorized under KCC 23.02.090. Use of VCAs before issuance of Notices and Orders ordinarily reduces the probability of appeal to the Hearing Examiner.

3. Streamline Procedural Requirements

Reducing the number of existing procedural hurdles to case resolution in Title 23 can also facilitate a reduction in the time between complaint and resolution by:

- In cases involving violations for work without permit (ABC cases), revising the Notice and Order to establish each of the actions required by the permit process as a separate corrective action with its own compliance date, and placing responsibility on the applicant for completion of each specific action of the permit approval process by the related date.²⁵ Failure to complete any individual required action in the Notice and Order in a timely manner then becomes the basis for a separate violation with a separate potential civil penalty. This new approach would provide incentive for the applicant to follow up in a timely manner with permit requirements and respond to communications from permit reviewers. The current way that Notices and Orders are implemented provides recalcitrant applicants the opportunity to not follow up in a timely manner and their permit applications to get canceled or their issued permits to expire, resulting in cases with significant environmental damage to drag on for years.
- Eliminating the requirement for the CEO to send complainants copies of enforcement documents by U.S. mail.
- Including e-mail as an allowed means of communication; eliminating required phone or in-person contact with a complainant during a field visit to the property in violation.
- Broadening specific authorization of evidentiary sources to include aerial photos and map overlays to reduce the amount of time needed to investigate a complaint.
- Clarifying that the timeframes for enforcement action start when the reported violation is verified through field inspection or other means. Some violations take longer to verify than others. The timeline for issuance of a Notice and Order should start when the violation is confirmed, to ensure consistent timeframes for providing the property owner a reasonable opportunity for voluntary compliance.
- Eliminating appeal by complainant (or “aggrieved person”) of a citation, stop-work order, or Notice and Order, or the County's determination not to issue a citation or order. This type of appeal, while rare, has historically not been used as intended, and has not promoted compliance with the code (in the experience of the Offices of the Hearing Examiner and the Prosecutor). Additionally, it typically has added a substantial amount of time to the resolution of a case.

4. Increase Civil Penalties for Nonresidential (Commercial) Entities

²⁵ Specific actions are those actions to obtain a permit including pre-application, application, obtaining of permit once issued, compliance with permit requirements and inspections, and obtaining final approval through inspection.

- Increasing civil penalties for nonresidential (i.e. commercial) entities responsible for code violations is intended to reduce the incentive to violate codes as a cost of doing business. This strategy is modeled on Snohomish County’s successful application of higher civil penalties for commercial entities, where increased penalties for commercial violations have helped provide a deterrence to regarding civil penalties for code violations as a cost of doing business. The proposed KCC amendments for civil penalties double the penalty for nonresidential violations.
- Adding definitions of "residential" and "nonresidential" code violations: "Residential" violations relate to use of property by the responsible party (usually the owner) or their family for residential purposes; "Nonresidential" violations cover everything else, including home occupations and home industries. "Residential" and "nonresidential" accord with usage in KCC 21A. This distinction follows the model of the Snohomish County Code which distinguishes between "noncommercial" and "commercial" code violations along similar lines.
- Increasing the limit for recoverable abatement costs in critical-area violations to \$50,000 for noncommercial (residential) violations, and double that, or \$100,000, for commercial critical-area violations. Under the current code, enforcement costs for abatement of environmental critical area code violations are capped at \$25,000, an amount set in 2008, which does not take increased costs into account.

5. Change How ABC Permits Are Handled

- Currently, applications for ABC permits are handled separately from regular permits that are applied for before work is done. ABC permits are monitored by Code Enforcement since an ABC permit application is a result of a code violation (work done without required permits). However, review of ABC permits is in all other respects the same as review of regular permits: the same codes, permit conditions, plan reviews, and field inspections apply.
- In any given year, 10-15 percent of the open active Code Enforcement cases are ABC cases that require setup and monitoring by CEOs. Although CEOs set up and monitor ABC permits, the permit fees support the work of the regular permit review staff on ABC permits, not the time of the CEOs. This diverts time and resources away from resolving cases and toward administrative monitoring work.
- Two alternative solutions to the workload burden that setup and monitoring of ABC permits creates for Code Enforcement staff are recommended: (1) Assign part of the double fee imposed for an ABC permit application and/or place a code enforcement surcharge on ABC permit fees to reflect the labor cost of the time CEOs spend setting up and monitoring the ABC permits; or (2) Reassign the setup and monitoring of ABC permits from Code Enforcement to regular permit review staff (e.g., Permit Review Coordinators). Assigning a portion of the permit fees or imposing a code enforcement surcharge could be done under the cost-recovery authority of KCC 23.24.090 and would provide a source of funding for ABC-dedicated Code Enforcement staff. Reassigning the setup and monitoring of ABC permits to regular permit review staff would remove the extra workload of ABC permits from CEOs. For both measures, the cost of monitoring ABC permits is a permit-related cost that should not have to be borne by the General Fund support for regular code enforcement activities.

6. Add additional Code Enforcement staff to handle administrative tasks and reduce the average caseload per CEO, freeing up CEO time for active investigation and moving cases to resolution.

Discussion of code enforcement strategies to this point has assumed that current budget constraints on the County’s General Fund will prevent increases in Code Enforcement staffing levels. The General Fund

faces severe constraints because of Washington State’s one percent annual revenue growth limit for property taxes. Additionally, much of the General Fund goes to services mandated by the State, such as courts, property assessments, public defense, and corrections. Consequently, discretionary funding that can be put toward non-mandatory services is increasingly limited.

Procedural changes and proposed amendments to King County Code should help reduce the time between complaint and resolution of a code violation; however, the primary driver of how long it takes to resolve a complaint is the number of Code Enforcement staff members relative to the number of active code violation cases. The current number of CEOs has remained the same (eight FTEs) for the past nine years, the same period during which the active case backlog increased from 710 cases (2015) to 1,942 cases (2023). Appendix B contains a range of potential staffing scenarios and their effect on case resolution.

4. Recommendations for provisions of the County's development regulations, including but not limited to, KCC Titles 6, 9, 13, 14, 16, 17, 19A, 20, 21A, 27 and 27A, that could be amended complaint in order to simplify the land use code enforcement process, including to reduce the length of time between initial and resolution

This section describes how the code enforcement strategies discussed in Section 3 are recommended to be effectuated in specific amendments to the KCC. Consistent with the Proviso requirements, KCC Titles 6, 9, 13, 14, 16, 17, 19A, 20, 21A, 23, 27 and 27A were reviewed. Recommended code changes align with King County Auditor recommendations, help reduce the length of time between code enforcement complaint and resolution, and clarify existing code language around the land use code enforcement process. Each proposed code change is annotated with an explanation of which of the five code enforcement strategies listed in Section 3 are advanced by the change.

Title 9

Title 9 regulates surface water, stormwater, and groundwater management. Standards in this title include those relating to stormwater drainage design requirements and preventing pollution from entering surface water, stormwater, and groundwater.

Code Revision Recommendation: KCC 9.12.080.B.3: Authorizes use of citations by the Department of Natural Resources and Parks (DNRP) Storm and Surface Water inspectors for violations of water quality regulations. DNRP staff indicated a desire for citation authority; citations (especially single-incident citations) are less labor-intensive and time-consuming than Notices and Orders, both to issue and on appeal. (*Alternative Means/Tools*)

Title 17

Title 17 establishes County Fire code standards, adopting local amendments to the international fire code. Standards relate to fire safety requirements related to buildings and associated infrastructure, as well as standards around the use of fireworks.

Code Revision Recommendation: KCC 17.11.060: Increase penalties for nonresidential (commercial) violators. The penalty (citation) for residential violations of the fireworks ban is proposed to remain at \$250 but is proposed to be doubled to \$500 for nonresidential (i.e., commercial) violators. The intended

deterrence should help reduce the number of fireworks violations. *(Increase Civil Penalties for Commercial Violations)*

Title 20

Title 20 includes procedural requirements for Comprehensive Plan updates, KCC updates, hearing examiner rules, and local SEPA processes.

Code Revision Recommendation: In KCC 20.22.040, eliminate appeals by “aggrieved parties” of department decisions on stop work orders, Notices and Orders, and whether to take enforcement action on a specific case. This recommendation would reduce the potential for this type of appeal to extend the length of time before a case can be resolved. *(Simplification of procedures)*

Title 23

Title 23 is the County's code compliance title, which provides the code enforcement purpose, procedural standards, substantive standards, and enforcement mechanism procedures used by the County, including for appeals, law enforcement involvement, and the imposition of liens.

Code Revision Recommendations:

- KCC 23.02.010: Add definitions for residential and non-residential entities (i.e., commercial) penalties. The intended deterrent effect will hopefully result in fewer violations and more cooperation from commercial violators when the incentive to regard code violations as a cost of doing business is reduced. *(Increase Civil Penalties for Nonresidential Violations)*
- KCC 23.02.040.A.8: Eliminate “de minimis” definition since de minimis violations will be included in the proposed low-priority code violations defined in KCC 23.02.050. *(Prioritization)*
- KCC 23.02.050: Revise guidelines for departmental responses to complaints for categories of code violations defined as high-, medium-, or low-priority code violations to authorize specific disposition of code violation reports based on the priority of the risk associated with the code violation. For low-priority code violations, propose education/information without further code enforcement action, except at the discretion of the director. *(Prioritization, Alternative Means/Tools for Compliance)*
- KCC 23.02.060: Allow required contact with responsible party through e-mail (in addition to phone, posting on premises, or U.S. mail) before field verification; eliminate requirement that complainant be contacted by phone or in-person during the field visit. *(Simplification of Procedures)*
- KCC 23.02.070 A. Broaden the evidentiary sources specifically authorized for investigations to include map databases and aerial photographs, and require a case to be closed if reasonable attempts at investigation are not able to verify the reported code violation within 180 days of the complaint; B. Clarify follow-up for written warnings of code violations; E. Clarify citation authority; H. Clarify time frames for stop-work orders, citations, and Notices and Orders; and I. Eliminate requirement to mail copies of all case documents to complainant with referral to the regular public records request procedure through the public information officer. *(Simplification of Procedural Requirements; Prioritization)*
- KCC 23.20.010: Issue citation within 60 days of verification of code violation (not date of complaint). *(Simplification of Procedural Requirements)*
- KCC 23.20.020.E: Clarify that response to citation must be within 17 days of the date of service of the citation. *(Simplification of Procedural Requirements)*

- KCC 23.32.010: Assess civil penalties based on whether the violation is nonresidential (i.e., commercial) or residential, with penalties for nonresidential violations double the amount of residential penalties. This recommendation is intended to deter the incentive to regard code violation penalties as a cost of doing business, resulting in fewer cases and more cooperative business owners when cases are brought. (*Increase Civil Penalties for Commercial Violations*)
- KCC 23.32.040: Increase the cap for recoverable costs incurred by the County to enforce the critical areas ordinance from \$25,000 (set in 2008) to \$50,000 for nonresidential violators and from \$25,000 to \$100,000 for commercial violators. Note: this item is a recoverable abatement cost, not a civil penalty. (*Increasing Civil Penalties for Commercial Violations*)
- KCC 23.36.010.B: Eliminate the opportunity for complainants (or other “aggrieved parties”) to file an appeal with the Hearing Examiner of a citation, Notice and Order, stop work order or the County’s determination not to issue a citation or order. In addition to adding an appeal beyond the responsible party’s right to appeal, the Hearing Examiner and the Prosecutor’s Office both agree that this type of appeal, while rare, has been used as a tool for the aggrieved party to harass the person responsible for the violation.

No code amendments are recommended for Titles 13, 14, 16, 19A, 21A, 27, and 27A at this time because these titles either: 1) did not contain standards within Code Enforcement's purview (e.g., because they address planning or development within the public right of way) or 2) did not contain procedures that, if modified, were likely to reduce the time between complaint and resolution. These titles also contain development standards, and while it would be theoretically possible to reduce the length of time between complaint and resolution by lowering or eliminating standards (e.g., eliminating building setback or height requirements), amending standards would have far greater impacts on the environment, communities, safety, and health and were thus not considered feasible for reducing resolution time.

V. Conclusions

The recommended changes in code enforcement strategy, together with recommendations from the 2023 Audit, will contribute to reducing case backlog and decreasing the time between complaint and resolution. Reducing caseload will provide Code Enforcement staff with more time to provide education on King County Code and to provide flexible enforcement response appropriate to cultural, linguistic, and economic differences in the diverse neighborhoods of unincorporated King County.

The review and recommended changes to the King County Code contained in this report support the County’s values, in particular customer service, stewardship, and problem solving. This report emphasizes the County’s intention to maintain excellent customer service in the face of resource and staffing constraints, protect the safety of County residents, support environmental stewardship, and continuously improve the code enforcement process.

Prioritizing code enforcement cases allows staff to focus on high-risk cases involving environmental damage, including clearing and grading damage to forests and wetlands, important resources in addressing climate change. Prioritization will also allow more prompt attention to be given to higher priority cases affecting public health and safety. Code enforcement supports community standards and the quality of life for residents and businesses in unincorporated King County, supporting the County’s True North of being a welcoming community where every person can thrive.

VI. Appendix A: Code Violation Priorities

Existing code²⁶

- A. **High risk investigations** needing an urgent response including cases in which:
 - 1. There is an imminent likelihood of or actual bodily harm, damage to public resources or facilities, damage to real or personal property, public health exposure, or environmental damage or contamination; or
 - 2. The sites or persons responsible for code compliance have a history of prior high or moderate risk violations.
- B. **Moderate risk investigations needing a prompt response** including cases in which:
 - a. there is risk of bodily harm, damage to public resources or facilities, damage to real or personal property, or environmental damage or contamination;
 - b. the subject sites or persons responsible for code compliance have a history of prior low risk violations;
 - c. there are ongoing moderate or low risk violations; or
 - d. more than five wrecked, dismantled, or inoperative vehicles are found.
- C. **Low risk investigations needing response as time permits** including cases in which:
 - a. the violation is non-emergent, does not fit within the high risk or moderate risk categories and has only minor public impacts; or
 - b. the violation is an isolated incident.

Proposed code (code as amended):

- B. **High priority complaints include those needing an urgent response** such as cases in which:
 - 1. There may be a significant likelihood of bodily harm, damage to public resources or facilities, damage to real or personal property, public health exposure, or serious environmental damage or contamination; or
 - 2. The sites or persons responsible for code compliance have a history of prior high priority complaints.
- C. **Moderate priority complaints needing a response as resources permit** include cases in which:
 - 1. There may be a possibility of bodily harm, damage to public resources or facilities, damage to real or personal property, or environmental damage or contamination;
 - 2. The subject sites or persons responsible for code compliance have a history of prior moderate priority complaints;
 - 3. There are ongoing moderate priority complaints; or
 - 4. More than five wrecked, dismantled, or inoperative vehicles are found.
- D. **Low priority complaints include cases in which the alleged violation does not fit within the high priority or moderate priority categories and has limited off-site impacts.** When low priority complaints are received, the person responsible for code compliance will be provided with information regarding applicable code requirements and corrective actions, but no further enforcement action will be taken except at the discretion of the director.

²⁶ KCC 23.02.050 [[LINK](#)]

Comparison of Current and Proposed Code Violation Priorities

(Note: The types of code violations described in this table reflect internal implementation of the broader definitions set forth in KCC 23.02.050 for each priority level.)

<u>Priority Level</u>	<u>Current Code</u>	<u>Proposed Code Amendment</u>
<p>High (urgent response required)</p>	<p><u>Building/construction violations</u>: Obvious, immediate life safety hazards; poor construction or hazardous construction; renter occupied unpermitted habitable space. <u>Clearing and/or grading violations</u>: Over 10,000 square feet of new clearing; over 7,000 square feet of new impervious surface. <u>Critical area violations</u>: State Environmental Policy Act (SEPA) review triggered; over 5,000 square feet of new clearing in critical area buffers. <u>Solid waste/inoperable vehicle violations</u>: More than two pick-up truck loads of solid waste; five inoperable vehicles on properties over two acres; four inoperable vehicles on properties less than two acres. <u>Substandard dwelling violations</u>: Life Safety hazards; rental of unpermitted structures; RV habitation rentals; habitation of RV with environmental concerns (in critical area buffers; dumping of sewage & gray water, etc.). <u>Zoning violations</u>: Commercial Business with high impacts; unpermitted construction with public or employee access; unpermitted RV parks; expanding commercial violations; animal complaints with manure in critical area. <u>Multiple high or medium risk violations</u> (repeat offender).</p>	<p>Same types of violations as current code, except that the history for a repeat violator is of previous high priority violations (not medium priority).</p>
<p>Medium/Moderate (respond as resources permit)</p>	<p><u>Building/construction violations</u>: Construction of habitable space; accessory structure with other issues (in setbacks, in critical area buffer, not allowed in zone, etc.); change of use or new habitable space without life safety issues. <u>Clearing and/or grading violations</u>: Between 7,000 to 10,000 square feet of new clearing; 5,000 to 7,000 square feet of new impervious (new impervious not over allowable lot coverage and no impact to adjacent properties).</p>	<p>Same types of violations as current code, except that the history for a repeat violator is of previous medium priority violations (not low priority).</p>

<u>Priority Level</u>	<u>Current Code</u>	<u>Proposed Code Amendment</u>
	<p><u>Critical area violations:</u> New clearing of between 2,000 to 5,000 square feet in critical area buffers.</p> <p><u>Solid waste/inoperable vehicle violations:</u> Two pick-up truck loads of solid waste; five or more inoperable vehicles on properties over two acres; three to four inoperable vehicles on properties less than two acres.</p> <p><u>Substandard dwelling violations:</u> No life safety issues; tenant occupied (no imminent likelihood of bodily harm); habitation of two RVs with no environmental concerns.</p> <p><u>Zoning violations:</u> Animal complaints (manure not in CA); Commercial Kennels; Commercial/Home Occupation Business with moderate impacts.</p> <p>History of multiple low priority violations</p>	
<p>Low (respond as time permits under current KCC; with proposed amendment, only outreach and code education are provided, and no further code enforcement action is taken)</p>	<p><u>Building/construction violations:</u> Accessory structures with no other issues (site visit is required if not able to make determination via aerials).</p> <p><u>Clearing and/or grading violations:</u> New clearing of 7,000 square feet or less and/or 2,000-5,000 square feet or less of new impervious surfaces.</p> <p><u>Critical area violations:</u> New clearing of 2,000 square feet or less in critical area buffers.</p> <p><u>Solid waste/Inoperable vehicle violations:</u> One pick-up truck load or less of solid waste; On to three inoperable vehicles on properties over two acres or one to two inoperable vehicles on properties less than two acres.</p> <p><u>Substandard dwelling violations:</u> Mold complaints; habitation of one RV with no environmental concerns.</p> <p><u>Zoning violations:</u> Commercial/Home Occupation business with low impacts; noise; signs; small animal complaints (not commercial kennel); chickens.</p> <p><u>Expired permit:</u> The violation is non-emergent, does not fit within the high risk or moderate risk categories. The violation has only minor public impacts and the violation is an isolated incident.</p>	<p>Same types of violations, but only outreach and education about relevant code requirements is provided, with no further code enforcement action except at the discretion of the director.</p>

VII. Appendix B: Staffing Options

To provide perspective on how staffing levels can impact active case backlog, the following range of potential options for Code Enforcement staffing are presented with probable impacts.

Option 1: Maintain current Code Enforcement staffing level (six CEOs, one Abatement Manager, one Code Enforcement Manager)

- No increase in cost over current budget.
- Without proposed code amendments and procedural changes, active case load will most likely continue to increase over time, affecting how long it takes to move from complaint to resolution.
- With proposed code amendments, particularly prioritization, active case backlog should stabilize initially, with active implementation of prioritization reducing case backlog by an estimated 20 percent over the next three to five years (i.e., from 1,942 cases to approximately 1,500-1,600).
- Reducing case backlog through prioritization should help reduce the time from complaint to resolution, but the degree of reduction is difficult to predict.

Option 2: One additional CEO I

- Estimated \$150,000 annual cost increase over current budget (salary, benefits, and allocation of fixed overhead).
- Handles administrative support duties (complaint intake, data entry, mailing) that were distributed across all CEOs when administrative support for Code Enforcement was eliminated several years ago (which reduced available CEO time for active case investigation and resolution by 15%).
- Handles response for low-priority code violation complaints, including mailing informational flyer to property owner.
- Reduced time spent on administrative duties and low-priority cases allows the CEOs time to focus on investigation and resolution of high- and medium-priority cases.
- Should reduce time to resolution on cases that do not go to a hearing (i.e., 94% of cases). Allows for improved customer service and response times to calls for service. Also allows for increased accuracy of data entry (and reports).
- Would not remove the need for expanded prioritization.

Option 3: Nine additional CEO II's and one additional CEO I

- Estimated \$1,650,000 annual cost increase over current budget (salary, benefits, and allocation of fixed overhead).
- Reduces average caseload from the current 324 active cases per CEO to 125 active cases per CEO. Based on discussions with code enforcement professionals around Washington State, 125 cases per CEO is in the middle of an optimal range of 100-150 cases per CEO ranging from simple to complex that would allow most new violations to be either resolved or referred for a hearing within six months. A reduced caseload also allows a CEO to address the backlog of older cases more efficiently.
- Additional FTE's provide added resources needed to address the abatement backlog of 500+ cases. This is the segment of the backlog with the oldest cases that are more challenging and

difficult to resolve. It would also improve ability to collect on civil penalties that are due, which is how the County's abatement account is funded.

- This increased level of staffing would allow the current level of prioritization authorized in KCC 23.02.050 to be maintained (the proposed code amendments expanding prioritization would not need to be adopted). Other code changes in the proposed amendments would still be made.
- This increased level of staffing would improve response time to serious code violations causing irreparable harm to life, property, or the environment (e.g., critical areas).
- By removing the need to provide only education on low-priority violations, increased staffing would allow meaningful code enforcement action to be taken when appropriate on all priority levels of code violation, and to provide excellent customer service to all residents and geographic areas of unincorporated King County.
- Since 2012, Code Enforcement staffing has been authorized at eight FTEs. The active case backlog grew by 273% from 2014-2023. Adding 10 CEOs (nine CEO IIs and one CEO I) would be a meaningful increase to address the growing case backlog and concomitantly reduce the time from complaint to code resolution.