



King County



## KING COUNTY AUDITOR'S OFFICE

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# Growing Case Backlog Requires Re-prioritization of Code Enforcement Resources

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### EXECUTIVE SUMMARY

The Code Enforcement Section (Code Enforcement) of the Department of Local Services has not taken the steps necessary to prioritize cases that pose significant safety and environmental risks to King County. As a result, its case backlog continues to grow. Although Code Enforcement has new plans to improve its efficiency, gaps in communication, lack of reliable data, and outstanding revisions to King County Code hinder performance. We make recommendations focused on prioritization, streamlining enforcement processes, data and management, communication with property owners, and collaboration across agencies that will improve Code Enforcement's efficiency and effectiveness. King 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.

## Acknowledgment

**The Code Enforcement Section (Code Enforcement) of the Department of Local Services performs demanding and important work for King County.** The section works on time consuming, logistically challenging, and complex cases that can be delayed or obstructed for reasons outside of the section's control, such as long permit approval and environmental review timelines. Code Enforcement adapted to the pandemic to continue its work safely, despite the in-person nature of its program. As the agency adjusts to staffing shortages, Code Enforcement staff face heavy caseloads, but still made time to answer our questions, provide us access to their data systems, policies, and records. We recognize that Code Enforcement faces substantial ongoing case work and has limited resources with which to implement the recommendations in this audit. To reduce the burden of implementing these recommendations, we suggest that Code Enforcement group them into several batches with progressive timelines for completion.

**Code Enforcement is making positive progress under challenging circumstances.** For example, Code Enforcement hired a new manager in late 2022 to lead efforts to update King County Code Title 23 to better reflect the needs of county residents. That manager has indicated plans to improve case prioritization and make better use of available case data. Many of the issues we identify in this audit relate to larger systems and budgetary constraints across King County that are outside of the control of any one agency and will require the collective action of a variety of stakeholders to fully address.

## REPORT HIGHLIGHTS

### What We Found

The Code Enforcement Section (Code Enforcement) of the Department of Local Services has not developed policies that focus its limited resources on violations that pose the greatest risk to the safety of King County residents and the preservation of the environment. As a result, the case backlog continues to grow while some high-priority cases remain unresolved. Code Enforcement managers recently developed a plan to reduce workload by simplifying prioritization criteria and taking an education-only approach for the lowest risk cases. They began implementing the plan in mid-2023. We found additional opportunities for Code Enforcement to collaborate with county ecologists to further refine prioritization criteria to support the County's environmental goals.

Unclear letters to property owners and missing or limited code information on county web pages led to questions and concerns from both complainants and property owners that further strain Code Enforcement's capacity. In addition, current data systems and practices do not facilitate case or program management.

Of the 15 recommendations provided in prior Code Enforcement evaluations, the section made progress on implementing about half but did not see significant gains in efficiency or effectiveness. This was, in part, because managers did not act boldly enough to streamline processes and reduce workload and partly because the COVID-19 pandemic reduced the number of staff able to process violations that require a permit to remediate.

### What We Recommend

We make recommendations to improve Code Enforcement's efficiency and effectiveness, including prioritizing its work, simplifying communications, improving data quality while reducing the burden of data entry, and updating county code to clarify unclear and inconsistent land use regulations.

Graphic source: King County Auditor's Office analysis of Code Enforcement data

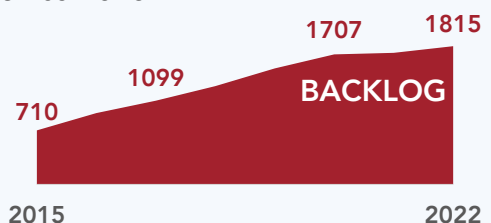
### Why This Audit Is Important

Code Enforcement plays a vital role in keeping King County residents safe and the environment healthy, but the agency is struggling with a growing case backlog. Almost a third of cases opened between 2015 and 2022 are high risk, meaning there is high likelihood that code violations are threatening public safety or causing environmental damage.

The current general fund shortfall means that Code Enforcement is unlikely to receive any additional staff or resources, meaning the agency will have to handle its expanding backlog with existing (and potentially diminishing) resources.

Three evaluations conducted between 2015 and 2019 made recommendations for process improvements. The County Council required a report from Code Enforcement on recommendation status and proposing code changes by fall 2024. Managers told us that they are hoping this audit provides guidance to inform their response.

**Code Enforcement's case backlog has been growing consistently since 2015.**



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## Section 1: Code Enforcement Q&A

### SECTION SUMMARY

**The Code Enforcement Section (Code Enforcement) of the Department of Local Services is responsible for investigating complaints from the public regarding violations of King County building and land use codes. Despite several past efforts to improve Code Enforcement's efficiency, its case backlog continues to grow.** Code Enforcement recently began prioritizing cases in accordance with King County Code (KCC) Title 23 but still struggles to handle the approximately 1,200 incoming complaints it receives each year. It has resolved 79 percent of cases opened between 2015 and 2022. Code Enforcement's inability to keep up with the number of complaints reduces its capacity to resolve new cases in a timely manner. Code violations persist, allowing threats to public safety and the environment to continue.

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#### **?** What does Code Enforcement do?





**Code Enforcement investigates complaints from the public regarding violations of Title 23 relating to zoning, building, property maintenance, shorelines, and critical areas in unincorporated King County.** Code Enforcement's mission is to protect people and the environment by ensuring safe and responsible development through compliance with county building and land use codes.

#### **?** How does Code Enforcement receive and process complaints?

**Code Enforcement receives complaints about potential code violations from King County residents, over the phone, online, and in-person.** Officers determine if an immediate site inspection is needed based on the risk to health, safety, and the environment and inspect immediately if necessary. They then prioritize the complaints based on that risk and send a letter informing the property owner of the complaint and next steps. Officers then inspect the property, if they did not already, and, if they confirm the violation, begin the enforcement process outlined in exhibit A.

**EXHIBIT A: How Code Enforcement receives and processes complaints.**



POSSIBLE OUTCOMES			
 <p>Fines can accumulate daily up to a maximum of 60 days, with the daily fine doubling for the second 30 days. All fines go to the county abatement fund. Code Enforcement can waive fines if the owner corrects the code violation.</p>	 <p>If the owner does not pay the fines or reach compliance within 90 days from the date any civil penalty or cost is due, the County can issue a lien against the property.</p>	 <p>If the owner does not correct the code violation, the County can abate the property (return it to a compliant state) if it has the capacity to do so and charge the owner for the costs through a lien on the property.</p>	 <p>If the property owner fails to pay the abatement fees within three years, the Assessor's Office may foreclose on the property lien.</p>

Source: King County Auditor's Office



**? How does Code Enforcement prioritize cases?**

**Code Enforcement prioritizes cases in accordance with Title 23.** Once a code enforcement officer has confirmed a violation on a property, they assign a priority to the case based on the cumulative potential effect of the violation(s). Code Enforcement management has indicated its intent to clarify prioritization criteria—including training for staff to standardize how they set case priority—but has not yet implemented those changes. We discuss this further in section 2. The current prioritization structure and example cases are outlined in exhibit B.

**EXHIBIT B: Current enforcement prioritization criteria and examples.**

CASE PRIORITY	KING COUNTY CODE LANGUAGE	CASE EXAMPLE
<b>PRIORITY 1</b>	<p>High-risk investigations that need an urgent response, including cases in which:</p> <ol style="list-style-type: none"> <li>1. There is imminent likelihood or actual bodily harm, damage to public resources or facilities, damage to real or personal property, public health exposure, or environmental damage or contamination</li> <li>2. The sites or persons responsible for code compliance have a history of prior high- or moderate-risk violations.</li> </ol>	<p>A property owner cleared trees on a critical area slope and created a landslide hazard area within the buffers of Puget Sound. The slope is covered with downed trees and debris. They did not apply for or receive the required approvals, permits, and inspections.</p>
<b>PRIORITY 2</b>	<p>Moderate-risk investigations that need a prompt response, including cases in which:</p> <ol style="list-style-type: none"> <li>1. There is risk of bodily harm, damage to public resources or facilities, damage to real or personal property, or environmental damage or contamination</li> <li>2. The subject sites or persons responsible for code compliance have a history of prior low-risk violations</li> </ol>	<p>A property owner converted a former detached garage/shop into residential units and is advertising their property as a wedding venue with four Airbnb units for rent. The owner advertises the property as a destination to view a row of trees with bright fall color. This causes extreme traffic issues with people trying to park and walk down the road. The property owner did not</p>

	<ol style="list-style-type: none"> <li>3. There are ongoing moderate- or low-risk violations</li> <li>4. More than five wrecked, dismantled, or inoperative vehicles are found.</li> </ol>	<p>apply for or receive the required approvals, permits, and inspections.</p>
<p><b>PRIORITY 3</b></p>	<p>Low-risk investigations that need a response as time permits, including cases in which:</p> <ol style="list-style-type: none"> <li>1. The violation is non-emergent, does not fit within the high or moderate-risk categories, and has only minor public impacts</li> <li>2. The violation is an isolated incident.</li> </ol>	<p>Property has junk/trash debris (mattresses, tires, etc.) on site.</p>

Source: [King County Code 23.02.050](#) and King County Auditor's Office analysis of Code Enforcement data

### **?** Do all code enforcement cases require permits to resolve?

**No, not all code enforcement cases require permits to resolve.** In cases where code prohibits a property owner's action, the only path to compliance is to remove or remediate the violation. For example, county code prohibits property owners from operating large commercial businesses in areas zoned for residential use. If a property owner's case involved a construction facility operating in a residential zone, there would be no permits available to make that violation legal. The only path to becoming code compliant and resolving the case is for the property owner to stop the facility's operations or move them to an appropriately zoned location.

**Cases that require a permit to resolve are called Already Built Construction (ABC) violations.** In some cases, a property owner may have started work on a project that requires a permit, without first acquiring the permits needed to ensure adequate protection of health, safety, and the environment. Property owners can resolve these violations by restoring the property to its original condition or by obtaining the permits they should have had before starting the work.

For example, if a property owner adds a deck to their home without getting the required permits, the deck would be an ABC violation. To resolve the case, the property owner could either remove the deck or work with Code Enforcement and the Permitting Division (Permitting) to:

1. Apply for the relevant permits



2. Have their property inspected and approved by Permitting
3. Get the finalized permit.

After the property owner has received the final permit, Code Enforcement closes the case. Property owners who enter the permit process through the ABC program pay double permit fees in addition to any fines relating to their code enforcement case.<sup>1</sup> Permit fees tend to cost between several hundred and several thousand dollars, depending on the necessary permits.<sup>2</sup> We discuss fines and the ABC program further in section 5.

### How long does it take to process a code enforcement case?

**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. Code enforcement officers may have some ability to reduce case durations by closely tracking the timeframes when 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—just over two years on average—partly due to appeals to the King County Hearing Examiner.<sup>3</sup> 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). We discuss communication with property owners further in section 3 and appeals and case timelines in section 5.

<sup>1</sup> There is an exception to this rule for “innocent purchasers,” i.e., property owners who unknowingly purchased a property with an existing violation caused by the previous owner.

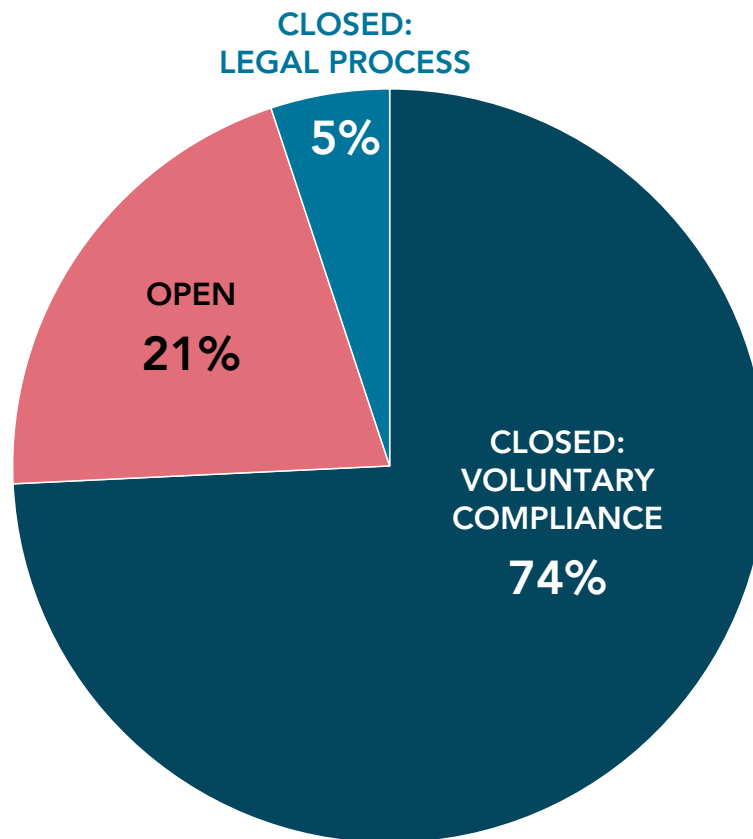
<sup>2</sup> King County Local Services, “Fees,” <https://kingcounty.gov/depts/local-services/permits/permits-inspections/fees.aspx> (accessed October 18, 2023).

<sup>3</sup> In a small number of cases, property owners appeal the Hearing Examiner’s decision to Superior Court. If cases get to this point, they require support from the Prosecuting Attorney’s Office. Legal proceedings can require significant code enforcement resources to compile documentation and attend hearings.

## ? What happens to code enforcement complaints?

**Of cases opened between 2015 and 2022, approximately 79 percent reached compliance by April 30, 2023.** Over that period, Code Enforcement received 9,313 complaints, of which 2,406 were duplicates, outside the scope of Code Enforcement’s work, or not actual code violations. Code enforcement officers do not open cases for these complaints but still do administrative work to close the complaint in the case management system. Of the 9,313 complaints, Code Enforcement opened 6,907 cases and closed 5,480 of them (79 percent) by April 30, 2023, as shown in exhibit C.<sup>4</sup>

**EXHIBIT C: As of April 30, 2023, Code Enforcement had closed 79% of cases opened between 2015 and 2022.**



Source: King County Auditor’s Office analysis of Code Enforcement data

<sup>4</sup> King County Code Title 23 states that cases should be resolved or have a legal Notice and Order issued within 120 days. In this report, we analyze the status of cases opened from 2015–2022, as of April 30, 2023, to allow for at least 120 days to have passed since all cases were opened.

**?** **Have there been prior evaluations of Code Enforcement?**

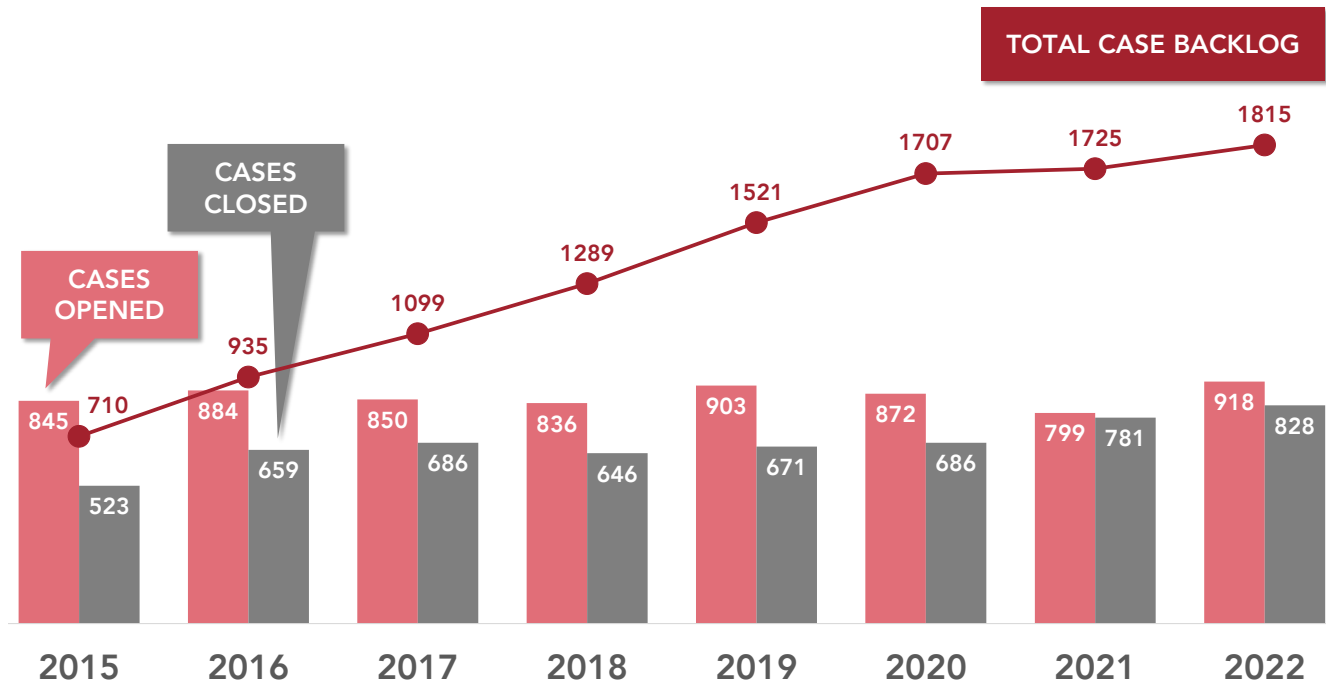
**There have been three prior evaluations of Code Enforcement from 2015 to 2019.** Two of the evaluations were at the request of King County Council, and the last was a consultant report commissioned by the Department of Local Services.<sup>5</sup> In total, the three evaluations made 15 recommendations to improve the efficiency and effectiveness of Code Enforcement. We discuss these recommendations and Code Enforcement’s progress on them, in section 5 and appendix 1.

**?** **How well is Code Enforcement keeping up with its caseload?**

**Despite taking steps to implement prior recommendations intended to reduce workload, Code Enforcement faces a growing backlog of cases.** Code enforcement officers stated that they cannot keep up with their current workloads. From 2015 to 2022, Code Enforcement opened an average of 863 new cases per year and closed 685 cases. As a result, the backlog grew by an average of 178 cases each year. 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. We discuss the effect of this heavy workload and Code Enforcement’s plans to address it in section 2. Exhibit D shows the extent to which the Code Enforcement backlog grew from 2015–2022.

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<sup>5</sup> In 2016, when the consultants published their report, the Department of Local Services was called the Department of Permitting and Environmental Review.

**EXHIBIT D: Case backlog has grown consistently from 2015–2022.**

Source: King County Auditor's Office analysis of Code Enforcement data

Community members have noticed that Code Enforcement has not kept up with its caseload. In our conversations with property owners and complainants, they noted they did not perceive Code Enforcement to be efficient or effective. Officers stated that complainants often submit duplicate complaints when they feel their concern went unheard, which results in additional administrative work to consolidate the complaints. Similarly, property owners who believe that Code Enforcement will not enforce regulations may feel that they can violate codes without consequences, increasing the prevalence of code violations.



## Section 2: Prioritization and Collaboration

### SECTION SUMMARY

**Code Enforcement has neither developed nor implemented policies that focus its use of limited resources on code violations that pose the greatest safety risks to county residents and the environment.** New section leadership developed a plan in mid-2023 that may address this issue by simplifying prioritization criteria and taking an education-only approach for the lowest risk cases. We found opportunities for Code Enforcement to collaborate with the King County Council and the Water and Land Resources Division to further refine prioritization criteria so that the County can align its efforts across agencies to advance its environmental goals.

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#### New approach focuses on education and enforcing high-risk cases

**Code Enforcement backlog has risen consistently since 2015, indicating that the section has more work than it can handle.** The 2015 *Code Enforcement and Abatement Process Evaluation* recommended that officers dismiss low-risk complaints without enforcement and suspend older cases without recent complaints.<sup>6</sup> However, the section did not begin to implement these recommendations until 2019. Once it did, the changes did not significantly reduce workload because officers spent a substantial amount of time investigating cases to determine whether they met the complicated low-risk criteria for harm to people, property, or the environment; and the agency did not define a process to quickly close cases it determined were low priority. In addition, management indicated that attempting to suspend cases caused confusion for both staff and complainants, and officers spent time monitoring suspended cases anyway.

**Code Enforcement management plans to take a multi-pronged approach to reduce case backlog by providing only education and a warning for the lowest risk cases.** As of December 2022, a new manager with experience in code enforcement in other local jurisdictions stepped in to lead the section. The manager proposed a plan, collaboratively developed with senior officers, to focus the agency's

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<sup>6</sup> See *Code Enforcement and Abatement Process Evaluation* (2015), <https://mkcclegisearch.kingcounty.gov/View.ashx?M=F&ID=4058805&GUID=DAE1CD63-0BA9-47D6-8502-8338688C0AE9> (accessed October 2023).

limited resources on the highest priority cases and thereby improve workload sustainability. During our audit, section leadership approved the plan in July 2023. The plan simplifies prioritization criteria and closes low-priority complaints after a letter is sent to property owners advising them of the complaint and corresponding county regulations, along with educational materials. This is consistent with code, which emphasizes education and prevention as first steps. Taking an education-only approach to low-risk cases may also save officers time and allow them to focus on higher risk cases. The plan also outlines a process to cap officer caseloads and prioritizes working through the backlog starting with the highest risk cases, as capacity allows.

Responding to special requests can divert resources

**Officers stated that a portion of their work is in response to County Council requests, regardless of prioritization criteria. This can divert resources from high-risk cases to lower risk ones that primarily affect one outspoken constituent.** Communication between executive agencies and the County Council happens primarily through the budget process, which can leave information gaps that impact agency operations. For example, Code Enforcement could not provide evidence that they informed the County Council when case prioritization criteria were updated in 2021. Therefore, councilmembers were unable to reinforce the criteria when communicating with constituents and may have inadvertently made special requests misaligned with Code Enforcement’s priorities. Further, Code Enforcement does not have a process to prioritize County Council requests. A defined process would add clarity and consistency to fielding special requests.

### Recommendation 1

Code Enforcement should proactively communicate updated prioritization criteria and processes to King County Council offices in districts with unincorporated areas.

### Recommendation 2

Code Enforcement should develop, document, and implement a process to field requests for code enforcement actions from the King County Council.

No consistent process for county employees to report potential code violations

**Code Enforcement does not formally collaborate with the Water and Land Resources Division (WLRD) even though both agencies share a mission to protect King County’s environmental resources.** The King County Clean Water Healthy Habitat Initiative directs county agencies to collaborate to advance environmental goals.<sup>7</sup> County ecologists working in WLRD, a division within the Department of Natural Resources and Parks, observe potential code violations in the course of their work but generally do not report them. One reason for this is because there is no guidance or cross-agency process in place. The current code enforcement intake system allows anyone to report potential code violations in unincorporated King County and allows anonymous complaints in some circumstances.<sup>8</sup> County ecologists indicated that they aren’t sure whether they are supposed to report questionable land use actions they discover, such as clearing trees in sensitive areas or installing bulkheads that block wildlife from accessing the shore from the water. In addition, they worried about the possibility of damaging relationships with property owners who allow ecologists access to their private property, so ecologists can do their work. While this is a valid concern that Code Enforcement and WLRD should consider before making changes to the current system, it is important that these agencies work together to develop a process that mitigates their concerns while also aligning with code enforcement and environmental restoration work. By letting code violations go unreported and unmitigated, the County is wasting its efforts and opportunities to align agencies and further its goals.

### Recommendation 3

The Department of Local Services should collaborate with the Department of Natural Resources and Parks to develop, document, and implement a process for county employees to report potential code violations, discovered in the course of their work, that balances operational needs with their shared mission to further environmental goals.

Enforcement criteria do not reflect specific

**Code Enforcement has not engaged with WLRD to differentiate between types of environmental damage in the 2023 updates to its prioritization criteria.** This means that code enforcement officers prioritize cases based on general principles like

<sup>7</sup> See “Clean Water Healthy Habitat,” <https://kingcounty.gov/en/dept/dnnp/about-king-county/about-dnnp/sustainability-commitments/clean-water-healthy-habitat> (accessed October 2023).

<sup>8</sup> The online reporting form states that if a court case is filed as a result of the complaint, a complainant’s identity may be disclosed.



**environment  
priorities**

critical area designation rather than focusing on specific types or locations of cases that would best support King County's environmental goals. County ecologists track environmental restoration through net changes, such as the increase in wetland area from restoration projects minus the decreases from grading and land use. Ecologists said that the negative environmental changes from code and permit violations frequently offset the positive investments WLRD makes. WLRD staff indicated that they want to help Code Enforcement prioritize more effectively and it would not be difficult for them to recommend specific modifications to prioritization criteria that could help focus enforcement resources on the most consequential environmental violations.

**Recommendation 4**

Code Enforcement should modify its case prioritization structure to align with King County's environmental goals.



## Section 3: Communication

### SECTION SUMMARY

**Code Enforcement materials and communications can be difficult for many property owners to understand, making it less likely that violations will be resolved quickly.** Code Enforcement violation letters do not comply with King County’s plain language principles. Further, the county website contains limited information about King County’s building and land use codes, and key documents are available only in English and some of the available materials are outdated and inaccurate. As a result, the Code Enforcement process can be confusing and difficult for participants, especially for individuals with limited English proficiency. This section recommends changes to Code Enforcement’s violation letters, website, and internal policies to improve communication with property owners, reduce language barriers, and increase access to information.

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**Violation letters can be difficult for property owners to understand**

**Code Enforcement’s violation letters use technical language and are written at a higher reading level than that recommended by King County guidelines, meaning they could be difficult for a general audience to understand.** King County’s plain language writing guidelines recommend that documents avoid jargon and technical language and be written at an eighth-grade reading level or lower to help ensure that all readers have access to the content. As seen in exhibit E, Code Enforcement’s violation letters use technical language that may be difficult for a general audience to understand. Additionally, we determined that Code Enforcement’s initial letter to property owners requires an eleventh-grade reading level to comprehend, with 10 of the 15 sentences characterized as “hard” or “very hard” to understand.<sup>9,10</sup> If property owners find the letters difficult to understand, it will be more difficult for them to respond to the letters and to comply with the County’s requirements.

Researchers from the University of California at Berkeley showed that simplifying code enforcement communications improved compliance by 3.3 percent and on-

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<sup>9</sup> The Hemingway Editor uses the Automated Readability Index to determine readability of a sentence. See <https://hemingwayapp.com/>.

<sup>10</sup> While readability measuring tools are not perfect, they can be good indicators of potential readability issues.

time payments by 12 percent in test jurisdictions.<sup>11</sup> While the improvement in compliance rate is small, simplifying violation letters is a low-cost step that makes the code enforcement process more understandable to property owners and can increase compliance. See appendix 2 for the current Code Enforcement violation letter template and an example of a simplified one.

**EXHIBIT E: Violation letters contain technical language that may hinder compliance.**

**VIOLATION LETTER  
EXAMPLE 1:**

If the violation(s) remain unresolved, the civil penalties could amount to several thousand dollars, and you may also be subject to an abatement process in which a contractor could correct the violation(s).

**VIOLATION LETTER  
EXAMPLE 2:**

The civil penalties, costs incurred by the county to pursue code compliance, and the cost of that abatement would be your responsibility and may be filed as liens against your property.

**VIOLATION LETTER  
EXAMPLE 3:**

If the violations are not corrected at the time of the follow up, our office has the authority to and will issue a legal notice which requires compliance by a specific date. The legal notice, also known as a Notice and Order, subjects you to civil penalties and is recorded against your property title.

Source: King County Auditor's Office presentation of Code Enforcement materials

**Recommendation 5**

Code Enforcement should revise its violation letter templates to simplify communications in accordance with the "King County Plain-Language Writing Guide."

<sup>11</sup> Linos, Elizabeth, Lisa T. Quan, Elspeth Kirkman, "Nudging Early Reduces Administrative Burden: Three Field Experiments to Improve Code Enforcement," *Journal of Policy Analysis and Management*, 2019, Volume 39, Issue 1, pp. 243–265.

Code Enforcement no longer sends educational materials to property owners with code violations

**Code enforcement officers do not send educational materials along with violation letters, missing an opportunity to increase compliance.** In the past, code enforcement officers sent educational materials with the initial notice of violation to help inform property owners about the code enforcement process. Managers explained the letters are outdated and they had not developed new educational materials.<sup>12</sup> Researchers at the University of California at Berkeley found that sending educational resources to property owners before violation letters improves code compliance by 14.7 percent.<sup>13</sup>

**In July 2023, Code Enforcement leadership approved a plan to update educational materials and expand outreach.** The plan includes updating and expanding educational materials in print and on the Code Enforcement website. It also directs officers to proactively disseminate information to the public to increase outreach, such as at community meetings.

### Recommendation 6

Code Enforcement should update and send its educational materials alongside violation letters to property owners, as specified in its July 2023 plan.

Online information is hard to find, creating challenges for compliance

**The Department of Local Services website is hard to navigate, making it challenging for property owners to learn how to avoid a violation.** For example, a senior code enforcement officer reported that it is sometimes difficult for them to use the Permitting website to answer questions about county building and land use codes, and they are skeptical that property owners can find information when they need it. When information is difficult to find, property owners have trouble learning how to avoid a violation. Code Enforcement leadership said it plans to add a “Frequently Asked Questions” section to the Code Enforcement website so property owners can find commonly requested information about how to comply with county code.

<sup>12</sup> Code Enforcement staff explained the educational materials are outdated but did not know when they stopped sending them out with violation letters to property owners.

<sup>13</sup> Linos, Elizabeth, Lisa T. Quan, Elspeth Kirkman, “Nudging Early Reduces Administrative Burden: Three Field Experiments to Improve Code Enforcement,” *Journal of Policy Analysis and Management*, 2019, Volume 39, Issue 1, pp. 243–265.

## Recommendation 7

Code Enforcement should create and publish a “Frequently Asked Questions” resource to assist property owners in answering common code questions.

Language barriers prevent equal access to code enforcement process

**Several Code Enforcement documents are only available in English, making the process more challenging for residents with limited English proficiency.** Equity and belonging managers at the Department of Local Services reported that some property owners struggle to use the Code Enforcement and Permitting websites due to language barriers. Although much of the King County website now allows users to view information in multiple languages, Code Enforcement’s educational materials and application to waive penalties are exclusively in English and only available in Portable Document Format (PDF). There is no translation option available for these documents. Additionally, the complaint intake form available on the Permitting website is only provided in English, which could prevent some residents from submitting a complaint online.

**Further, violation letters are only provided in English, meaning that property owners with limited English proficiency may need translation services to understand them.** The *King County Written Translation Manual*, developed by the Office of Equity, Racial, and Social Justice, instructs agencies to translate communication materials and vital documents into all languages used by 5 percent or more of the target population.<sup>14</sup> In cases where agencies do not have the capacity to meet this requirement, the manual recommends that they begin by translating documents into Spanish. Code Enforcement has already translated ABC program documents into Spanish and could expand those efforts to other program materials. Ensuring all English documents use plain language, as recommended above, will also assist in accurate translation.

<sup>14</sup> King County Office of Equity and Social Justice, *King County Written Language Translation Manual*, 2021, <https://kingcounty.gov/~media/elected/executive/equity-social-justice/Immigrant-and-Refugee/LanguageAccessOrd/032321-Final-Written-Translation-Manual.ashx?la=en> (accessed November 2023).

**Recommendation 8**

Code Enforcement should develop, document, and implement a plan to make all publicly available materials accessible in Spanish, in accordance with the *King County Written Translation Manual* developed by the Office of Equity, Racial, and Social Justice.



## Section 4: Data and Management

### SECTION SUMMARY

**Current Code Enforcement data systems and practices do not facilitate case management, strategic decision-making, or provide guidance in instances of officer discretion.** For example, the case data available in Code Enforcement’s case tracking system is incomplete and inconsistent, preventing management from using it to make strategic decisions to reduce the case backlog.<sup>15</sup> Due to poor system configuration, code enforcement officers must spend time entering case data into the tracking system instead of conducting inspections. Code Enforcement also lacks policies and procedures guiding officer use of discretion in setting compliance timelines and assessing penalties, increasing the risk of inconsistent or inequitable handling of cases. Moreover, there is no mechanism to capture public feedback about the code enforcement process or for management to review officer use of discretion, so issues such as inequitable treatment could go undetected. In this section, we make recommendations to reduce officers’ data entry overhead, increase data consistency and completeness, and reduce the risk of officers using discretion inequitably.

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Data entry into case management software takes substantial officer time

**Code enforcement officers spend multiple hours a day entering case data into the data system (Accela), reducing time available for inspections and allowing the case backlog to grow.** In addition to communicating with property owners and inspecting violations, code enforcement officers are responsible for entering case data into Accela. Officers told us the data entry process is time-consuming and limits how many property inspections they do. In addition, they said they minimize the information they record because data entry is extremely burdensome. The impact of reduced data entry by officers is discussed later in this section.

**An additional challenge for officers is that, despite policies encouraging it, they do not enter data into Accela while in the field.** Instead, officers take notes during inspections and then enter data into Accela when they return to their computers. Officers told us that Code Enforcement tried to implement in-field data entry in the early 2010s but stopped due to a lack of internet coverage in some areas and issues

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<sup>15</sup> Accela is the information system both Code Enforcement and Permitting use to manage case data, and management uses Accela to generate reports to assess section performance.



with available technology. However, technology has advanced in the past decade and warrants a review of this practice. For example, Accela now supports offline data entry, resolving the issue of internet coverage in rural areas.<sup>16</sup> Eliminating this duplication of work would reduce the burden of data entry on officers.

## Recommendation 9

Code Enforcement should identify and implement steps to allow staff to enter data from the field.

Code Enforcement lacks key data for management decision-making

**Code Enforcement case data is inconsistent and incomplete, reducing its usability in management decision-making.** Accela does not require officers to input data in some fields, so they skip optional fields to save time. For example, officers often do not indicate whether a case involves a commercial entity. Officers make notes in a comments section, but narrative data is extremely difficult to aggregate and analyze. In addition, staff assigned to the ABC program indicated they often do not enter case updates in Accela to allow more time to keep up with their cases. Managers indicated that the lack of case information from optional fields (and required fields relating to ABC cases) hindered their ability to understand and address the challenges Code Enforcement faces.

**The Accela configuration lacks functions needed to track case progress, forcing officers to self-manage case deadlines and leadership to manage caseloads without data relating to time spent on cases.** As of 2023, the Accela configuration does not manage case compliance deadlines, making it difficult for officers to track the time spent on each case, resulting in inconsistent time tracking. This makes it difficult for officers to manage their cases and for leadership to get an accurate understanding of how much time cases take to resolve. Code Enforcement leadership is aware that Accela lacks functions that would help officers track their work. In the past few months, the Department of Local Services has begun the procurement process to purchase a new software module designed to streamline the Accela workflow for code enforcement cases.

<sup>16</sup> See "How Accela Mobile can increase efficiency in the field," <https://www.accela.com/blog/2023-the-year-of-mobile/> (accessed October 2023).

Between officers skipping optional fields to save time and Accela's inability to track case progress, management does not have access to consistent or accurate data relating to:

- officer time spent on each case
- officer time spent on each step of a case
- whether a case is residential or commercial
- whether a property owner is a repeat offender
- which additional fines (outlined in Title 23) are applied to cases
- ABC cases.

Inconsistent and incomplete data led past Code Enforcement management to rely on custom spreadsheets instead of Accela reports for strategic planning. As a result, the data analysis used to inform strategic planning was ad hoc and difficult to transfer between managers.

### Recommendation 10

Code Enforcement should update its data entry policies and Accela configuration to optimize data entry and ensure officers enter all fields needed for case and program management.

### Recommendation 11

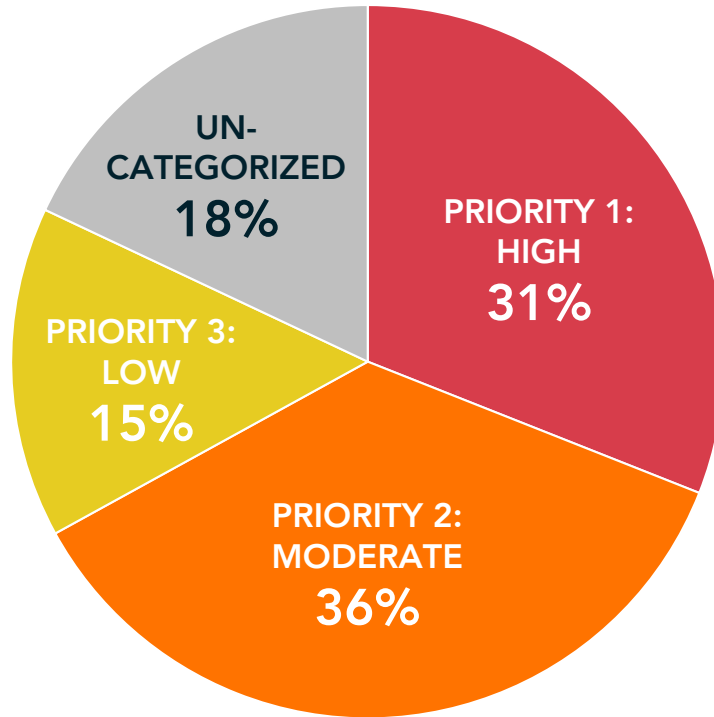
Code Enforcement management should work with section officers to minimize the additional burden of data entry that could result from changes to data entry policies and Accela configuration.

#### Incomplete priority data threatens effective case prioritization

**Case priority data in Accela is incomplete, making it difficult to prioritize cases effectively.** Officers have not consistently assigned a priority rating to cases, making it hard to know how effectively Code Enforcement is prioritizing its workload. In addition, incomplete priority data reduces leadership's ability to understand the potential impact of dismissing lower priority cases, as outlined in its July 2023 plan. As of April 30, 2023, almost one-fifth of cases opened from 2015 to 2022 do not have a priority assigned (shown as "uncategorized" in exhibit F). Code Enforcement staff indicated that priorities might not be assigned for administrative reasons or because they can be difficult to determine. For example, some cases did not have a priority

assigned because they were reassigned from one officer to another and neither assigned a priority.

**EXHIBIT F: Code Enforcement cannot effectively estimate the impact of dismissing low-risk (Priority 3) cases because 18 percent of open cases do not have a priority assigned.<sup>17</sup>**



Source: King County Auditor's Office analysis of Code Enforcement data

### Recommendation 12

Code Enforcement should assign priorities to open cases with no priority previously recorded.

### Recommendation 13

Code Enforcement should create policies to ensure that all future cases have a priority assigned within an acceptable time period.

<sup>17</sup> As of April 30, 2023, 18 percent of cases opened from 2015 to 2022 did not have a priority assigned.

Current policies do not guide or monitor use of officer discretion in cases

**Code Enforcement has not developed policies or guidance to officers on how to use discretion in setting compliance timelines or assessing penalties, creating the risk that officers treat property owners inconsistently.** Code enforcement cases vary, and officers can use discretion in setting compliance timelines and applying penalties. For example, officers could extend a deadline for a property owner undergoing cancer treatment who did not see communications from Code Enforcement. Officers could also choose not to assess fines relating to “economic benefit to the person responsible for the violation,” for example, in a case where a property owner added an additional bedroom so a relative could stay with them for long-term care. However, Code Enforcement does not have policies to guide officers in the use of discretion. As a result, officers may be inconsistent in how they handle similar situations or may treat some property owners inequitably due to implicit bias or other factors.<sup>18</sup> In a 2021 summary of research on ways to mitigate implicit bias in decision-making, the National Institutes of Health suggests that managers “create tools to minimize the conditions that amplify bias, such as criteria and rubrics” to reduce the likelihood that stereotypes influence decisions.<sup>19</sup>

**Code Enforcement processes do not provide for regular monitoring of officer use of discretion, meaning that abuse (e.g., an officer reducing penalties in exchange for personal gain) or other issues could occur.** Without regular review of officer use of discretion, the code enforcement process is vulnerable to unethical behavior or abuse. We did not see evidence of abuse during our audit work, but the lack of review means that it could occur without detection. Best practices suggest incorporating both preventive and detective actions in quality control processes. For example, preventive controls could include triggers for management approval before charging or reducing fines. Detective controls could include periodically reviewing a random sample of each officers’ cases.

<sup>18</sup> The National Institutes of Health defines implicit bias as a form of bias that occurs automatically and unintentionally, that nevertheless affects judgments, decisions, and behaviors. Bias consists of attitudes, behaviors, and actions that are prejudiced in favor of or against one person or group compared to another.

<sup>19</sup> *Scientific Workforce Diversity Seminar Series (SWDSS) Seminar Proceedings: Is Implicit Bias Training Effective?*, September 27, 2021, [https://diversity.nih.gov/sites/coswd/files/images/NIH\\_COSWD\\_SWDSS\\_Implicit\\_Bias\\_Proceedings\\_508.pdf](https://diversity.nih.gov/sites/coswd/files/images/NIH_COSWD_SWDSS_Implicit_Bias_Proceedings_508.pdf) (accessed October 2023).

### Recommendation 14

Code Enforcement should develop, document, and implement tools to guide officers as they make decisions for cases when there are no clear procedures.

### Recommendation 15

Code Enforcement should develop a process for monitoring data relating to officer discretion including case timelines, fines and fees; and feedback from property owners and complainants (per Recommendation 16).

Code Enforcement does not collect feedback data

**Code Enforcement has not implemented a way for property owners or complainants to submit feedback about officers, making it difficult to assess their customer service and use of discretion.** According to customer service best practices outlined in our 2021 technical paper “Customer Service Criteria: Agency and Executive-Level Criteria for Customer Service Practices,” agencies should try to capture customer feedback and satisfaction data.<sup>20</sup> Without this kind of feedback, Code Enforcement is missing a potential source of information about officer performance and potential warning signs for misuse of discretion.

### Recommendation 16

Code Enforcement should create a feedback mechanism through which property owners and complainants can submit comments on their experience with the enforcement process.

<sup>20</sup> King County Auditor’s Office, “Customer Service Criteria: Agency and Executive-Level Criteria for Customer Service Practices,” 2021, [https://kingcounty.gov/en/legacy/depts/auditor/resources/customer\\_service.aspx](https://kingcounty.gov/en/legacy/depts/auditor/resources/customer_service.aspx) (accessed October 2023).



## Section 5: Prior Recommendation Status and Paths Forward

### SECTION SUMMARY

**Code Enforcement completed or made progress implementing about half of the 15 recommendations from prior evaluations, but its changes did not result in significant gains in efficiency or effectiveness.** This section summarizes Code Enforcement’s progress on the recommendations issued between 2015 and 2019 and presents some updated paths forward. Specifically, we make recommendations to streamline enforcement processes, clarify code, raise fines for cases involving commercial activity and the ABC program where Code Enforcement implemented prior recommendations, but the high volume of work overwhelmed the structures the agency set up. In section 2, we discussed ways to better implement recommendations for prioritization to create a more sustainable workload.

Code Enforcement tried to take some recommended actions but has not yet revised county code

**Between 2015 and 2019, Code Enforcement received 15 unique recommendations to improve efficiency and effectiveness from the following three reports:**

- *Code Enforcement and Abatement Process Evaluation* (2015) conducted by the Department of Permitting and Environmental Review<sup>21</sup> and the Office of Performance, Strategy and Budget
- *Best Practices in Code Enforcement* study (2016), conducted by consultants from SAFEbuilt and LSL Planning for the Department of Permitting and Environmental Review
- *Permitting Already Built Construction (ABC) Program Plan* (2019), prepared by the Permitting Division of the Department of Local Services.<sup>22</sup>

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<sup>21</sup> The Department of Permitting and Environmental Review became a division of the Department of Local Services in 2019.

<sup>22</sup> The County Council required the 2015 and 2019 reports.

As of August 2023, Code Enforcement had completed 5 of the 15 recommendations, made progress on another, and determined three were not feasible.<sup>23</sup> The agency has not acted on six of the recommendations; therefore, we characterize these recommendations as “open.” Exhibit G lists the recommendations made in the reports, along with their implementation status based on our assessment with input from Code Enforcement management.

**Four of the six open recommendations require changing county code.** The Department of Local Services is currently working on code changes that would span Permitting and Code Enforcement, but leaders indicated the process will likely take several years. The Code Enforcement manager is also developing process improvements that incorporate some of the open recommendations. Appendix 1 describes Code Enforcement’s efforts to implement each of the 2015 recommendations in more detail.

**EXHIBIT G: Code Enforcement took steps toward implementing about half of the process improvement recommendations it received between 2015 and 2019.**

SOURCE	RECOMMENDATION	AUDITOR STATUS
<b>Code Enforcement and Abatement Process Evaluation (2015)</b>	Expand quantity of violations dismissed for minimal impact	<b>DONE</b>
	Defer enforcement action on cases without recent complaints	<b>CLOSED</b>
	Abate prior to issuing legal Notice and Order <sup>24</sup>	<b>CLOSED</b>

<sup>23</sup> Code Enforcement tried to “defer enforcement action on cases without recent complaints” but found that deferring cases caused confusion and did not reduce workload very much. The section tried to “abate prior to issuing Notice and Order” but stopped on advice from the Prosecuting Attorney’s Office that conducting abatements without a property owner’s permission or a court order may not be legal. Managers indicated that the recommendation “improve communication with county leadership about challenges and successes” is more appropriate at the division or department level and would need additional time and resources to implement. We agree that this effort is a lower priority than other recommendations we made in this report, so assigned the status “Closed.”

<sup>24</sup> A Notice and Order is a legal document to officially notify a property owner of a code violation and order them to bring it into compliance with code.



SOURCE	RECOMMENDATION	AUDITOR STATUS
<b>Code Enforcement and Abatement Process Evaluation (2015) (cont.)</b>	CODE CHANGE → Streamline/consolidate citation appeal process	<b>OPEN</b>
	Disclose potential civil penalties for illegal construction work with the notice of violation	<b>PROGRESS</b>
	CODE CHANGE → Increase civil penalties for home occupation and commercially zoned property violations	<b>OPEN</b>
<b>Best Practices in Code Enforcement study (2016)</b>	Make clear policy distinctions that determine when compliance is the priority and when abatement is the desired result	<b>OPEN</b>
	Establish clear, measurable timeframes for the various types of enforcement actions	<b>OPEN</b>
	CODE CHANGE → Revise King County Code Title 23 to establish preferred processes and streamline enforcement options where possible	<b>OPEN</b>
	CODE CHANGE → Identify unclear or “unenforceable” regulations and revise them to improve clarity	<b>OPEN</b>
	Improve communication (with county leadership about challenges and successes)	<b>CLOSED</b>
<b>Permitting Already Built Construction (ABC) Program Plan (2019)</b>	Simplify checklists for ABC permittees	<b>DONE</b>
	Timely and consistent pre-application and permit review timelines	<b>DONE</b>

<b>Permitting Already Built Construction (ABC) Program Plan (2019) (cont.)</b>	Designate non-code enforcement positions dedicated either full time or part time to the ABC program and responsible for reviewing all ABC permits	<b>DONE</b>
	For each project, designate a single point of contact within the ABC program who should not be a Code Enforcement staff member	<b>DONE</b>
	Set aside time for ABC permittees to meet informally with ABC program staff	<b>DONE</b>

Note: CODE CHANGE → indicates implementing the recommendation involves changing county code.

Note: DONE means that the agency fully implemented the recommendation. PROGRESS means it made some efforts but has not fully implemented the recommendation. OPEN means that the agency has not begun working on implementing the recommendation. CLOSED means the recommendation has been overtaken by events or is no longer appropriate.

Source: King County Auditor's Office analysis of Code Enforcement data

### Cases that go through legal processes take years to resolve

#### **Code Enforcement has not implemented the three prior recommendations related to streamlining enforcement processes and clarifying code, contributing to long timelines and appeals.**

Both the *Code Enforcement and Abatement Process Evaluation* (2015) and the *Best Practices in Code Enforcement* study (2016) found enforcement processes to be cumbersome and time-consuming. While some property owners respond relatively quickly and resolve violations voluntarily, some do not, which requires additional time from officers and extends the duration that safety and environmental risks go unmitigated.

As shown in exhibit H, cases where property owners do not voluntarily comply take more than four times longer to resolve, on average. For cases that involve legal action, officers give property owners nine months, on average, to voluntarily comply before

“The complex procedures that underlie code enforcement allow property owners who are out of compliance to drive the process. The violator’s willingness and ability to cooperate determines how long the process takes, resulting in a misallocation of limited resources.”

—2015 process evaluation report

issuing a legal Notice and Order and civil penalty fines. Cases involving a Notice and Order take an average of two years to resolve.

Nine percent of property owners with a Notice and Order appeal their case to the Hearing Examiner, adding another nine months, on average, to achieve case resolution. According to the Hearing Examiner, many property owners do not disagree with the code violation but object to the cost and time required to resolve it, particularly when resolution requires getting a permit. Hearing results are usually to extend allowable timeframes for compliance. The Hearing Examiner can also reduce or overturn fines.

**EXHIBIT H: Cases can take three to six times longer to resolve when officers must use legal processes to reach compliance.**

<b>Enforcement process</b>	<b>Percent of 2015–2022 cases closed*</b>	<b>Average time until Notice &amp; Order</b>	<b>Average time to resolution</b>
Voluntary compliance	94%	–	<b>6 months</b>
Notice and Order	6%	9 months	<b>2 years</b>
Civil penalty fines**	2%	–	<b>3 years</b>

\*Cases closed by April 30, 2023, excluding administrative closures.

\*\*Officers can issue civil penalty fines after serving a legal Notice and Order. This means that the third row is a subset of the second row, resulting in the total adding up to more than 100 percent.

Source: King County Auditor's Office analysis of Code Enforcement data

Code Enforcement does not use citations, missing an opportunity to prompt action in simple cases

**A faster enforcement option exists for simple types of violations—citations—but Code Enforcement has not made a practice of issuing them because officers disagree on the value of citations and there is no policy or guidance directing officers when to use them.** Code Enforcement’s current approach to enforcement is to educate and assist property owners, sometimes for many months before taking legal action or issuing fines. This is consistent with code, which emphasizes education first, but the long case timelines limit officer capacity for additional work. Prior recommendations direct Code Enforcement to streamline enforcement processes where possible, specifically the citation appeal process.<sup>25</sup> Changing the appeal process would require updating county code. But Title 23 already provides the option to use citations for cases when property owners could correct violations relatively easily, such as for accumulation of junk and debris, occupancy of substandard structures or vehicles, and placing signs in non-approved locations.<sup>26</sup> Citations are one-time fines of \$100 for the first violation or up to \$500 for repeat violations.<sup>27</sup> Code Enforcement can waive fines if a property owner corrects the code violation. Property owners can also appeal citations to the Hearing Examiner. Citation appeals require much less officer time than Notice and Orders appeals because officers do not need to attend citation appeal hearings and they do not require the same level of documentation.

Snohomish County Code Enforcement uses citations for simple violations such as accumulation of junk and debris, people living in recreational vehicles, illegal signs, and other clearly defined code violations.

**A citation can serve as an incentive for owners to bring their property into compliance sooner and may also avoid the need for a Notice and Order, thus saving officer time.** Current managers indicated that the process could be as simple as a site visit to confirm the violation, which could be done as quickly as two weeks after receiving a complaint. They plan to try a pilot project to use citations on some Priority 2 cases.

<sup>25</sup> The recommendation suggests that Code Enforcement may have used citations at the time of the report (2015), but officers stated that they have rarely, if ever, used them in the past eight years.

<sup>26</sup> Citations are not applicable for code violations that require a permit to correct.

<sup>27</sup> Citations for violations of winery, brewery, distillery, and remote tasting room zoning conditions are \$500 for the first violation and \$1000 for subsequent ones.

## Recommendation 17

Code Enforcement should develop, document, and implement a plan to use citations for some types of cases. The plan should include monitoring to assess the extent to which citations reduce overall case duration.

### Unclear code contributes to violations and appeals

**According to the 2016 best practices study, unclear regulatory language in the King County zoning and land use codes poses challenges for enforcement and increases the likelihood of appeals.** The study reported that parts of county code are hard for the public to understand and difficult for officers to enforce. It recommended that Code Enforcement staff compile a list of commonly misunderstood or unclear code provisions and work to amend them to allow for both easier understanding by residents and more effective enforcement by the County. Officers described instances where property owners tried to research land use regulations to ensure their actions were legal but could not find accurate information and ended up inadvertently violating code. Managers stated that the current effort to update Title 23 (Enforcement) touches on other land use codes like Titles 16 (Building and Construction), 17 (Fire Code), 21 (Zoning), and others. They indicated that while they plan to consult subject matter experts from Permitting and other county agencies, changes to codes other than Title 23 are outside the scope of the current project.

The Hearing Examiner's 2021 annual report stated that in instances where there is a legitimate difference of opinion on how to interpret a regulation, property owners should not have to go through the enforcement process to get a final decision on what is legal. The report specifically called out code that regulates clearing and grading as harsh, unclear, inconsistent with other code provisions, and questionable whether the codes accurately represent King County Council's intentions.<sup>28</sup> For example, a clearing permit is required for weed whacking a new area adjacent to a pre-existing home, regardless of size. The report stated that these parts of the code have led to "understandable public confusion and anger." Code enforcement officers also described spending a significant amount of time fielding phone calls and emails from residents frustrated with code and permit requirements, which they said diminished the time available to do their core work. Further, the report noted that

<sup>28</sup> Clearing and grading regulations are part of King County Code 16.82 (Title 16).

having a Notice and Order on a title can complicate the owner's ability to refinance their property to obtain funds to make corrections necessary to comply with code.

**County Council directed the Department of Local Services to propose revisions to county code relating to land use and enforcement to simplify enforcement and reduce case duration.** According to managers, this effort will culminate in a report to the County Council in fall 2024. Given the challenges of making changes to the county code, it is vital that Code Enforcement take this opportunity to address long-standing issues with current code, so that it can clarify language and simplify its work processes.

### Recommendation 18

Code Enforcement should work with the Hearing Examiner to identify ambiguous and/or inconsistent portions of land use and enforcement codes to inform the planned code update process.

**King County's fines are lower than those of neighboring counties**

**Code Enforcement rarely uses fines, instead spending months or years working with property owners to reach compliance voluntarily.** Officers assessed fines in 4 percent of cases opened between 2015 and 2022. Among these cases, the median case had \$6,000 worth of total fines.

King County's northern and southern neighbors, Snohomish and Pierce counties, charge higher fines for code enforcement violations, as shown in exhibit I. Pierce County code enforcement officers may charge \$1,000 per day per violation for egregious violations with manager approval. Snohomish County also charges much more for commercial violations. In addition, Snohomish County doubles fines for repeat offenders and triples them for violations in critical areas.

**EXHIBIT I: King County's civil fines for code violations are less than neighboring counties.**

PENALTY ASSESSMENT	KING RESIDENTIAL	KING COMMERCIAL	PIERCE	SNOHOMISH RESIDENTIAL	SNOHOMISH COMMERCIAL
AFTER 30 DAYS	\$750 (\$25 per day)	\$1,500 (\$50 per day)	\$5,000	\$2,000	\$6,000
AFTER 60 DAYS	\$2,250	\$4,500	\$15,000	\$4000	\$17,000

**AFTER  
90 DAYS**

\$2,250

\$4,500

\$15,000

\$10,000

\$25,000  
(after 75 days)

Note: The King County fines listed above do not include reinspection fees, which are \$150 the first time, \$300 the second time, and \$450 thereafter. King County fines accrue daily. The numbers above represent the total fine at the listed number of days for each jurisdiction. King County also has additional charges for property owners who have verified repeat offenses of the same type.

Source: King County Auditor's Office analysis of King County Code and Code Enforcement information

**Code Enforcement has not implemented the 2015 recommendation to raise commercial fines, potentially missing opportunities to deter some violators.** We estimate that 17 percent of code enforcement cases involve a business or commercial entity.<sup>29</sup> While data quality is an issue, as mentioned above, we did not find significant differences in how frequently officers assesses fines in residential versus commercial cases or how often property owners pay the fines. The distinction between residential and commercial fines reflects the principle that higher fines are necessary to deter businesses from violating code, as they could earn enough money through unpermitted operations to offset penalties. Code Enforcement managers, staff, and the Hearing Examiner agree that increasing fines for business-related violations could help compel compliance and deter violations.

## Recommendation 19

Code Enforcement should raise civil penalty fines for commercial entities in the planned code update as recommended by the *Code Enforcement and Abatement Process Evaluation* from 2015.

**Information on civil penalties is hard to find and understand**

**Neither the Code Enforcement website nor violation letters specify the amounts of potential civil fines and penalties. Omitting key information does not deter violations or motivate compliance actions.** The first violation letter officers send to property owners warns that civil penalties "could amount to several thousand dollars," but none of the other communications to property owners specify how much the fines will cost until officers calculate them and then charge the fines. The Code Enforcement website does not detail how much fines cost. Title 23 (the legislation that dictates fine amounts) is available online, but it is difficult to understand how much Code Enforcement could charge for fines.

<sup>29</sup> Since Code Enforcement does not have a consistent data marker for commercial cases, we identified them by searching case property owners for "INC" and "LLC" and case descriptions for "business" and "commercial."



Penalties only work as a deterrent if property owners know about and understand them. The 2015 process evaluation recommended that Code Enforcement disclose potential civil penalties for illegal construction work with the notice of violation. It targeted ABC cases specifically, but clearer and more accessible information would help all property owners make decisions about whether to comply with code or how best to participate in the enforcement process.

**Some property owners complained to the Ombuds that the language in violation letters was frightening and a disincentive to working with Code Enforcement.** Code Enforcement does not collect feedback from property owners and has not analyzed customer experiences, as recommended in King County customer service guidance. More information on property owner experiences with Code Enforcement communications could provide insight into what type and tone of information is most effective.

### Recommendation 20

Code Enforcement should communicate the civil penalty fine schedule in a clear and easy to understand way on its website and in paper handouts.

### Recommendation 21

Code Enforcement should analyze property owner experiences with violation letters and determine the best time to include information on potential civil penalty fines.

### ABC program backlogged and lacking guidance

**Despite implementing all 2019 recommendations, the ABC permit process is still burdensome for both staff and property owners, with cases taking an average of almost two-and-a-half years to resolve.** Code Enforcement has made efforts to improve the ABC program several times, most recently in its 2019 program plan. As of 2019, Code Enforcement had implemented all the recommendations in the plan. However, the COVID-19 pandemic caused a major slowdown in environmental review timelines necessary to apply for permits because King County lost staff, as did private consultants. In 2021, Code Enforcement hired two staff to handle most ABC cases, which are among the most difficult to process. Staff reported challenges including the high volume of work and property owner reticence or inability to handle the time and expense of the permit process. ABC staff also have

other duties like State Environmental Policy Act (SEPA) environmental reviews that take a large amount of their time.<sup>30</sup> On average, it takes nine months from the time Code Enforcement opens an ABC case to the pre-application meeting where property owners find out what they need to do to obtain necessary permits. However, it can take several years for property owners to finally obtain permits and implement them to resolve their violations. This is far from timely and conflicts with county and agency customer service standards.<sup>31</sup>

Property owners who have already built or modified their property without a permit have little incentive to participate in the long and costly permit process until they want to sell their property. Pending code enforcement actions can deter potential buyers. As a result of this lack of incentive, county staff put in many hours of work to prepare for pre-application meetings—to instruct property owners on what materials and information they will need to apply for permits necessary to resolve their code violations—but almost half of property owners never apply. This usually means the violation (and whatever negative safety or environmental impact exists) stands unabated.<sup>32</sup>

**ABC staff said they are overwhelmed with backlogged work, and there is no policy on what to work on first.** This means that ABC staff may select cases to work on based on the level of engagement by the property owner, the potential consequence of the violation, or by date received. Balancing agency goals of customer service, fairness, and protecting the environment and health should be a management decision, not left up to individual staff. As discussed in section 4, the data relating to the ABC program is incomplete because staff do not enter case updates consistently, instead spending their time on case work. These limitations have prevented management from using data to make strategic decisions about the ABC program.

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<sup>30</sup> The State Environmental Policy Act (SEPA) review process identifies and analyzes environmental impacts associated with governmental decisions such as issuing permits for private projects. Project and site complexity impact the time necessary for SEPA reviews.

<sup>31</sup> The Permitting Division uses the “King County Customer Service Promise” as its standard. The Promise states that staff will work to resolve customers’ issues quickly and provide efficient service options with customer needs in mind.

<sup>32</sup> While many ABC cases need abatement, managers stated that the abatement fund is not large enough to pay for the permits and studies required to achieve code compliance. Code Enforcement does emergency abatements on ABC cases, like boarding up structures or fencing off properties, but cannot afford to follow through with the entire process.

## Recommendation 22

Code Enforcement should work with the Hearing Examiner and the Water and Land Resources Division to develop and implement a prioritization structure for Already Built Construction cases.

## CONCLUSION

**If Code Enforcement does not take bold steps to prioritize its workload and improve communication and data quality, King County residents and the environment will suffer lasting impacts.** Code Enforcement staff spend too much time on work that is relatively inconsequential, letting cases that present significant risks to public safety and the environment linger. In the context of constrained resources, King County must take advantage of opportunities to deter violations, handle enforcement efficiently, and institute collaborative processes between departments that maximize the impact of staff actions. Our recommendations will strengthen both Code Enforcement's internal processes and provide it with more tools to encourage and, if necessary, compel property owners to come into compliance with land use regulations, ultimately making King County a better place for all of us.

# Appendix 1: Status of Recommendations from 2015 Evaluation

Code Enforcement completed two recommendations given in the *Code Enforcement and Abatement Process Evaluation (2015)*, made progress on one, and determined that two were not feasible after trying to implement them.<sup>33</sup> This appendix provides more detail on Code Enforcement’s actions toward implementing the recommendations.

**EXHIBIT 1: Code Enforcement has made progress or completed most of the recommendations given in the *Code Enforcement and Abatement Process Evaluation (2015)*.**

2015 RECOMMENDATIONS		AUDITOR STATUS
1	Expand quantity of violations dismissed for minimal impact	<b>DONE</b>
2	Defer enforcement action on cases without recent complaints	<b>CLOSED</b>
3	Abate prior to issuing legal Notice and Order <sup>34</sup>	<b>CLOSED</b>
4	Streamline/consolidate citation appeals process	<b>OPEN</b>
5	Assign single point of contact to facilitate permitting of illegal construction work	<b>DONE</b>
6	Disclose potential civil penalties for illegal construction work with the notice of violation	<b>PROGRESS</b>
7	Increase civil penalties for home occupation and commercially zoned property violations	<b>OPEN</b>

Source: King County Auditor’s Office analysis of Code Enforcement data

<sup>33</sup> The 2015 evaluation included one recommendation about the Already Built Construction (ABC) program that the 2019 ABC program plan repeated and Code Enforcement implemented. We only counted the recommendation once in the report above and included it with the 2019 recommendations.

<sup>34</sup> A Notice and Order is a legal document to officially notify a property owner of a code violation and order them to bring it into compliance with code.

**Recommendation 1 — Expand quantity of violations dismissed for minimal impact: DONE**

In 2019, the previous Code Enforcement manager expanded the definition of “de minimis,” meaning inconsequential, to lower the threshold for officers to stop enforcement efforts and direct resources to higher priority work. Between 2015 and 2018, Code Enforcement closed an average of 41 cases per year as de minimis. Between 2019 and 2022, they closed an average of 81 per year as de minimis.

Managers indicated that expanding the de minimis definition did not reduce the number of officer hours per complaint as substantially as originally hoped. Officers still spent a significant amount of time investigating to see if the reported violation met the expanded de minimis criteria.

**Recommendation 2 — Defer enforcement action on cases without recent complaints: CLOSED**

In 2021, Code Enforcement management tried suspending Priority 2 cases that did not have any new complaints within the last five years and Priority 3 cases with no new complaints within the last two years. The section found that this action did not save officers time because officers continued monitoring “suspended” cases. Current management favors a more clear-cut approach to identifying low-risk cases and for sending property owners educational materials about the potential violation, then closing the case. This approach would alleviate the confusion of adding a new “suspended” category that is not defined in code.

**Recommendation 3 — Abate prior to issuing legal Notice and Order: CLOSED**

Code Enforcement staff indicated that they tried doing abatements costing less than \$1,500 without legal orders. They stopped when a property owner called the media, blocked the contractor’s equipment, and demanded that the abatement team leave their property.

Subsequent conversations between Code Enforcement managers and the Prosecuting Attorney’s Office clarified that conducting abatement work requires either the owner’s consent or a court order after a formal Notice and Order is issued to the property owner. This constraint applies regardless of the valuation of the abatement. This means that it is illegal for Code Enforcement to conduct abatements prior to issuing a legal Notice and Order, and the recommendation should be closed.

**Recommendation 4 — Streamline/consolidate citation appeal process: OPEN**

This recommendation is open, meaning Code Enforcement has not yet taken action toward implementing it. Managers stated the main barrier has been revising county code, but they are currently working on drafting Title 23 revisions that may address this recommendation.

**Recommendation 5 — Assign single point of contact to facilitate permitting of illegal construction work: DONE**

The Permitting Division completed this recommendation in 2019 by assigning a permit review coordinator to act as a main point of contact for property owners applying for a retroactive permit. In practice, property owners continue to contact code enforcement officers and the ABC staff who review their permit applications in addition to the coordinator. Staff indicated that these communications take up a substantial amount of their time.

In this report, we combined this 2015 recommendation with a very similar one made in the *2019 Permitting Already Built Construction (ABC) Program Plan*, "For each project, designate a single point of contact within the ABC program who should not be a code enforcement staff member." We counted it as "done" in exhibit G in the list of 2019 recommendations.

**Recommendation 6 — Disclose potential civil penalties for illegal construction work with the notice of violation: PROGRESS**

Code Enforcement violation letter templates do not list fines (in dollars) for noncompliance. However, the language does mention that civil penalties on unresolved violations could amount to "several thousand dollars" and property owners may also have to pay abatement costs. Code Enforcement is currently reviewing letter templates and plans to update them by the end of 2023.

**Recommendation 7 — Increase civil penalties for home occupation and commercially zoned property violations: OPEN**

Code Enforcement has not yet taken action toward implementing this recommendation. Managers stated the main barrier has been revising county code, but they are currently working on drafting revisions to Title 23 that may address this recommendation.

## Appendix 2: Current Violation Letter and Simplified Example



**King County**  
**DLS Permitting**  
**Code Enforcement Section**  
919 SW Grady Way, Suite 300  
Renton, WA 98057  
**206-296-6600** TTY Relay: 711  
www.kingcounty.gov

Date

NAME  
ADDRESS  
City, WA Zip

RE: King County Code Violation Code Enforcement Case #ENFR2  
At: Zoning:

Dear NAME:

An inspection of the subject property and/or review of the file has confirmed the following violation(s) of the King County Code exists on the subject property.

(Insert violations from template here)

To correct these violation(s):

(Insert corrections from the template here;)

Our office will follow up to determine compliance. If the violations are not corrected at the time of the follow up, our office has the authority to and will issue a legal notice which requires compliance by a specific date. The legal notice, also known as a Notice and Order, subjects you to civil penalties and is recorded against your property title. To avoid the Notice and Order you have the option of entering into a Voluntary Compliance Agreement (VCA) to achieve compliance. Similar to the Notice and Order, the VCA is a legal document in which you acknowledge that you have violations on your property and agree to bring them into compliance by a specific date. The VCA can also subject you to civil penalties and is recorded against your property title.


If you are unable to resolve the violations by the dates agreed upon in a VCA or required by a Notice and Order you may be subject to an abatement process in which a contractor, acquired by the county, would correct the violation(s). The civil penalties, costs incurred by the county to pursue code compliance, and the cost of that abatement would be your responsibility and may be filed as liens against your property.

If you feel you have corrected the violation and would like to schedule a compliance inspection, please contact me by email at [coharris@kingcounty.gov](mailto:coharris@kingcounty.gov) or by phone at (206) 848-0300. Please leave your name, case number, and phone number on the email or voice mail and I will respond as soon as possible. Thank you for your cooperation.

Officer NAME  
King County Code Enforcement



Example of simplified code violation letter from research paper:<sup>35</sup>



**Louisville-Jefferson County Metro Government**  
**Department of Codes & Regulations**  
 Property Maintenance Division  
 444 S. 5th Street, Suite 200 - Louisville, KY 40202  
 Phone: (502)773-2125 Email: Alex.Blaylock@louisvilleky.gov Web Site: www.louisvilleky.gov/government/codes-regulations

Case Number: \_\_\_\_\_

Page 1 of 4

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## FIX YOUR PROPERTY AND PAY YOUR FINE

Dear Property Owner,

I inspected your property at <address> on <date and time> and found that it is in violation of Louisville Metro's property maintenance regulations.

You must now do two things:

- (1) **pay your fine** by <due date> and
- (2) **correct your violation(s)** by the due date(s) indicated on the following pages to prevent additional fines.

**Fine: \$200.00**

**To pay with your credit or debit card:** call <phone number> right now

You can also mail a check or money order payable to "Louisville Metro Government" to:

Accounts Receivable  
**Attention: Citation Letter Case #<insert number>**  
 611 W Jefferson Street, 2nd Floor  
 Louisville, KY 40202

To pay in person, please visit our office at the address listed above **(cash is accepted)**.

You have the right to appeal your citation. Please see the following page for more information.

To discuss your violations, please call me at <inspector's number>.

---

Inspector

A citation in the amount listed above has been assessed against the owner of the above mentioned property for the existence of violation(s) of the codified ordinances in Chapter 155 and/or Chapter 156 and/or Chapter 32 of the Louisville Metro Code of Ordinances. The facts constituting the offense are listed on the attached page(s).  
 If you are not the owner of this property, you have been sent a copy of this notice as an interested party.

<sup>35</sup> Linos, Elizabeth, Lisa T. Quan, Elspeth Kirkman, "Nudging Early Reduces Administrative Burden: Three Field Experiments to Improve Code Enforcement," *Journal of Policy Analysis and Management*, 2019, Volume 39, Issue 1, pp. 243–265.



# Executive Response

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## King County

### Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800  
Seattle, WA 98104

**206-296-9600** Fax 206-296-0194

TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

October 8, 2023

KyMBER Waltmunson  
King County Auditor  
Room 1033

Dear Ms. Waltmunson:

Thank you for the opportunity to review and comment on the proposed audit report titled "*Growing Case Backlog Requires Re-Prioritization of Code Enforcement Resources.*"

The enclosed recommendation table outlines responses to each of the 22 recommendations. The Department of Local Services (DLS) concurs with each of the recommendations. These recommendations will support DLS and the Code Enforcement Section to develop policies that help focus its limited resources.

We appreciate the report's recognition of the reality of the County's General Fund financial challenges. As you know, our General Fund constraints are due to State-imposed limitations outside of our control. Relatedly, I note that fulfilling these recommendations will be impacted by DLS' available funding and staffing, along with its already sizable workload.

We appreciate the time and effort your staff have put into this thoughtful audit.

Sincerely,

Dwight Dively  
Chief Operating Officer

cc: Jennifer Hills, Deputy Chief Operating Officer, Office of the Executive  
Karan Gill, Chief of Staff, Office of the Executive  
John Taylor, Director, Department of Local Services (DES)  
Jim Chan, Division Director, Permitting Division, DES

## Recommendation 1

Code Enforcement should proactively communicate updated prioritization criteria and processes to Metropolitan King County Council offices in districts with unincorporated areas.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	More detailed language authorizing disposition of code enforcement cases based on prioritization will be part of draft amendments to the King County Code Title 23 planned to be proposed to the Council in September 2024 as called for by Ordinance 19546 Section 90 P1.

## Recommendation 2

Code Enforcement should develop, document, and implement a process to field requests for code enforcement actions from the Metropolitan King County Council.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	2/29/2024
Responsible agency	DLS Permitting
Comment	To ensure equity in the code enforcement process, Metropolitan King County Councilmembers may request code enforcement actions in the same manner as the public requests code enforcement actions. To assist the Council, DLS will provide contact information to each Council office along with instructions on how to request a code enforcement action.

### Recommendation 3

The Department of Local Services should collaborate with the Department of Natural Resources and Parks to develop, document, and implement a process for county employees to report potential code violations, discovered in the course of their work, that balances operational needs with their shared mission to further environmental goals.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	4/31/2024
Responsible agency	DLS Permitting and DNRP
Comment	Employees of DNRP may report potential code violations in the same manner that members of the public report potential violations. To facilitate this, DLS will provide contact information to DNRP along with instructions on how to file a potential code violation.

### Recommendation 4

Code Enforcement should modify its case prioritization structure to align with King County's environmental goals.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	8/31/2024
Responsible agency	DLS Permitting and DNRP
Comment	This extensive body of work will require collaboration between DLS, the Climate Office, and DNRP. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 5

Code Enforcement should revise its violation letter templates to simplify communications in accordance with the “King County Plain-Language Guide.”

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	9/30/2024
Responsible agency	DLS Permitting
Comment	This work will require comprehensive revisions to violation letter templates in alignment with updated code violation priorities, as well as the Plain Language Guide. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 6

Code Enforcement should update and send its educational materials alongside violation letters to property owners, as specified in its July 2023 plan.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	10/30/2024
Responsible agency	DLS Permitting
Comment	DLS code enforcement staff will update and make accessible its educational materials, including developing new materials covering most code violation types. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 7

Code Enforcement should create and publish a “Frequently Asked Questions” resource to assist property owners in answering common code questions.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	10/30/2024
Responsible agency	DLS Permitting
Comment	DLS will develop the FAQ in tandem with the revised and expanded educational materials. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 8

Code Enforcement should develop, document, and implement a plan to make all publicly available materials accessible in Spanish, in accordance with the King County Office of Equity, Racial, and Social Justice’s Written Translation Manual.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	This work is related recommendations 5, 6, and 7, regarding the revision and expansion of DLS educational materials. Once created or revised using plain language, each new or updated document (code violation letter templates, FAQ, and website) would then be translated to Spanish. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation. Notably, the cost of translation cannot be estimated until the creation/revision of these items is completed.

## Recommendation 9

Code Enforcement should identify and implement steps to allow staff to enter data from the field.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	The Accela mobile application, deployed in 2022, facilitates on-line and off-line field data entry, with automatic upload and download when cell coverage is available. DLS' continued training and consistent use of this application support fulfilling Recommendation 9. Notably, King County's topography and incomplete cell coverage in King County are factors outside the control of DLS impacting field worker ability to enter data in real-time.

## Recommendation 10

Code Enforcement should update its data entry policies and Accela configuration to optimize data entry and ensure officers enter all fields needed for case and program management.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	DLS has redesigned and streamlined the Accela workflow for code enforcement cases, deploying it for new enforcement cases created since November 2022. DLS is planning updated Accela training and monitoring of timekeeping and other functions implemented over the course of 2024.

## Recommendation 11

Code Enforcement management should work with section officers to minimize the additional burden of data entry that could result from changes to data entry policies and Accela configuration.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	DLS is planning updated Accela training and monitoring of data entry to ensure consistency and ease of use.

## Recommendation 12

Code Enforcement should assign priorities to open cases with no priority recorded.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

### Recommendation 13

Code Enforcement should create policies to ensure that all future cases have a priority assigned within an acceptable time period.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	DLS will establish policies for priority handling. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

### Recommendation 14

Code Enforcement should develop, document, and implement tools to guide officers as they make decisions for which there are not clear procedures.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	DLS is currently engaged in comprehensive documentation of all procedures and criteria for resolving code violation complaints. The specific criteria will be affected by prioritization of the various code violation types and differentiating circumstances in accord with potential proposed amendments to KCC Title 23 expected to be transmitted to the Council in September 2024. Once documentation is in place, DLS will conduct training on the criteria and monitor implementation. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.



## Recommendation 15

Code Enforcement should develop a process for monitoring data relating to officer discretion including case timelines, fines and fees, and feedback from property owners and complainants (per Recommendation 16).

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	9/30/2024
Responsible agency	DLS Permitting
Comment	Monitoring officer discretionary actions and decisions, including case timelines, fines and fees already is a part of DLS enforcement officer, lead, and manager consultation on individual cases. To expand these reviews and make them a consistent part of the process for open cases, DLS will need to identify further changes to the Accela work flow. Integrating property owner feedback will occur as a formal feedback mechanism is developed and implemented. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 16

Code Enforcement should create a feedback mechanism through which property owners and complainants can submit comments on their experience with the enforcement process.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	While DLS does informally receive comments and feedback from complainants and violators, a formal feedback mechanism will be beneficial. Developing and launching such a mechanism will require additional resources. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 17

Code Enforcement should develop, document, and implement a plan to use citations for some types of cases. The plan should include monitoring to assess the extent to which citations reduce overall case duration.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	The KCC provisions for citations will be examined as part of the Title 23 analysis and revision process underway by DLS as part of potential proposed changes to KCC planned to be transmitted to the Council in September 2024. Increased workload as a result of expanded use of citations will have budgetary and staffing impacts. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 18

Code Enforcement should work with the Hearing Examiner to identify ambiguous and/or inconsistent portions of land use and enforcement codes to inform the planned code update process.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	9/30/2024
Responsible agency	DLS Permitting, Office of the Hearing Examiner
Comment	DLS will engage the Hearing Examiner as part of the department's work around analysis and revision of KCC Title 23 planned to be transmitted to the Council in September 2024.

## Recommendation 19

Code Enforcement should raise civil penalty fines for commercial entities in the planned code update as recommended by the *Code Enforcement and Abatement Process Evaluation from 2015*.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	9/30/2024
Responsible agency	DLS Permitting
Comment	DLS is preparing to examine increasing fines for commercial entities as part of its Title 23 analysis planned to be transmitted to the Council in September 2024.

## Recommendation 20

Code Enforcement should communicate the civil penalty fine schedule in a clear and easy to understand way on its website and in paper handouts.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	8/30/2024
Responsible agency	DLS Permitting
Comment	Sharing the civil penalty schedule on DLS's website is planned be part of the department's ongoing website update. Code violation letter templates will be revised to reflect current penalties, and further revised as needed to reflect any changes to Title 23 made by the Council. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 21

Code Enforcement should analyze property owner experiences with violation letters and determine the best time to include information on potential civil penalty fines.

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	10/30/2024
Responsible agency	DLS Permitting
Comment	This work will be an integral part of the analysis and revision of code enforcement templates identified in Recommendation 5. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.

## Recommendation 22

Code Enforcement should work with the Hearing Examiner and the Water and Land Resources Division to develop and implement a prioritization structure for Already Built Construction cases

AGENCY RESPONSE	
Concurrence	<b>CONCUR</b>
Implementation date	12/31/2024
Responsible agency	DLS Permitting
Comment	Already Built construction (ABC) enforcement cases are unique, complex, and resource intensive because required mitigations, structural revisions, permits, and/or demolition are determined after structures were built without authorization. Developing a prioritization process to manage these cases would be beneficial. Available funding, staffing, and constrained workloads may impact timing of work related to this recommendation.



# Statement of Compliance, Scope, Objectives & Methodology

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## Statement of Compliance with Government Auditing Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Scope of Work on Internal Controls

We reviewed internal controls as they related to the goals of workload prioritization, customer service, and using data to inform strategic planning.

## Scope

This audit will review the performance of the Code Enforcement Section (Code Enforcement) of the Department of Local Services.

## Objectives

1. To what extent has Code Enforcement implemented strategies recommended in previous studies and provisos, and what are the barriers to implementation and results of the progress it has made?
2. To what extent is complete and reliable data available to drive efficient, effective, and equitable code enforcement operations?
3. To what extent does Code Enforcement clearly communicate with and educate residents about code enforcement processes and penalties?

## Methodology

To assess Code Enforcement's implementation of recommendations made in previous evaluations, studies, and provisos, we examined internal Code Enforcement documents, county code, and previous studies and provisos. We also interviewed King County staff from Code Enforcement, Department of Local Services Permitting Division, the Water and Land Resources Division, the Office of the Ombuds, and the Hearing Examiner as well as staff from comparable jurisdictions. We compared current policies and

procedures with the past recommendations to determine their status. We used these past recommendations and practices from comparable jurisdictions as criteria.

To understand the availability of complete and reliable data, we analyzed cases from Code Enforcement's case management system (Accela). We used all complaints logged from January 1, 2015 to December 31, 2022 for our analysis, as opposed to samples. We also examined cases opened before 2015 that were still open as of April 30, 2023. In addition, we interviewed Code Enforcement staff and analytics staff at the Department of Local Services. Relevant criteria include recommendations made to Code Enforcement by past analyses and the *Standards for Internal Control in the Federal Government*, known as the "Green Book."

To determine the extent to which Code Enforcement clearly communicates with and educates residents, we examined Code Enforcement's violation letters, educational handouts, and website. We also interviewed Code Enforcement staff. We used criteria from the "King County Customer Service Guide," customer service criteria defined by the King County Auditor's Office, and guidance on reducing implicit bias from the National Institute of Health.



# List of Recommendations

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## Recommendation 1

Code Enforcement should proactively communicate updated prioritization criteria and processes to King County Council offices in districts with unincorporated areas.

## Recommendation 2

Code Enforcement should develop, document, and implement a process to field requests for code enforcement actions from the Metropolitan King County Council.

## Recommendation 3

The Department of Local Services should collaborate with the Department of Natural Resources and Parks to develop, document, and implement a process for county employees to report potential code violations, discovered in the course of their work, that balances operational needs with their shared mission to further environmental goals.

## Recommendation 4

Code Enforcement should modify its case prioritization structure to align with King County's environmental goals.

## Recommendation 5

Code Enforcement should revise its violation letter templates to simplify communications in accordance with the "King County Plain-Language Guide."

## Recommendation 6

Code Enforcement should update and send its educational materials alongside violation letters to property owners, as specified in its July 2023 plan.

### Recommendation 7

Code Enforcement should create and publish a “Frequently Asked Questions” resource to assist property owners in answering common code questions.

### Recommendation 8

Code Enforcement should develop, document, and implement a plan to make all publicly available materials accessible in Spanish, in accordance with the *King County Written Translation Manual* developed by the Office of Equity, Racial, and Social Justice.

### Recommendation 9

Code Enforcement should identify and implement steps to allow staff to enter data from the field.

### Recommendation 10

Code Enforcement should update its data entry policies and Accela configuration to optimize data entry and ensure officers enter all fields needed for case and program management.

### Recommendation 11

Code Enforcement management should work with section officers to minimize the additional burden of data entry that could result from changes to data entry policies and Accela configuration.

### Recommendation 12

Code Enforcement should assign priorities to open cases with no priority recorded.

### Recommendation 13

Code Enforcement should create policies to ensure that all future cases have a priority assigned within an acceptable time period.

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### Recommendation 15

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Code Enforcement should create a feedback mechanism through which property owners and complainants can submit comments on their experience with the enforcement process.

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### Recommendation 19

Code Enforcement should raise civil penalty fines for commercial entities in the planned code update as recommended by the *Code Enforcement and Abatement Process Evaluation* from 2015.

### Recommendation 20

Code Enforcement should communicate the civil penalty fine schedule in a clear and easy to understand way on its website and in paper handouts.

### Recommendation 21

Code Enforcement should analyze property owner experiences with violation letters and determine the best time to include information on potential civil penalty fines.

## Recommendation 22

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# Advancing Performance & Accountability

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KYMBER WALTMUNSON, KING COUNTY AUDITOR

**MISSION** Promote improved performance, accountability, and transparency in King County government through objective and independent audits and studies.

**VALUES** INDEPENDENCE • CREDIBILITY • IMPACT

**The King County Auditor’s Office is committed to equity, social justice, and ensuring that King County is an accountable, inclusive, and anti-racist government.** While planning our work, we develop research questions that aim to improve the efficiency and effectiveness of King County government and to identify and help dismantle systemic racism. In analysis we strive to ensure that communities referenced are seen, not erased. We promote aligning King County data collection, storage, and categorization with just practices. We endeavor to use terms that are respectful, representative, and people- and community-centered, recognizing that inclusive language continues to evolve. For more information, see the King County [Equity and Social Justice Strategic Plan](#), King County’s [statement on racial justice](#), and the King County [Auditor’s Office Strategic Plan](#).

**ABOUT US** The King County Auditor’s Office was created by charter in 1969 as an independent agency within the legislative branch of county government. The office conducts oversight of county government through independent audits, capital projects oversight, and other studies. The results of this work are presented to the Metropolitan King County Council and are communicated to the King County Executive and the public. The King County Auditor’s Office performs its work in accordance with Government Auditing Standards.



This audit product conforms to the GAGAS for independence, objectivity, and quality.