

# **Improving the Efficiency and Effectiveness of Seattle's Code Enforcement**

**May 27, 2007**

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# REPORT HIGHLIGHTS

Seattle Office of City Auditor – May 27, 2007

A copy of the Office of City Auditor’s full report regarding Seattle’s Code Enforcement can be obtained at the Auditor’s website at <http://seattle.gov/audit> or by calling (206) 233-3801. Please direct any questions or comments regarding this report, or suggestions for future audits to Susan Cohen, Seattle City Auditor, at (206) 233-3801 or [susan.cohen@seattle.gov](mailto:susan.cohen@seattle.gov).

## Improving the Efficiency and Effectiveness of Seattle’s Code Enforcement

### Audit Objectives

For this audit, we evaluated the effectiveness and efficiency of the code enforcement function for three codes enforced by Seattle’s Department of Planning and Development (DPD):

1. The Housing and Building Maintenance Code (Housing Code), which regulates conditions in rental housing units, maintenance standards for vacant buildings, and the abatement of unfit buildings and premises;
2. The Land Use Code, (zoning code), which regulates the use of a property and the location and numerous other characteristics of structures on a property; and
3. The Weeds and Vegetation Ordinance, which regulates overgrowth of weeds and vegetation from private property that create hazards by obstructing public rights of way, harboring rodents or other pests, or posing a potential fire hazard.



Typical junk storage violation  
Source: DPD Housing/Zoning Inspector Ed Backmon

### Conclusions in Brief

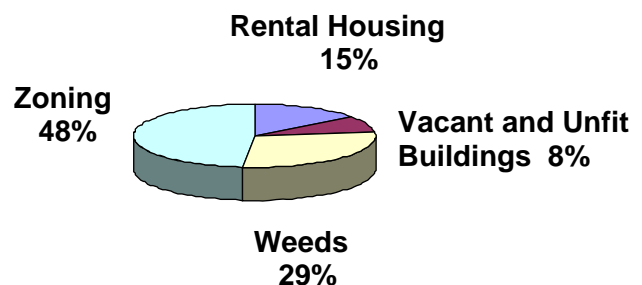
The Department of Planning and Development’s (DPD’s) enforcement of Housing and Land Use Code violations is generally adequate. Enforcement could be improved by 1) fine-tuning the electronic case management system, 2) improving the system for documenting conditions that apply to particular properties, and 3) engaging all units of DPD in responsibility for code enforcement.

We found that 85% of the service requests we reviewed were inspected within 30 days; however, a few rental housing cases waited too long for attention. Improving the electronic case management system should help ensure that no cases get overlooked for prolonged periods before coming to the attention of inspectors and/or their supervisors.

DPD could also improve the performance of its permit review units in supporting code compliance by simplifying, clarifying and/or expanding information on conditions imposed on particular properties as part of the permit process. This would help prevent those requirements from being overlooked in subsequent permit applications and thus inadvertently overriding earlier decisions.

These suggested improvements in the information systems that support the inspection and property-research functions would resolve many of the issues we identified in our review.

### Types of DPD Code Enforcement Complaints



## Report Conclusions

Listed below are the 13 audit conclusions we had based on our work. We have rated the conclusions as either Green: Working well, or Effectiveness and Efficiency is Adequate; Yellow: Some improvement recommended; or Red: A serious concern that should be addressed

**Conclusion 1 (Green):** Priorities for response to complaints are clearly described in the Performance Standards and Workplace Expectations, and inspectors demonstrated an understanding.

**Conclusion 2 (Green):** Management is identifying and addressing problems in the area of training.

**Conclusion 3 (Green):** The DPD Code Compliance Division's response was adequate in the two case studies that were part of this review.

**Conclusion 4 (Red):** DPD lacks a viable system for tracking conditions that apply to a property based on previous DPD or quasi-judicial permit decisions.

**Conclusion 5 (Red):** DPD has no system for ensuring that conditions imposed in the Land Use review process are implemented in the construction and occupancy of a project.

**Conclusion 6 (Red):** Hansen system reports have incorrect data and summary reports did not consistently register some of the common enforcement "tools" used by inspectors such as verbal and written warnings.

**Conclusion 7 (Yellow):** Citation cases that have an unpaid default judgment (penalty) entered against the owner continue to register as open cases in the Hansen system, requiring inspectors and supervisors to mentally "filter out" these cases to get a true picture of the inspector's open cases.

**Conclusion 8 (Yellow):** Cases referred to the Law Department do not use the Hansen reports system to track progress. This leaves many cases appearing as if they are not being addressed, based on information visible in the Hansen reports and available to the public, whereas they are being actively prosecuted. This information does show in the individual case report.

**Conclusion 9 (Yellow):** When multiple case numbers are opened for one property (because there are violations of multiple codes, e.g. Land Use, Housing and Weeds/Vegetation) it appears that over time some of these are cleared, but others get forgotten or are not cleared from the system.

**Conclusion 10 (Yellow):** While the vast majority of cases see a response from an inspector within 30 days of the complaint, some do not receive a timely response. This may be caused by limited resources for inspection.

**Conclusion 11 (Yellow):** Housing cases may not uniformly prioritized above others, as required by the guidelines.

**Conclusion 12 (Yellow):** Gaps in inspector response to due dates or scheduled inspection dates range from 3 months to 22 months. While the number of cases with such gaps was small (about ½%) this demonstrates a problem with some cases apparently dropping out of awareness of the inspector and/or management.

**Conclusion 13 (Green):** The processing of cases referred to the Law Department for legal action appears to be adequate.



Inoperable vehicle and junk storage violation  
Source: DPD Housing/Zoning Inspector Ed Backmon



City of Seattle  
Office of City Auditor  
Susan Cohen, City Auditor

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May 11, 2007

The Honorable Greg Nickels  
Seattle City Councilmembers  
City of Seattle  
Seattle, Washington 98104

Dear Mayor Nickels and City Councilmembers:

In response to citizen complaints about enforcement action against code violations, Councilmember Tom Rasmussen asked the Office of City Auditor to assess the effectiveness and efficiency of enforcement of the Housing and Building Maintenance Code and the Land Use Code by the Department of Planning and Development (DPD) Code Compliance Division.

Attached is a report on the results of our review: *Improving the Efficiency and Effectiveness of Seattle's Code Enforcement*. We examine whether DPD has sufficient controls in place to respond effectively to complaints of violations of the Housing Code and Land Use Code, and if the effectiveness and efficiency of the City's Housing Code and Land Use Code enforcement can be improved. The Department of Planning and Development provided formal, written comments on a draft of this report. Those comments are found in Appendix II.

We appreciate the excellent cooperation of DPD management and staff during the review process. If you have any questions or comments about this report, please call Mary Denzel, the Auditor in Charge of this project, at (206) 684-8158, or me at (206) 233-1093.

Sincerely,

A handwritten signature in cursive script that reads "Susan Cohen".

Susan Cohen  
City Auditor

Attachment

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## Introduction

The Department of Planning and Development (DPD) Code Compliance Division investigates reported violations to help ensure that properties and buildings are used and maintained in conformance with code standards, to facilitate enforcement actions against violators through the legal system, and to reduce the deterioration of structures and properties so that Seattle's housing stock lasts longer. DPD enforces compliance with specific community standards for construction, grading and drainage, critical areas, noise, rental housing, land use, shorelines, vegetation overgrowth, unfit buildings, tenant relocation assistance, just-cause eviction, mechanical systems, electrical conveyances, boilers and pressure vessels, signs, landmarks, and vacant buildings. DPD regulates and enforces compliance by issuing permits, inspecting during the construction process, and by responding to more than 4,800 code violation complaints annually.<sup>1</sup>

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## Background

DPD receives a variety of complaints, assigns staff from several DPD divisions to handle them, and uses a multi-step process to deal with the complaints.

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<sup>1</sup> From the Department of Planning and Development 2007-2008 Budget. Codes enforced by this unit include the Environmentally Critical Areas Ordinance, Housing and Building Maintenance Code, Just Cause Eviction Ordinance, Seattle Condominium and Cooperative Conversion Ordinances, Seattle Land Use Code, Seattle Shoreline Master Plan, and the Seattle Tenant Relocation Assistance Ordinance.

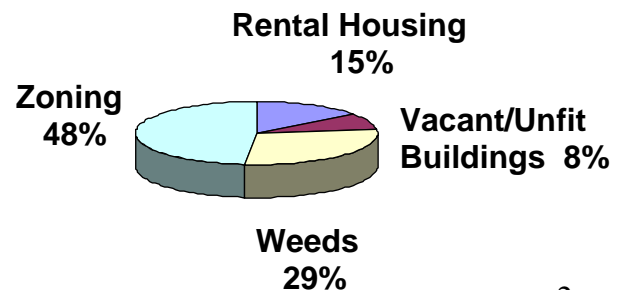
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## Types of DPD Code Enforcement Complaints

Exhibit 1 shows the types of complaints (called service requests) received by the DPD Code Compliance Division between January 1, 2005 and July 21, 2006 citing violations of the Housing and Building Maintenance Code (Housing Code) including vacant and unfit buildings, the Land Use Code (zoning code) and the Weeds and Vegetation Ordinance. About half the complaints received in this period regarded violations of the zoning code, 29% involve overgrowth of weeds and vegetation, 15% were complaints about rental housing violations, and 8% complaints about vacant/unfit buildings. Under a complaint-based system such as DPD's, some tenants do not report violations due to factors such as language or cultural barriers and fear of landlord retaliation or a rent increase. The most visible violations are those of the zoning code, Weeds and Vegetation Ordinance, and vacant buildings regulations, whereas rental housing violations are often inside rental units, and thus visible only to the tenant. To ensure its limited inspection resources are used to quickly address any imminent threat to health and safety, DPD gives a higher priority to violations of the Housing Code, as well as violations of other codes that pose an immediate health or safety risk.

**Exhibit 1**

### Types of DPD Code Enforcement Complaints



Citizens wanting a quick resolution to visible nuisance violations may find this priority frustrating, as it can result in delay in correcting the condition they have reported if it does not present an imminent risk to health or safety.

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### **Staffing of the Enforcement Function**

The employees within the DPD Code Compliance Division who receive, research, inspect and enforce complaints include Housing/Zoning Inspectors, Senior Housing/Zoning Inspectors, Supervising Housing/Zoning Inspectors and supporting positions called Housing/Zoning Technicians, Administrative Specialists and Code Compliance Analyst/Coordinators. A brief description of their roles:

- **Housing/Zoning Inspector:** Carries a caseload of service requests of reported violations and confirmed violation cases regarding various codes, generally within a defined geographic area.
- **Senior Housing/Zoning Inspector:** Carries a caseload of more challenging or difficult cases, not confined to a defined geographic area, including unfit buildings and premises, voluntary abatements and condominium conversions.
- **Supervising Housing/Zoning Inspector:** Supervises a group of Housing/Zoning Inspectors and Technicians and makes case assignments.
- **Housing/Zoning Technician:** Takes in service requests, primarily via telephone and online complaints; researches property ownership and

permit history on violation cases so that notices of violation and other communications with property owners are sent to the proper person.

- **Administrative Specialist:** Creates and maintains case files; prepares, copies and mails documents; performs shared reception function.
- **Code Compliance Analyst/Coordinator:** Reviews enforcement cases before a Law Referral is made; represents DPD at citations hearings before the Hearing Examiner; represents DPD, with backup from the Law Department, in Pre-Settlement Hearings designed to motivate defendants to comply and thus avoid the need for further legal action; and coordinates with and assists the Law Department with cases in litigation process and consults with Law, when necessary, on legal issues that arise before a case is referred for litigation.

Exhibit 2 shows the staffing levels for the Housing/Zoning Inspector, Senior Housing/Zoning Inspector, Supervising Housing/Zoning Inspector, Housing/Zoning Technician, and Senior Housing/Zoning Technician positions from 2002 through the 2007-2008 budget. DPD management reports that the total number of support staff has remained fairly constant since 2002, but these positions have been re-purposed to emphasize technicians at the expense of administrative staff.

While the workload has remained relatively constant, the number of inspectors has gone from 15 full time equivalents (FTE) in 2002 to 12.5 FTE in 2006. The department gained an additional Senior Housing/Zoning Inspector in the 2007-2008 Budget to focus

**Exhibit 2. Housing/Zoning Inspection Staffing  
(in full time equivalents (FTEs))**

	'02	'03	'04	'05	'06	'07
<b>Inspector</b>	15	15	13.5	12.5	12.5	12.5
<b>Supervisor</b>	3	3	3	3	3	3
<b>Senior</b>	2	2	2	2	2	3
<b>H/Z Tech</b>	3	3	3	3	3	3
<b>Senior Tech</b>	2	1	1	1	1	1
	25	24	22.5	21.5	21.5	22.5

on complaints regarding complex and intractable cases, which may involve multiple city departments and other public agencies.

### Steps in the Enforcement Function

The DPD Code Enforcement Division responds to complaints (service requests) regarding violations of one of the codes enforced by the unit. Complaints may be conveyed in several ways including phone, internet and email. Support staff in the unit enter the complaints into “Hansen,” the Department’s electronic case management system, create a paper file or add the new complaint to a pre-existing paper file, and pass the file along to the Supervising Housing/Zoning inspector. The Supervising Inspector assigns the complaint to an inspector. Inspectors have varied methods for keeping track of the complaints assigned to them. The primary method is to keep the paper file on the top of their desk in organizers separating cases by categories such as “not yet inspected,” or “date next inspection is due.”

If the complaint is about a violation of the Housing Code inside a rental housing unit the inspector must contact either the tenant or owner of the property to gain admission to the property. If the complaint is about a violation of one of the other codes, or of a Housing Code violation visible from the street, the inspector can simply visit the site

and observe whether a violation exists. If the inspector finds a violation he or she will generally take one or more photographs and make field notes of the observations. When the inspector returns to the office he or she must enter the field notes into the Hansen system, and save the digital photos in the department’s drive on the City network. Several inspectors we interviewed reported frustration with the time it takes to do double-entry of case notes into the paper file and the electronic system. However, the benefits of the electronic system, if it is working optimally, outweigh this inconvenience. We discuss this issue below.

Inspectors can use a variety of tools to encourage a property owner to bring a property into compliance. Many owners will voluntarily comply with the codes as soon as an inspector explains the violation and what’s required for compliance. If this doesn’t occur, the inspector can provide a verbal warning, a written warning, a citation (only for a subset of violations), or issue a notice of violation. In an emergency the inspector can issue an emergency order. Each of these steps has due dates for non-compliance and potential consequences up to and including fines. Violators may also be subject to jail time under particularly egregious circumstances.

If a property does not come into compliance within the specified time the case can be referred for legal action.

- Citations are filed with the Hearing Examiner who can enter a judgment ordering the owner to pay a fine of \$150. If the property still does not come into compliance, the inspector can issue a second citation. The fine for such a second violation is \$500 per Seattle Municipal Code section 22.207.016 A and B.

- Notices of violation that are not cured by compliance are transferred to the Law Department, which can file a suit against the owner and/or other responsible party. These cases are often settled, or resolved informally through the Pre-Settlement Hearing process, which is jointly coordinated by DPD and the Law Department under the supervision of a magistrate. Unresolved cases are prosecuted in Seattle Municipal Court, where civil penalties and other remedies, including injunctions, can be assessed, depending on the severity of the violation. An order of abatement, a remedy available under the Building Code and certain sections of the Housing Code, can be obtained in which the owner or person responsible is ordered to correct the violation by a certain date, and if not done, the city is itself authorized to correct a violation at the owner's cost. When any case is prosecuted to final judgment, the City obtains a lien on the property that requires payment of the civil penalties imposed by the judgment prior to sale of the property.

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## Scope and Methodology

While performing this audit, our office followed the Generally Accepted Government Auditing Standards, as prescribed by the comptroller General of the United States.

To assess the effectiveness of the code enforcement process for Housing Code and Land Use (zoning) complaints, we selected all 4,704 service requests (complaints) from the DPD electronic complaint-tracking database originating between January 1, 2005 and July 21, 2006, a period of just over 18 months. From a different Hansen Report,

the Statistics Report, we selected all active cases in the same time period for Housing/Zoning Inspectors, resulting in 2,635 “cases” with observed violations<sup>2</sup>. Most of the other service requests were not found to be violations.

We evaluated response time, the length of time to resolve a case, and looked in detail at more than 400 specific case reports where response was delayed or absent to determine the causes. Within the Code Compliance Division we interviewed managers, inspectors and senior inspectors. We did not interview administrative support staff or Housing/Zoning Technicians, focusing instead on the inspectors who have immediate responsibility for responding to and resolving the complaints. We interviewed the Director of the DPD Planning and Operations Division, attorneys from the City Attorney's Office that have responsibility for pursuing legal action against code violators, and reviewed the case management database that records legal action taken against violators. We also conducted case studies of two specific properties where complainants had contacted Seattle City Councilmembers because of dissatisfaction with DPD's response to their complaints.

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## Conclusions and Recommendations

Overall, DPD manages its code enforcement function well: performance standards and workplace expectations are established and management is identifying problems and addressing them. We carefully reviewed two complicated code enforcement issues and

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<sup>2</sup> We did not look at cases assigned to Senior Housing/Zoning Inspectors, choosing to isolate cases assigned to Housing/Zoning Inspectors only.

found that DPD responded adequately, but that some systems improvements were needed. DPD needs to:

- improve its tracking of conditions applied to properties during the permit process;
- improve its electronic case management system;
- ensure all cases opened for one property get addressed and closed timely; and
- improve on the number of cases that see a response within 30 days.

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### **Code Enforcement Has Strong Staff Management Practices**

We reviewed the Performance Standards and Workplace Expectations for Housing/Zoning Inspectors and found that the expectations were clearly explained for priority of response and timing of response at various stages of the enforcement process.

**Conclusion 1.** Priorities for response to complaints are clearly described in the Performance Standards and Workplace Expectations, and all inspectors interviewed demonstrated an understanding of the priorities.

We interviewed four inspectors, one senior inspector, and two supervising inspectors. Depending on when they were hired, some inspectors reported receiving little formal training, while others were part of a more comprehensive training effort with a training manual (now outdated) and regular classes. While supervisors reported making themselves available to inspectors for consultation, at least one inspector reported being reluctant to approach supervisors because they are too busy. (See Conclusion 10 below for more our finding related to limited resources being one potential cause of delayed responsiveness). The manager of

the unit has assigned staff to update the training manual and make the material available online (and thus on-demand) to inspectors. We support and applaud this effort, which was underway as we were conducting this audit.

Another issue raised in our interviews with inspectors and the manager is that inspectors are not consistent in the way they apply the code to particular situations. An example is a violation of storing an “inoperable vehicle” on a property not zoned for junk storage. Inspectors did not have a consistent understanding of what causes a vehicle to be classified as inoperable. The manager herself raised this as a concern, and planned to initiate training in key areas to foster more consistent application of the regulations by the inspectors. We applaud this problem identification and response by management.

**Conclusion 2.** Management is identifying and addressing problems in the area of training by assigning staff to revise and update the training manual and make it available to employees electronically, and by developing training to address consistent application of code regulations.

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### **Case Studies Show DPD Responded Adequately but Systems Improvements are Needed**

The Dean Falls properties and the Bertschi School have generated a lot of distress among neighbors, resulting in many complaints to DPD and to Seattle’s elected officials. We carefully reviewed these two cases to evaluate DPD’s handling of them.

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#### **Dean Falls Property**

There were nine complaints regarding four contiguous properties on East Madison,

known as the Dean Falls properties, between April 2004 and November 2005. The case records for the first cases – a Housing case involving a broken window and a zoning case involving junk storage – showed persistent efforts by inspectors over an eighteen month period. They were finally referred to the Law Department for legal action in October 2005 after the owner failed to correct the violations after warnings, notices of violation, and many discussions with the owner’s agents. In August 2006 the owner paid \$1,190 in penalties, and the property was brought into compliance on the original issues. However, additional violations were noted in the interim, and inspectors initiated additional enforcement actions. It took until December of 2006 for all violations to be corrected.

The neighbor who complained about these violations was frustrated because of the time it took to obtain compliance. However the record indicates that inspectors were responsive on a fairly continuous basis. Between April 2004 and December 2006 (33 months) an inspector visited the site or took some other step in furthering the enforcement process in each of 29 months. The legal action took 10 months until fines were applied and paid, but seemed effective in bringing eventual compliance.

Note: the current manager of the Code Enforcement unit supports a faster movement from initial contact to notice of violation and referral to Law for repeat offenders. We support this policy, since the legal process seems to speed compliance as it eventually did in this case.

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### The Bertschi School

The Bertschi School is a private grade school that has grown in both the number of students and the size of its property over the

last 30 years. This growth has generated a lot of complaints from the school’s neighbors.

The City Council received a citizen complaint in September 2005 regarding numerous suspected code violations at the Bertschi School. See Appendix I for the City’s formal response to these complaints). The school started in its current location in one building in 1976. Over the next 30 years it grew by taking over adjacent buildings, and it now occupies the entire eastern half of the block. Private schools are allowed in the multi-family residential zone where the school is located. The then-Department of Construction and Land Use (now DPD) reviewed numerous permits between 1980 and 2006 for expansions of the school. The DCLU/DPD decisions were based on code requirements at the time of each permit application.

The western half of the block adjacent to the Bertschi School has single family homes that directly abut the school property. A 1981 settlement agreement between adjacent property owners and the Bertschi School includes a provision stating “The Bertschi School agrees to accept a condition on the use permits limiting its total enrollment to 120 students. ...The School also agrees to accept a condition on the use permits limiting the number of students in attendance at any one time to 120 students.” The Director of the then-Department of Construction and Land Use (DCLU) signed the document and was noted among the “parties to the agreement” in the Recitals Section. However, the enrollment cap is included in a section of the document, titled “Agreement,” that does not include the Director of DCLU among those agreeing to its provisions. It begins “In consideration of the mutual covenants herein, the Bertschi School and the neighbors hereby withdraw

their appeals in this matter and further agree as follows...” (Emphasis added).

Neighbors felt this agreement established a permanent cap on enrollment as a condition of the permit under appeal at the time, and that the cap would endure for the life of the school. The City’s position is that this was an agreement between the school and its neighbors, and was not a condition of the permit; and it would be the responsibility of parties to the agreement to enforce its provisions. However, this nuance is not as transparent as it could be, and it is not clear from the record whether DCLU staff in the permit issuance process were fully aware of previous conditions applied to the Bertschi School.

The record of the permit processes for each stage of expansion contains letters of complaint from neighbors who objected to the increased parking, noise and traffic impacts. These issues have been addressed over the years through permit processes at each stage of expansion. Three of these subsequent DPD permit decisions were appealed to the Hearing Examiner. One was further appealed to Superior Court. In each case the School was allowed to expand in keeping with the Land Use Code regulations in place at the time.

We found the DPD Code Compliance unit’s response to the complaint straightforward and timely. DPD received a complaint on September 1, 2005, investigated the complex code history, and issued a notice of violation on February 17, 2006 regarding the single violation noted: a fence that was over the height shown on the applicable permit. The school’s owners subsequently applied for a permit for the over-height fence. DPD issued a decision to approve the fence height on October 5, 2006. A neighbor appealed the decision to the Hearing Examiner. On

May 8, 2007 the Hearing Examiner affirmed the DPD decision to permit the additional fence height.

**Conclusion 3.** The DPD Code Compliance Division’s response was adequate in the two case studies that were part of this review.

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### **DPD Needs to Improve Tracking of Conditions Applied to Properties**

While we found the DPD Code Compliance unit’s response to the complaint about the Bertschi School to be timely and appropriate; our review of this case highlighted an issue that should be of concern to the City. When a property has a history of many permits over a period of years, it can be difficult to keep track of the permit conditions or requirements imposed on a property from the DPD records. The fact that subsequent permits may modify or override earlier requirements and that zoning regulations change over time exacerbates the problem of determining which conditions apply at a given point in time. Each property could require hours of research through complex information, using sometimes-poor-quality microfilm. Expert analysis may be required to determine conditions or requirements that still apply. This increases the chance of human error among DPD plan reviewers, owners and other stakeholders. A further complication is that DPD has no system in place for inspecting to ensure that Land Use Code conditions are met when a project is finally completed and occupied.

**Conclusion 4.** DPD lacks a viable system for tracking conditions that apply to a property based on previous DPD or quasi-judicial permit decisions. Consequently, determining the conditions that apply to a property based on previous DPD permit

decisions can be very difficult due to the complexity of the information and time required for detailed research.

**Conclusion 5.** DPD has inadequate systems for ensuring that conditions imposed in the Land Use review process are implemented in the construction and occupancy of a project.

**Recommendation:** From this point on, DPD should improve the availability, simplicity and clarity of information on property requirements to reduce the risk that previous permit conditions could be overlooked, and so that subsequent permit reviewers make note of allowable changes in relation to previous restrictions. DPD should develop a single roster of conditions that can be easily reviewed and officially updated with each subsequent permit. As funds permit, DPD should enter historic information into this record.

**Recommendation:** DPD should establish a system for inspecting projects under permit to ensure that conditions imposed in the Land Use review process are implemented for the project.

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### **The DPD Electronic Case Management System (Hansen) Needs Improvement**

Hansen summary reports, such as the Open Cases report, are used to alert supervisors and inspectors to cases that need attention. The Hansen summary reports provided an inaccurate list of open cases that needed attention, with many cases appearing on the list that were actually receiving adequate response. Because of problems with the summary data in the Hansen reports we did extensive review of inspector entries in more than 400 individual case reports. We checked the list of open cases provided by Hansen against the Hansen “Live Data”

report, which contains inspector’s notes on each activity related to a case. The inspectors’ notes indicated that of the 128 cases where the Hansen Open Cases Report indicated no tool (warning, citation, Notice of Violation) had been used, the inspector’s case reports showed a tool had been used in 93 (or 73%) of them. This seems to be a system or report-design problem rather than a data entry problem.

Problems with the Hansen reports give a disproportionately negative impression about DPD responsiveness to cases – showing too many cases as open and/or not responded to. The errors in the reports irritate inspectors, and contribute to a dismissive attitude about the usefulness of electronic case management.

**Conclusion 6.** We found considerable incorrect data in the Hansen system reports. The Hansen summary reports did not register some of the common enforcement “tools” used by inspectors such as verbal and written warnings. This made a case appear to need attention, when in fact the inspector was properly addressing the situation.

**Recommendation:** DPD should ensure that both verbal and written warnings register in the Hansen Reports as an “enforcement tool”.

**Conclusion 7.** Citation cases that have an unpaid default judgment entered against the owner continue to register as open cases in the Hansen system, requiring inspectors and supervisors to “filter out” these cases to get a true picture of the inspector’s open cases.

**Recommendation:** DPD should create a separate category for cases with unpaid default judgments, rather than keeping them in the “open cases” category.

**Conclusion 8.** The Hansen reports system is not used to record further activity on cases after they are referred to the Law Department for legal action. Another database is used for this purpose, with Law Department staff performing some of the data entry. This leaves many cases in the Hansen reports appearing as if they are not being addressed, whereas they are being actively prosecuted. The referral to Law does appear in the individual case record.

**Recommendation:** DPD should record referrals to Law in the Hansen system, not just the separate Law database.

**Conclusion 9.** When multiple case numbers are opened for one property (because there are violations of multiple codes, e.g. Land Use, Housing and Weeds/Vegetation) it appears that over time some of these are cleared, but others get forgotten or are not cleared from the system, resulting in confusing information.

**Recommendation:** Develop a simple way for an inspector to be alerted to all open cases on a site every time they address one of the cases.

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### DPD Is Responsive to Cases

We used response time and number of cases resolved as the primary measure of efficiency and effectiveness for DPD code enforcement. The DPD *Job Duties & Performance Standards – Housing and Zoning Inspectors* and the Inspector Performance Appraisal form establish the following guidelines for inspector response to complaints from date of assignment:

- Housing Code service requests: 10 business days

- Land Use Code service requests: 15 business days
- Weeds/Vegetation Code service requests: 20 business days

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### Time Elapsed from Complaint to First Inspection is Generally Acceptable

We reviewed Hansen data on cases (complaints with confirmed violations) to evaluate responsiveness. As shown in Exhibit 3, we found that 79 percent of cases had a first inspection within 10 business days (14 calendar days), and 94 percent of cases received a first inspection within 30 calendar days.

Exhibit 3. Response Time for First Inspection		
Response Time	Number	Percent
14 days or less (10 business days)	2089	79%
15 to 30 calendar days	373	14%
31 to 90 calendar days	158	6%
Over 90 calendar days (see further analysis below)	19	1%

We looked in some detail at the cases where a first inspection was delayed beyond 30 days from the complaint to determine a cause, if possible. We focused first on the 19 cases that did not get a first inspection for more than 90 calendar days. Exhibits 4 and 5 show additional information about these 19 cases. The only housing case among these (presumably a high-priority case) is the first one in Exhibits 4 and 5 where the complainant asked the inspector to delay opening the case<sup>3</sup>.

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<sup>3</sup> Complaining tenants may have reasons for wanting to delay or cancel a complaint. For example, a property owner may have responded adequately, or a tenant may decide they don't want an inspector in their home. Tenants may also fear triggering a rise in the rent.

<b>Exhibit 4. First Inspection More than 90 Days</b>	
Housing Building Maintenance Code	1
Weeds	2
Vacant building	3
Illegal use	3
Junk storage	10
<b>Total</b> cases with response more than 90 days	<b>19</b>

<b>Exhibit 5. Reasons First Inspection More than 90 Days</b>	
Complainant (tenant) requested delay (Housing case)	1
Research prior to inspection (re legal and illegal uses)	1
Vacant building transferred to monitoring program	2
Delayed assignment by supervisor	2
No apparent reason	13
<b>Total</b> cases with response more than 90 days	<b>19</b>

13 of the 19 cases showed no apparent reason in the inspector’s field notes for a delay in the first inspection. The *Job Duties & Performance Standards – Housing and Zoning Inspectors* indicates that reasons for exceeding the recommended time frames must be noted in Hansen. This indicates a lack of attention to this detail of case management.

We also analyzed data for cases where the first inspection occurred between 31 days and 90 days.

<b>Exhibit 6. Case Type Of Cases With First Response Occurring Between 31 and 90 Days</b>	
Vacant Building	4
Housing Code	17
Zoning other than junk storage or parking (Illegal dwelling unit, illegal use, violating a MUP condition, illegal structure)	19
Zoning citation (junk storage, parking violations)	75
<b>Total</b>	<b>158</b>

Since violations of the Housing Code are identified as high priority, we reviewed the 17 Housing Code cases to determine the cause of the delay. In six cases the inspector attempted to contact the complaining tenant immediately, and was unable to make contact for some time. In one case the tenant refused to give the inspector access to the property. In the remaining 10 cases there is no explanation for the delay in the inspector’s notes in the Hansen system.

We also reviewed the 11 illegal dwelling unit cases where first inspection did not occur until between 31 and 90 days (a subset of the 19 “Zoning other than junk storage or parking” cases noted in Exhibit 6 above) to see if there was an explanation for the delay in the inspector’s case notes. In three cases initial phone contacts with the complainant were unsuccessful, resulting in delay in scheduling the inspection. In one case research accounted for part of the delay. In seven cases there is no explanation in the online Hansen case information.

**Conclusion 10.** While the vast majority of cases are responded to by an inspector within 30 days of the complaint, some cases do not receive a timely response. This may be an indication of insufficient resources to address the workload. Addressing the problems by getting helpful and accurate reports out of the Hansen system would

improve matters, but there may simply not be enough inspectors to respond timely to the workload.

For comparison we looked at cases where the response was within 10 days (the goal established by DPD management) to determine if there was evidence of prioritization of response. If housing complaints were given higher priority, we would expect to see more of them among the complaints with a first inspection within 10 days. We found no favoring of housing complaints among the cases with a first inspection within 10 days. There were 399 housing cases (with verified violations) during this period, but only 265 of them (66%) had a first inspection within 10 days. A higher proportion of zoning and vacant building complaints received a response less than 10 days. However, as we observed above, some of this delay is beyond the control of the DPD. For example, a complainant may not respond to a request to make their unit available for inspection. Other reasons (delay in assignment, delay for research) are within the control of DPD and could potentially be addressed to improve response times.

<b>Exhibit 7: Cases With First Inspection Within 10 Days</b>	
<b>Type of Complaint</b>	<b>% of this type inspected within 10 days</b>
Zoning	69% (941 of 1,366 cases)
Weeds	62% (363 of 586 cases)
Housing	66% (265 of 399 cases)
Vacant Buildings	87% (234 of 270 cases)
Unfit Buildings	50% (7 of 14 cases)

Zoning and vacant building complaints can often be inspected simply by driving by the site. This could account for their higher

response rate in the first 10 days.

**Conclusion 11.** A few housing cases are among those that have a response time longer than the guidelines established by management. This suggests housing cases are not uniformly prioritized above others.

**Recommendations.**

- DPD should clarify the behavior expected of inspectors in prioritizing cases. For example, should first inspections of lower-priority cases be delayed while additional efforts are made to contact those who file housing complaints?
- DPD should establish specific procedures to be followed if the tenant does not respond to an inspector’s efforts to contact the tenant.
- DPD should establish guidelines for the amount of time to be spent on research prior to a first inspection.
- DPD should hold inspectors accountable for entering information into the case record about the reasons for a delayed first response to a service request.
- DPD should improve the accuracy of the Hansen case management system to reduce the error rate and correctly highlight cases that have not been attended to for some.

**Speed of case resolution.** Of the 2,635 cases with observed violations that we analyzed, 613 (23%) were not resolved at the time we selected the sample. Since some of them were very new at the time we took our sample, we reviewed more than 400 cases in detail that were in the system more than 90 days since the complaint, thus exceeding the guideline of resolving most cases within 90 days. All but 16 of the 400 case records demonstrated active

management by an inspector, with explanations of the time it was taking to resolve the case. All but two had been addressed and updated by the time of this report.

**Conclusion 12.** We noted gaps in response to due dates or scheduled inspection dates ranging from three months to 22 months. While the number of cases with such gaps was small (about a half percent) this does demonstrate a problem with some cases apparently dropping out of awareness of the inspector and/or management.

**Recommendation.** The surest way to ensure that no cases are overlooked is for DPD to improve the case management system as recommended earlier in this report. This will provide a tool to both inspectors and managers to ensure that no cases are overlooked.

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### **The City Attorney's Office (Law Department) is Responsive to Cases**

We reviewed 35 cases in detail (every fifth case) out of 177 cases that were being actively handled by the Law Department in July 2006. All were being actively pursued with various legal actions.

**Conclusion 13.** The processing of cases referred to the Law Department for legal action appears to be adequate.

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## Appendix 1 City Response to Bertschi School Complaints



Gregory J. Nickels  
Mayor of Seattle

March 7, 2006

Larry Hettick  
2316 Broadway Avenue East  
Seattle WA 98102

Dear Mr. Hettick:

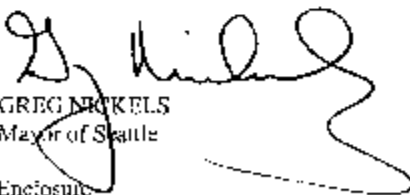
Thank you for your letter regarding the impacts of private school expansion on neighboring residential areas. I can understand your concerns. These facilities are, however, allowed in residential areas with conditional use approval.

Like you, the Department of Planning and Development (DPD) has performed an exhaustive review of the Bertschi School's permit history and the various City codes applicable to the school use. DPD also reviewed the hundreds of pages of materials you submitted regarding various issues from enrollment limits to fence heights, from recycling space to off-street parking. Significant resources have been committed to this situation. The investigation of alleged code violations has now been completed.

DPD's findings are set out in the enclosed pages. In short, one violation has been identified at the school, an over height fence that protects an adjacent neighbor from the ball field. DPD has notified the school's lawyer of the violation, and will be moving forward with an enforcement action for that violation. If you would like to discuss these findings in more detail, please contact DPD's Code Compliance Manager, Darby DuCumb, at 206-684-3781 or [darby.ducumb@seattle.gov](mailto:darby.ducumb@seattle.gov).

Thank you for bringing this matter to my attention.

Sincerely,



GREG NICKELS  
Mayor of Seattle

Enclosure

cc. Darby DuCumb, DPD, Code Compliance Manager

### Alleged Code Violations:

**Enrollment Limits:** The enrollment limit was not a condition of an approved permit, but it may be the subject of a private agreement entered into in 1981 between the neighbors and the school. As such, it is not enforceable by the City. It is recommended that you contact your attorney to determine your rights in that matter.

**Excessive Playground Noise:** The playground will be reconfigured under the new permit, permit number 753064, as recommended by the acoustical engineer. The noise impacts were also addressed in permit number 753064. Furthermore, DPD's noise inspector has not found any violations of the City's noise ordinance, which focuses on excessive construction noise during the day and other noises in residential zones after 10:00 p.m.

**Over Height Playground Fence and Netting:** DPD agrees that a violation exists and has notified the school's lawyer.

**Rear Yard Fencing Adjacent to 913 E. Lynn:** The alteration of the fence was approved in 1997 under project number 9701581.

**Fence and Landscaping for Western Lot Line:** The items of concern appear to stem from the 1981 Agreement that is not enforceable by the City. DPD notes, however, that alterations to the landscaping and fencing were approved under subsequent permits, and that new permit number 753064 addresses many of these issues.

**Summer School and Special Event Use of 913 E. Lynn:** There was no limitation on summer school or special events within the approved permits. As such, DPD cannot enforce such a provision.

**Drive-through Not to Plan:** The drive-through and on-site parking uses complied with previous plans, and were reconfigured and re-permitted under new permit number 753064.

**Parking in Yard:** The off-street parking was reconfigured under new permit number 753064. DPD Inspectors have not observed a violation of the previous parking plan and cannot enforce those items now permitted under the new permit.

**Waste and Recycling Space:** The waste and recycling area remains in compliance with approved permits.

**Off-street Parking:** The current configuration of off street parking was approved under previous permits, and the new permit, permit number 753064 determines the new configuration for the off-street parking. The parking meets code requirements.

**Setbacks for Play Equipment:** The location of the play equipment was previously permitted under project number 9701581, and it will be moved to its new approved location under new permit number 753064.

**Construction without Permits:** The structure of concern was permitted in September 1997 under permit number 9701581, and has a certificate of occupancy.

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## Appendix 2 DPD Response to Audit Report



**City of Seattle**  
Gregory J. Nickels, Mayor

**Department of Planning and Development**  
Diane M. Sugimura, Director

### MEMORANDUM

**To:** Mary Denzel, Assistant City Auditor

**From:** Diane M. Sugimura, Director

**Date:** April 20, 2007

**Subject:** DPD Response to DRAFT Code Enforcement Effectiveness and Efficiency

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Thank you for your review of the Department of Planning and Development's (DPD) Code Enforcement Program. This memo responds to the draft report on *Code Enforcement Effectiveness and Efficiency*. We appreciate your efforts on this project. We certainly see value in having our systems and processes evaluated by an outside reviewer.

We will share the entire report with staff and continue to look for ways to make improvements as recommended. The ones that are of most concern to us, of course, are the four items you noted as serious concerns that should be addressed.

**Finding 4 – Tracking Conditions Over Time:** We agree that the need to have flexibility in the code, such as variances, can result in some very complex permit records that have accumulated over time. New permits may be issued, code requirements may change, and records management tools and technology also changes. We are evaluating possible technology solutions to help address this issue in the future.

**Finding 5 – Ensuring Conditions Are Followed in the Field:** We would like to clarify that the issue with land use conditions is limited to those permits with only land use review. Where there

is design review or a construction component of the project, the Land Use Planner or Building Inspector, respectively, is charged with inspecting for compliance with land use conditions. We are evaluating options for closing the gap that exists for the land-use only permits.

**Finding 6 – Accuracy of Reports:** We have taken a number of steps since your program review was initiated, to improve the Hansen system and the information available in the Hansen reports. We continue to work to improve their usefulness in support of case management. This has been an on-going task, ever since the implementation of the new technology system.

Thank you again for your suggestions for improvement.

# Office of City Auditor's Report Evaluation Form

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Your feedback helps us do a better job. If you could please take a few minutes to fill out the following information for us, it will help us assess and improve our work.

\* \* \* \* \*

Report: Improving *DPD Code Enforcement Effectiveness and Efficiency*

Release Date:

Please rate the following elements of this report by checking the appropriate box:

	<b>Too Little</b>	<b>Just Right</b>	<b>Too Much</b>
Background Information			
Details			
Length of Report			
Clarity of Writing			
Potential Impact			

Suggestions for our report format: \_\_\_\_\_  
 \_\_\_\_\_  
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Suggestions for future studies: \_\_\_\_\_  
 \_\_\_\_\_

Other comments, thoughts, ideas: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name (Optional): \_\_\_\_\_

Thanks for taking the time to help us.

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 Mail: Office of City Auditor, PO Box 94729-4729, Seattle, WA 98124-4729  
 Call: Susan Cohen, City Auditor, 206-233-3801  
[www.cityofseattle.net/audit/](http://www.cityofseattle.net/audit/)