



Community Development Department

Planning, Building Safety, Environmental Soils, Code Enforcement
PO Box 6005, Bend, Oregon 97708-6005
117 NW Lafayette Avenue
www.deschutes.org/cd

MEMORANDUM

TO: Board of County Commissioners

FROM: Lori Furlong, Administrative Manager
Nick Lelack, Director

DATE: March 28, 2016

SUBJECT: Code Enforcement Update

I. SUMMARY

The purpose of this agenda item is to present an update on County code enforcement activities given the significant increase in the number, complexity and controversy of cases, and the Board's adopted FY 2017 Objective, 5. *Enforce County regulations to preserve rural quality of life*, under the Safe Communities Goal.

II. BACKGROUND

In 2015, code enforcement cases increased by over 50% from 2014. The increased caseload is due in part to the increased development activity in the County. Each Community Development Department division experienced a 20% or greater increase in permit activity in 2015 over 2014. However, code enforcement cases far exceeded permit increases.

In addition, the complexity and controversy surrounding many code enforcement cases has significantly increased over the past several years. Many code enforcement cases, like contested land use applications and appeals, now take years to resolve instead of weeks or months. In order to successfully and voluntarily resolve complex and/or controversial violations with a defendant(s), code enforcement staff are required to:

- Make frequent and repeated contact (telephone calls, letters, emails, site visits, etc.) with all parties involved.
- Coordinate site visits and meetings with multiple CDD divisions, other County departments, law enforcement, and/or state agencies.
- Involve County resources beyond CDD, particularly Legal Counsel and the Sheriff's Office.
- Address multiple complex violations on a property, and often with multiple residents.
- Respond to significantly higher volumes of calls and emails from complaining parties.
- Appear more frequently in court, particularly when defendants do not appear (a more frequent occurrence).
- Employ new methods to achieve compliance where voluntary compliance is unsuccessful.
- Ensure multiple deputies are on-site where unsafe conditions are present.
- Involve state agencies where children are present or appear to live on the subject property.
- Adhere to new or additional safety measures where seriously failing septic systems are occurring (becoming more common).

The combination of the increased case load, complexity of cases, and controversy surrounding the cases is also generating dramatic increases in the hostility of both defendants and complainants. For example, complaining parties are becoming increasingly frustrated at the length of time it takes to resolve a case, which they express towards staff, often repeatedly. On the other hand, many defendants are now more openly hostile and threatening to staff than ever.

Some issues frustrate both parties. For example, when defendants do not appear in court, CDD must re-issue citations. This frustrates the defendants (angry at the process) and complaining parties (angry the resolution process is taking longer than expected).

Another new twist in code enforcement is that the courts have increased their expectations of County code enforcement staff. Specifically, courts expect code enforcement technicians to be prepared for court much the same as an attorney (e.g., witness preparation, making sure discovery is sent to the defendant).

In sum, each code enforcement technician typically handles 100-150 cases per year of average complexity and controversy, and is able to achieve, on average, a voluntary compliance rate of 85%. Code enforcement has historically resolved 75%-85% of cases within 12 months.

III. CURRENT STATUS

Since January 1, 2016, nearly 150 new cases have been opened (this does not include the number of complaints received, etc.), indicating the 2015 case load increase may not soon end.

With the sharp increase in workload, complexity and controversy, the County code enforcement staff are operating under Code Enforcement Policy and Procedures Manual (“Manual”) *V. Priorities for Code Enforcement*. This means staff are not able to give the same level of attention to all cases and some code violations are not receiving any attention.

Pursuant to the policy, “In circumstances where not all code violations can be investigated, the most serious violations, as determined under the priorities set forth in this section ... should be addressed before the less serious violations are addressed, regardless of the order in which the complaints are received.”

The Board’s adopted priorities for CDD code violations are (page 6 of the Manual) are:

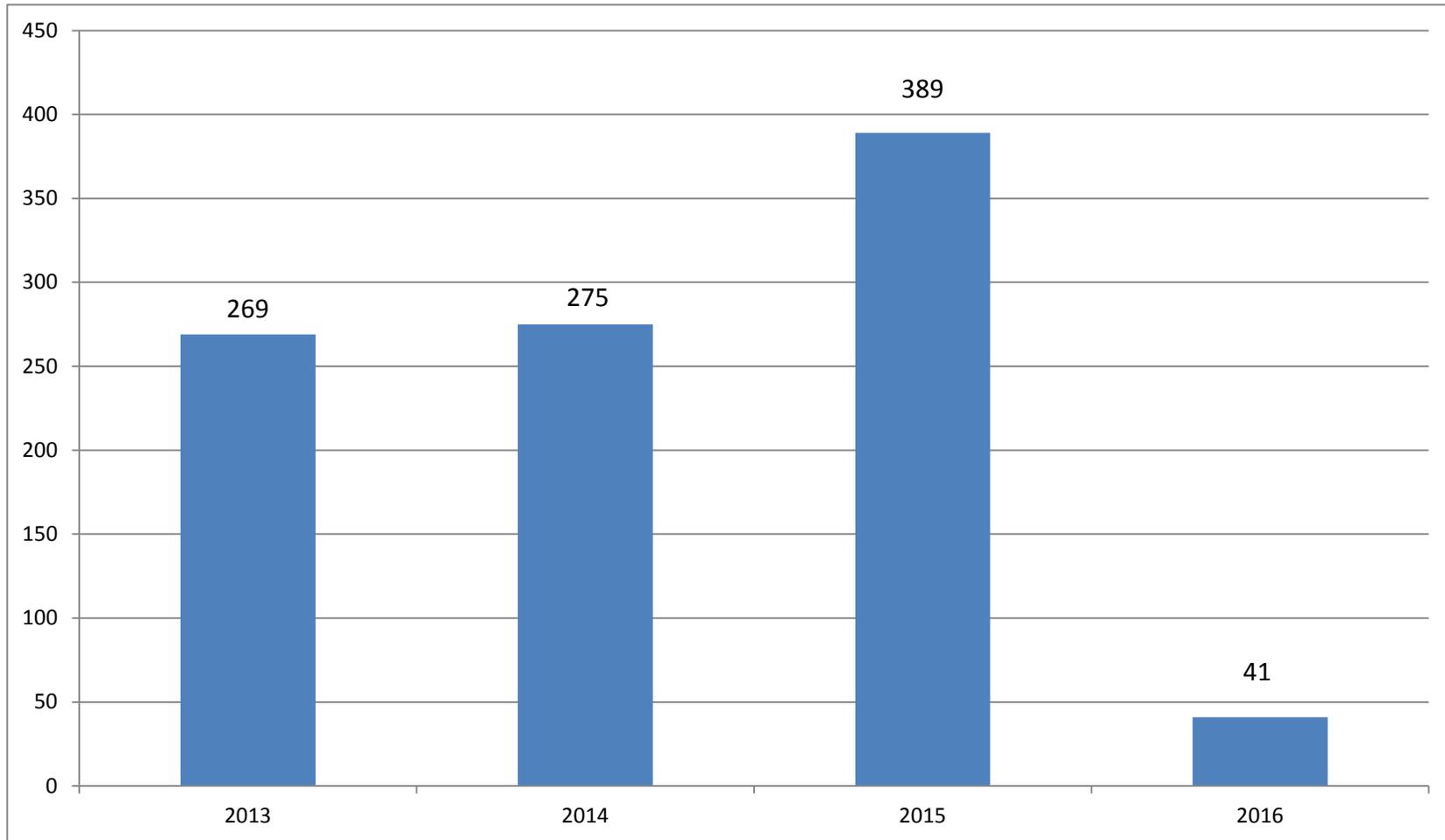
1. Violations that present an imminent threat to public health and safety;
2. Violations affecting rivers, streams and/or adjacent riparian areas;
3. Solid Waste Code violations and Building Code violations consisting of ongoing non-permitted construction or failure to obtain permits for construction started after the effective date of this manual;
4. Land use violations.

Code enforcement is currently operating pursuant to this policy because not all cases are able to be investigated.

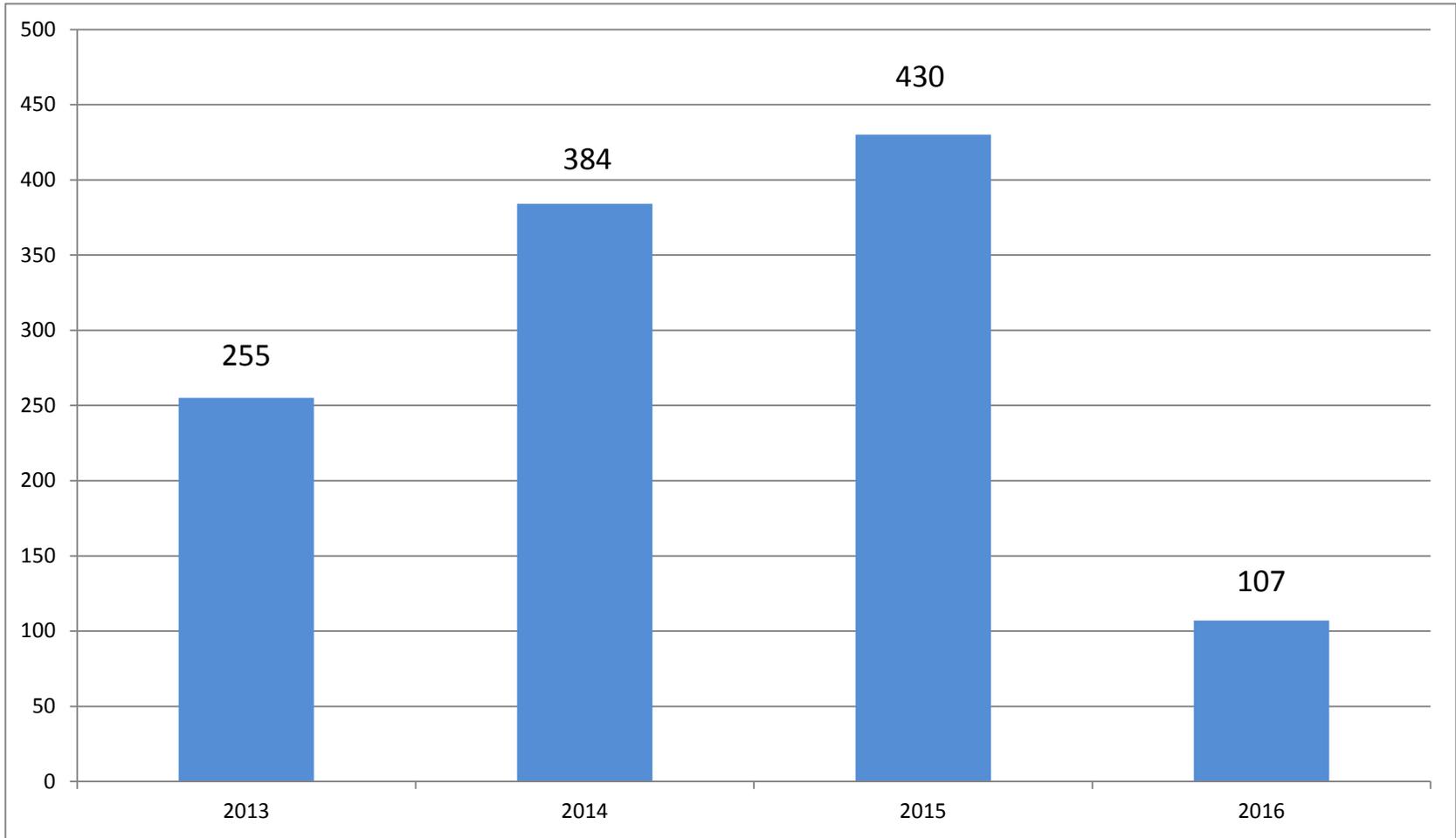
IV. NEXT STEPS

CDD will continue to process code enforcement cases based on the Board’s adopted priorities in the Manual as discussed above. If the Board wants CDD to investigate all cases, CDD will allocate additional resources for a temporary (on-call) or limited duration code enforcement position. A permanent position may be considered during the FY 2017 budget process this spring.

Code Enforcement Cases Closed



Code Enforcement Complaints Received



Code Enforcement Cases Closed - Day Range

	180 Days	365 Days	Over 365 Days	Total
2013	159	222	47	269
2014	169	218	57	275
2015	253	322	67	389
2016	29	32	9	41