

August 10, 2021

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

ORDER OF DISMISSAL

SUBJECT: Department of Local Services file no. **ENFR210022**

JOSE MUÑOZ

Code Enforcement Appeal

Location: [REDACTED] Seattle

Appellant: **Jose Muñoz**
[REDACTED]
Seattle, WA 98168

Telephone: [REDACTED]
Email: [REDACTED]

King County: Department of Local Services
represented by **Nick Stephens**
Department of Local Services
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-3950
Email: nick.stephens@kingcounty.gov

On April 5, Local Services served a notice and order on Jose Muñoz, finding violations related to unpermitted construction of a residence and also to placement of a mobile home/commercial coach without permits. To avoid penalties (\$130 per day for the first 30 days, then \$260 per day thereafter, for the two violations), by May 17 Mr. Muñoz had to either remove the structures or submit a complete prescreening meeting request packet to Local Services. Mr. Muñoz appealed, not challenging the violation or required actions, but requesting more time to comply.

At our August 5 proceeding, Mr. Muñoz explained (through the Spanish interpreter we provided), the dire situation he and his wife and their five children have been in through this pandemic, with no other place to live and no job. Local Services' Nick Stephens was empathetic with the crisis and hard times Mr. Muñoz was going through. Mr. Muñoz asked to push the deadline to submit a prescreening meeting request out a year, so he could find employment and save up the funds. Mr. Stephens generously agreed.

However, Mr. Muñoz is only fluent in Spanish. He noted that he did not understand the forms. We were then surprised to learn from Mr. Stephens that a basic document like Local Services' generic prescreening meeting request packet is not available in Spanish. That seems contrary to the Executive's October 2010 order INF 14-2 (AEO), which dedicates the County to "providing all of its residents fair and equal access to services."¹

The order defines "public communication materials" as "materials that are intended for broad distribution to inform or educate people served by King County. For the purpose of translation, Public Communication Materials refers only to printed media such as brochures, posters, booklets, pamphlets, billboards, and advertisements in printed publications." The order further defines "vital documents" as "materials that provide essential information for accessing basic county services and benefits and for which serious consequences would result if the information were not provided."

We are unsure whether a prescreening meeting request packet—especially when properly submitting that request is a requirement in most code enforcement cases to avoid serious monetary penalties and perhaps abatement—is better categorized as "public communication materials" or as "vital document," but it is surely one of those. And even native English speakers in our code enforcement cases sometimes have trouble navigating the checklist to determine exactly what to submit in that request, in what format, and with what level of detail. We can only imagine the impossibility of trying to effectively navigate that for non-English speakers.

The Executive did order and direct that:

All departments and offices, as soon as feasible within available resources, to translate all "Public Communication Materials" and all "Vital Documents" into Spanish, as Spanish is the most prevalent of the non-English languages spoken in King County....

And the Executive ordered that over a decade ago.

Local Services' December 2019 Language Access Plan that the Language Equity Program Manager with the Executive's Office of Equity & Social Justice recently sent did *not* have the prescreening meeting request materials listed as a vital document or public communication

¹ <https://kingcounty.gov/about/policies/executive/itao/inf142ao.aspx>.

material. The Plan did note that Local Services' ESJ committee would be doing a gap analysis. We hope the gap analysis has been progressing and that this and other documents have been added to the list.

The Executive's order caveats that the County's commitment to meeting "our highest ideals for socially just and equitable service delivery and engagement with the public," is limited to "operating responsibly within our budgetary and resource constraints." But translating a basic form like the prescreening meeting request packet, is a one-time, relatively minimal expense. (Translating our six-page hearing guides cost us about \$350 for each language.²) Translation provides a major payoff, because the translation can be re-used for years without any additional expense, only updating whenever the English form gets amended. (For example, when we wrote our examiner guide for code enforcement cases, we initially had that translated into several languages, a need which only re-arises every few years when when we tweak the English version.)

In any event, it would be unconscionable for us to sustain a notice and order for which penalties could kick in *before* Local Services provides Mr. Muñoz with a Spanish language version of the prescreening meeting request packet he needs to complete to avoid those penalties.

Also at our conference, Mr. Stephens noted that Mr. Muñoz would need to bring his own interpreter to that future prescreening meeting. That surprised us, since those meetings are complex discussions, full of nuance, that can confuse even native English speakers. It also seemed inconsistent with KCC 2.15.030.A.1, which commits the County to providing free interpretation and translation services to limited-English-proficient folks, requiring agencies to make reasonable efforts to provide prompt interpretation services in all interactions, whether the interaction is done remotely or in-person—a task accomplished either by employing sufficiently qualified bilingual staff or by contracting with remote language services.

Code Enforcement's manager later clarified that Local Services *does* provide interpreters. Her understanding seems more in keeping with the code, but Local Services should ensure that it is providing consistent, and accurate, information to would-be customers.

Thus, we SUSTAIN Local Services' April 5, 2021, notice and order in its entirety, EXCEPT that the deadline for Mr. Muñoz to submit a complete prescreening meeting request is extended to **August 9, 2022**. However, that deadline only kicks in if, by **June 9, 2022**, Local Services provides Mr. Muñoz with a complete Spanish translation of the entire prescreening meeting request packet it sends out to the general public. If such Spanish language forms are not provided to Mr. Muñoz by June 9, then, Mr. Muñoz's deadline to submit the package is pushed back to two months *after* Local Services provides Mr. Muñoz with that complete Spanish translation.

² See https://kingcounty.gov/~media/independent/hearing-examiner/documents/2021/Code-Enforcement-Guide_Spanish.ashx?la=en for Spanish version of our code enforcement guide.

If for some reason we have misunderstood the situation, by **September 3, 2021**, either party is free to file, with the examiner, a motion for reconsideration. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED August 10, 2021.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.

DS/jo

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **ENFR210022**

JOSE MUÑOZ

Code Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER OF DISMISSAL** to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED August 10, 2021.



Lauren Olson
Legislative Secretary

Breazeal, Jeri

Department of Local Services

Lux, Sheryl

Department of Local Services

Munoz, Jose

Hardcopy

Stephens, Nick

Department of Local Services