



June 10, 2024

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

**TO: Board of County Commissioners
Mark McCauley, County Administrator**

**FROM: Pinky Mingo, Environmental Public Health and
Water Quality Director**

DATE: June 10th, 2024

SUBJECT: Adopt Resolution on Alternative Enforcement Program

STATEMENT OF ISSUE:

The purpose of this Alternative Enforcement Program (Program) is to offer social services assistance to persons facing code enforcement for failure to comply with the Jefferson County Code (JCC), where the failure to comply could lead to serious consequences for the person, including daily fines, charges for staff time, attorney's fees and costly litigation, and Environmental Health (EH) believes these persons might benefit from such assistance.

ANALYSIS/STRATEGIC GOALS/PRO'S and CON'S:

The Alternative Enforcement Program shall assess whether difficulty complying with the JCC may be the result of a mental health disorder, substance use disorder, hoarding disorder, physical disability, economic challenges, and/or homelessness. In developing this Program, Environmental Health (EH) aims to exercise enforcement discretion to achieve compliance, considering the needs of the public and the person of whom compliance is required.

Fiscal Impacts

No Fiscal Impacts

REVIEWED BY:

6/6/24

Mark McCauley, County Administrator

Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**A Resolution Adopting an Alternative
Enforcement Policy for the Jefferson County
Public Health Department**

RESOLUTION NO. _____

WHEREAS, Jefferson County has adopted Title 19—Code Compliance Code; and

WHEREAS, Jefferson County Public Health (the “department”) implements Title 19 of the Jefferson County Code (“JCC”); and

WHEREAS, throughout Title 19 JCC, and particularly in Chapter 19.10.05 JCC, voluntary compliance is emphasized; and

WHEREAS, the department recognizes that there are conditions that can create a barrier to compliance; and

WHEREAS, to ensure equity in enforcement, the department aims to reduce barriers by implementing an Alternative Enforcement Program; and

WHEREAS, the eligibility for the Alternative Enforcement Program includes those with a mental health disorder, a substance use disorder or those experiencing homelessness, or have a physical disability, or lack economic resources; and

WHEREAS, the department recognizes that trained mental health professionals are more adequately prepared to engage with individuals with mental health disorders and substance use disorders and may be able to affect positive change for the individual and the department; and

WHEREAS, the department has Foundational Public Health Services funding specifically to provide social services support in code compliance cases;

NOW THEREFORE, be it resolved by the Board of County Commissioners of Jefferson County, State of Washington:

Section 1: Whereas Clauses Adopted as Facts. The Jefferson County Board of Commissioners hereby adopts the above “Whereas” clauses as Findings of Fact.

Section 2: Purpose. The purpose of this resolution is to implement an Alternative Enforcement Program as reflected in Appendix 1.

Section 3: Adoption of Alternative Enforcement Program. The Alternative Enforcement Program attached as Appendix 1 is hereby adopted.

Section 4: SEPA Compliance. This resolution is categorically exempt from the threshold determination and Environmental Impact Statement requirements of the State Environmental Policy Act under WAC 197-11-800(19).

Section 5: Effective Date. This resolution shall take effect immediately upon adoption.

Section 6: Severability. If any one or more section, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

(SIGNATURES APPEAR ON THE NEXT PAGE)

APPROVED and ADOPTED this _____ day of June, 2024.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Kate Dean, Chair

Greg Brotherton, Member

Heidi Eisenhour, Member

SEAL:

ATTEST:

Carolyn Gallaway, Date
Clerk of the Board

Approved as to form only:

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

APPENDIX 1 – ALTERNATIVE ENFORCEMENT PROGRAM

ATTACHMENT 1

Alternative Enforcement Program

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Alternative Enforcement Program for Persons Failing to Comply with County Code

Policy Statement:

The purpose of this Alternative Enforcement Program (Program) is to offer social services assistance to persons facing code enforcement for failure to comply with the Jefferson County Code (JCC), where the failure to comply could lead to serious consequences for the person, including daily fines, charges for staff time, attorney's fees and costly litigation, and Environmental Health (EH) believes these persons might benefit from such assistance. The Alternative Enforcement Program shall assess whether difficulty complying with the JCC may be the result of a mental health disorder, substance use disorder, hoarding disorder, physical disability, economic challenges, and/or homelessness. In developing this Program, Environmental Health (EH) aims to exercise enforcement discretion to achieve compliance, considering the needs of the public and the person of whom compliance is required. Nothing in this policy is intended to change, waive or be inconsistent with state law or the JCC.

Program Eligibility

EH and Code Compliance staff shall work with their managers to identify cases where code violations exist and which may benefit from this Alternative Enforcement Program. The criteria for entering this Alternative Enforcement Program is a determination by EH that a person facing code enforcement could benefit from the assistance from a Social Worker because of a possible:

- ☐ Hoarding disorder
- ☐ Mental health disorder
- ☐ Chemical dependency
- ☐ Economic need; or,
- ☐ Physical disability

To ensure that limited resources are used to their highest need, EH and Code Compliance staff shall exercise enforcement authority after considering the following factors:

- ☐ Whether the condition creating a lack of compliance may affect a vulnerable adult or minor;
- ☐ Whether an imminent threat to human health or the environmental exists; and,
- ☐ Whether the condition creating a lack of compliance may constitute a nuisance, as defined in JCC [19.10.015\(36\)](#).

Roles and Responsibilities

Participant

- ☐ Signs a confidentiality agreement and a release of information which allows the Social Worker to discuss confidential health information with the participant. The release of information shall allow Social Workers to update EH and Code Compliance staff regarding progress, but Social Workers shall not share confidential health information with EH or Code Compliance staff.
- ☐ Signs an acknowledgement that they understand that they are participating in an alternative enforcement program, that compliance is the goal, and that non-compliance shall lead to termination from the Alternative Enforcement Program.

- ☐ Completes an initial assessment with the Social Worker.
- ☐ Signs a voluntary compliance agreement (VCA), which includes a timeline for compliance.
- ☐ Attends bi-weekly sessions with Social Worker for a period of time to be determined by the Social Worker, EH and Compliance Staff to focus on goals that are specific to their situation. For example, learning to cope with stress, make decisions, declutter, etc.

Code Compliance Staff

- ☐ Issues a “Soft Letter” that conveys participation in the Program is voluntary and they may need to waive confidentiality on specific issues for the sole purpose of communicating with EH staff to resolve compliance issues.
- ☐ Prepares certificate(s) of correction pursuant to JCC [19.10.065](#).
- ☐ Prioritizes the compliance issue(s) for the participant and the Social Worker, so the Social Worker can work on the highest priority issues.
- ☐ Updates the database with progress notes from the social services agency.

Social Worker

- ☐ Develops a plan for connecting the participant to services addressing the participant’s specific needs.
- ☐ Develops a SMART plan (Specific, Measurable, Achievable, Relevant, and Time-Based) with the specific objectives or goals the participant, EH and Code Compliance staff aims to achieve. Develops a SMART plan with input from the participant, EH and Code Compliance staff. SMART stands for specific, measurable, achievable, relevant, and time-bound.
 - Specific—Objective clearly states, so anyone reading it can understand, what will be done and who will do it.
 - Measurable—Objective includes how the action will be measured.
 - Achievable—Objective is realistic given the realities faced in the community. Setting reasonable objectives helps set the participant up for success.
 - Relevant—A relevant objective makes sense, that is, it fits the purpose of the Program, it fits the culture and structure of the community, and it addresses the vision of the Program.
 - Time-bound—Every objective has a specific timeline for completion.
- ☐ Conducts an initial assessment of participant current status, needs, challenges.
- ☐ Conducts regular assessments.
- ☐ Collaborates with EH and Code Compliance staff.

- ☐ Connects participant to other available resources, such as Discovery Behavioral Health, OlyCAP, DoveHouse, Family Navigator, YMCA, etc.
- ☐ Communicates that the consequence of non-compliance will be termination from the Program and that they may be liable for penalties and enforcement costs as allowed in J.C.C. 19.30.020.

Progress Reporting

- ☐ Social Worker shall track and report contact, hours with every participant, and other data relevant to the Program as determined by EH.
- ☐ Social Worker shall report monthly to EH on the progress of the participant and also whenever specific milestones are reached as listed below:
 - Social Worker shall disclose the number of compliance actions completed, improvements in environmental conditions.
 - Social Worker shall maintain data for the measure of the Program effectiveness.
 - For the first ninety days, the Social Worker shall acknowledge and address any challenges or barriers encountered by the participant, discuss strategies in place to overcome these challenges, and outline plans for continued support and improvement.

Termination from the Program

Participants who do not show progress in coming into compliance at any time after ninety days shall be terminated from the Program. Lack of progress includes:

- ☐ Failure to Comply with a SMART Plan
- ☐ Failure to meet with the Social Worker as agreed
- ☐ Making the problem worse