

Department of Code Compliance

LOB #250:

CODE OFFICIAL AND CODE ADMINISTRATION

Purpose

Under the Direction of the Director of Code Compliance, the DCC Code Official serves as the Fairfax County Property Maintenance Code Official and Senior Deputy Zoning Administrator – collaborating closely with the Fairfax County Zoning Administrator, the Department of Code Compliance Operations Manager, the Office of the County Attorney, and other stakeholder agencies relevant to code administration, policy interpretation, and legal action.

Additionally, the Code Official manages the Code Administration Section of DCC, which is responsible for code analysis, code research, code amendment processing, legislative analysis, and litigation, all of which contributes to voluntary compliance or, other alternatives to resolving violations.

Description

The Code Official and Code Administration is responsible for the following DCC functions:

Serving as Manager of the Code Administration Section of DCC

- Makes determinations regarding the implementation and integrated use of the various codes and programs administered by DCC - such as the Uniform Statewide Building Code, Chapter 46 of the Fairfax County Code, and the blight program - in the response to complaints and abatement of violations or public menaces.
- Maintains close interaction, alignment and communication with Office of the County Attorney, and all applicable code officials including those for whom investigative staff is serving as technical assistants, and/or where authorities have been delegated to the DCC Code Official; and with DCC Field Operations for providing operational and enforcement quality control guidelines and oversight.
- Responds to requests for information and determinations from County staff, members of the public, and the Board of Supervisors in the enforcement of codes administered by DCC.
- Oversees services and functions of the Code Specialist III, which supports various responsibilities of the Code Official described herein, and also includes legislative tracking and analysis, and representing DCC work groups, committees, meetings, and public hearings.

Serving as Senior Deputy Zoning Administrator and Property Maintenance Code Official

- Providing technical assistance and determinations to DCC staff, other County staff members, and Board of Supervisors in responding to complaints and/or inquiries regarding enforcement of the Zoning Ordinance, Noise Ordinance, and Virginia Maintenance Code.
- Development and implementation of processes, policies, procedures, training and continuing education for the accurate and efficient enforcement of the Zoning Ordinance, Noise Ordinance, and Virginia Maintenance Code.
- Staffing various aspects of Zoning Ordinance amendments, including the drafting, review and comment of proposed text; public outreach and education; the public hearing process; staff training; and implementation of new or revised processes for enforcement of amended provisions.

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Litigation

- Reviewing cases where voluntary compliance has not been obtained to determine if legal action should be initiated to obtain compliance.
- Ensuring that the determinations in Notice of Violation are correct and that legal requirements for notification and citation of violations have been satisfied so that litigation can be initiated.
- Ensuring the quality and accuracy of the investigation, analysis, and associated documentation are sufficient for referring cases for legal action.
- Authorizing, through the Office of the County Attorney, the course of, and/or resolution of, litigation associated with obtaining code compliance, including reviewing and approving terms of legal documents associated with initiating and/or resolving legal action, including, bills of complaint and agreed final orders.

Appeals

- Managing and staffing appeals pertaining to violations of Part III of the Building Code, and work without permits per Part I of the Building Code, to the Local Board of Building Code Appeals.
- Managing and staffing appeals to the State Technical Review Board pertaining to violations of Part III of the Building Code.
- Coordination with DCC and DPZ staff in appeals to the Board of Zoning Appeals.

Benefits

The Code Official and Code Administration Section provide the technical resources and guidance for enforcement of several codes, and the implementation of programs that address community concerns. These services contribute to ensuring that complaints and violations are resolved as quickly as possible, and the quality and integrity of the community is restored or maintained. Efficient and effective processing of appeals and referrals for litigation impacts the amount of time where a violation may persist because voluntary compliance has not been achieved. In addition, the integration of various code authorities available offers the potential for the Code Official to identify the most efficient and effective means for resolving and addressing of community concerns.

Mandates

- Chapter 112 of the Fairfax County Code, Fairfax County Zoning Ordinance
- Part III of the Uniform Statewide Building Code, Virginia Maintenance Code
- Part I of the Uniform Statewide Building Code as it pertains to work without permits
- Chapter 108 of the Fairfax County Code, Noise Ordinance
- Chapter 46 of the Fairfax County Code as it pertains to buildings and structures
- Statewide Fire Prevention Code, as it pertains to the dwelling units within apartment houses; and most detached one and two-family dwellings, and townhouses not more than three stories high
- Va. Code Ann. §36-49.1:1, Spot Blight Abatement

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Trends and Challenges

The Code Administration section was established in FY 2016; therefore, trends and challenges are difficult to specify at this time. However, given the relationship between the functions of Code Administration and other County functions, there are certain trends and/challenges that might indicate at least some potential or likely trends and challenges.

Most notably, increases or decreases in the number of complaints to DCC Field Operations has relevance to the potential volume of cases referred for action by the Code Official, such as an appeal, request for legal action to obtain code compliance, and/or request for guidance and technical assistance in the investigation process. Field Operations has continued to receive a steady volume of service requests since the creation of the DCC in 2010. That given, the trend may be that the volume of cases referred to the Code Official could be steady, as well.

An anticipated trend and challenge in the increased demand to the Code Official and Code Administration section line of business is an increase in the number of codes and programs being enforced and/or administered. In 2015, the Code Official was granted authority to abate public menaces, per Ch. 46 of the Fairfax County Code. In addition, current and ongoing modifications to the County's blight abatement program bring additional resources – but also additional responsibilities – to the Code Official in resolving violations and/or sites of community concern. This trend in increasing scope presents both opportunities and challenges. While it will increase the resources to the Code Official in responding to complaints, there is the challenge of training and education of staff and ensuring sufficient staffing resources to meet the demands of enforcing and/or administering new codes and programs.

Another anticipated trend and challenge is meeting the demands of code amendment and legislative processes, especially as key amendments to the Zoning Ordinance and Fairfax County Code are underway and pending. Most notably, the current proposed amendment to the Noise Ordinance will require analysis, training, and the development of new investigation protocol once the amendment is adopted. In early 2016, the staff of the Code Administration section will be actively participating in an amendment to Article 12 of the Zoning Ordinance (Signs), which will likely require significant resources from the Code Administration section. The Noise Ordinance and Article 12 of the Zoning Ordinance are two major program areas for DCC.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #250: Code Official and Code Administration			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$100,000	\$100,000	\$180,000
Operating Expenses	15,000	13,000	23,000
Total Expenditures	\$115,000	\$113,000	\$203,000
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$115,000	\$113,000	\$203,000
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	1 / 1	1 / 1	2 / 2
Total Positions	1 / 1	1 / 1	2 / 2

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Number of days to review cases recommended for litigation	NA	NA	NA	15	15

The number of days to review cases recommended for litigation measures the efficiency and expediency with which the County is pursuing abatement of violations. Where voluntary compliance is not obtained, cases are typically referred to the Code Official to determine if legal action by the Office of the County Attorney is warranted to achieve compliance. The process of referring of cases for legal action requires detailed review by the Code Official to ensure that all legal requirements for investigation and notice of violations have been completed. Measuring the amount of time it takes to review cases for potential referral to the Office of the County Attorney is an additional step towards ensuring that violations are resolved as quickly as possible, and the quality and integrity of the community is restored or maintained. The goal is to have the referral for legal action reviewed within 15 days of submission to the Code Official.