

**SUMMARY and FISCAL NOTE**

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Office of Hearing Examiner	Pat Cole	Lorine Cheung

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the Office of Hearing Examiner; increasing Hearing Examiner filing fees; reorganizing the list of fees; and amending Section 3.02.125 of the Seattle Municipal Code.

**Summary and Background of the Legislation:** This legislation would raise Hearing Examiner filing fees from \$85 to \$120 to cover filing costs and account for inflation in the cost of living, as measured by the consumer price index, since the fees were last increased in 2012. Historically, the appeal filing fees have been assessed as follows:

- 1980-1991 - \$25
- 1991-2012 - \$50
- 2012-present - \$85.

The proposed increase is to address an adjustment for inflation and bring fees into closer range of other regional jurisdictions. It is approximately a 41% increase in the current filing fee. The increase in appeal fee will also assist in recovering a portion of the costs associated with the filing of a case for the City.

An increase in appeal fees would bring City appeals closer to, but still significantly lower than many other regional jurisdictions. Thurston County and the City of Bellevue do not charge an appeal filing fee, but other jurisdictions do and at \$85 per appeal HXM is currently well below the \$250-\$3360 being charged by other examiners in the state.

<b>Jurisdiction</b>	<b>Filing Fee</b>	<b>Comments</b>
Bellevue	No charge	This might change as City is reviewing its current Fee Schedule.
Portland	No filing fee for citation appeals. Land Use \$250-300, or ½ of the total application fee of the original land use review.	
Spokane	\$250 – all matters	Fee paid directly to dept whose decision is being appealed; OHE doesn't process fees.
Tacoma	\$1250 - land use appeals \$0 - animal control appeals no charge - all other appeals	The land use appeal fee is part of the city's land use fee schedule and is intended to cover some of the direct HE costs associated with a case.
Vancouver	\$2396 – most cases \$181 – cases filed by a neighborhood association \$838 – cases involving a SFR or duplex	

King County	Enforcement action appeals-\$0 All others - \$250	This amount is intended to cover some of the direct HE costs associated with a case.
Pierce County	\$250 – Appeals from Administrative Hearing Decision \$2,775 – SEPA appeal \$3,360 – appeal of other administrative decisions	These amounts are part of the county’s land use fee schedule and are intended to cover most direct HE costs associated with a case.
Snohomish County	\$0 - Animal appeals, Code Enforcement appeals \$500 - Appeals of Type 1 land use decisions \$1500 - SEPA appeals	--Appellants file with the office whose decision they are appealing. --If no hearing is held, the fee is returned. --If a department of the county is the appellant in a matter, there is no fee charged
Spokane County	\$1,367	This amount is reviewed each year and is intended to cover most direct HE costs associated with a case.
Thurston County	No filing fee, but a deposit is required before a hearing date will be set.	The deposit amount ranges from \$400 to \$2,000 based upon the typical number of HE hours required for a particular case type.

Increasing the filing fee from \$85 to \$120 will generate approximately \$3,500 in increased revenue for the General Fund.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project?  Yes  No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation have financial impacts to the City?  Yes  No

<b>Expenditure Change (\$); General Fund</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>	<b>2029 est.</b>
<b>Expenditure Change (\$); Other Funds</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>	<b>2029 est.</b>

<b>Revenue Change (\$); General Fund</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>	<b>2029 est.</b>
	<b>\$3420</b>	<b>\$3600</b>	<b>\$3770</b>	<b>\$3960</b>	<b>\$4200</b>
<b>Revenue Change (\$); Other Funds</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>	<b>2029 est.</b>

<b>Number of Positions</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>	<b>2029 est.</b>
<b>Total FTE Change</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>	<b>2029 est.</b>

### 3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

### 3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

#### Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2025 Estimated Revenue	2026 Estimated Revenue
General Fund – 00100	HXM	Appeal Fees	\$3420	\$3600
<b>TOTAL</b>			<b>\$3420</b>	<b>\$3600</b>

#### Revenue/Reimbursement Notes:

### 3.c. Positions

This legislation adds, changes, or deletes positions.

### 3.d. Other Impacts

**Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.**

N/A

**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

N/A

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

If the legislation was not implemented, the City would not recover the costs associated with the filing of a case with the Office of Hearing Examiner.

## 4. OTHER IMPLICATIONS

**a. Please describe how this legislation may affect any departments besides the originating department.**

N/A

**b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

No.

**c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**

**i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

This increase in appeal filing fees may have a negative impact on both homeowners/tenants and neighborhood association groups, possibly pricing them out of opportunities to appeal city decisions that impact their immediate neighborhoods. HXM does offer an income-based fee waiver to help alleviate any financial impacts to individuals. This fee increase could still negatively impact groups that file appeals, as fee waivers are not available to groups under our current practice.

If the filing fee increase is approved, HXM will undertake a review of its current fee waiver process to assure that there is adequate and equitable access to the fee waiver.

The Office of Hearing Examiner has not done an analysis of fee impact on appellants, but it is our assumption that this increase may have an impact on at least some portion of the population.

Our data shows that fee waivers are rarely requested. There were no fee waiver requests in 2020 and 2022, one in 2021, three in 2023 and three in 2024 to-date. The fee waiver requests in 2023 and 2024 are all from the same case type: Economic Displacement Relocation Assistance.

**ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

N/A

**iii. What is the Language Access Plan for any communications to the public?**

HXM will continue to provide non-English speakers with translation services and have already translated our notices, pamphlets, and guides into Seattle's 7 top-tier languages.

**d. Climate Change Implications**

**i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

N/A

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

N/A

- e. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

## 5. CHECKLIST

- Is a public hearing required?
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?

## 6. ATTACHMENTS

**Summary Attachments:** None.