

Department of Development and Environmental Services (DDES)

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Fee Appeal Process

DDES Customer
Information Bulletin #**57****• FREQUENTLY ASKED QUESTIONS •**

*Visit the DDES Web site at
www.kingcounty.gov/permits
for more information*

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

In February 2008, the King County Council adopted legislation recommended by Executive Sims to allow applicants to appeal DDES fee estimates and billings. The new procedures take effect March 17, 2008.

Appeals of DDES fee estimates and billings

- DDES will provide a Notice of Completion when it has completed all review and inspections on a project. The appeal of DDES billings must be initiated within 21 days after the date the Notice of Completion is mailed.
- If an applicant does not dispute or appeal estimates or billings within the time limits established by the King County Council, the Hearing Examiner cannot consider the appeal.
- In proceedings before the Hearing Examiner, the applicant must demonstrate that the fee or billing was unreasonable or inconsistent with the King County Fee Code (K.C.C. Title 27).
- All decisions by the Hearing Examiner are final.

I. Fee estimate appeal process

- The applicant must dispute the fee estimate/revision in writing within 17 days after fee estimate/revision letter is **mailed** to the applicant.
- If the Director's decision is a partial or full denial of the dispute, the applicant must file a combined notice and statement of appeal and a \$50 appeal fee with DDES within 17 days after the Director's decision is **mailed**.
- The Hearing Examiner will conduct a 'closed record hearing' and may affirm, modify, or refer the matter back to DDES. If the Hearing Examiner determines that the Applicant is the 'substantial prevailing party', the \$50 fee will be refunded.

II. Billing appeal process – Non Project Management invoices

- Prior to filing an appeal on a non project management invoice billing, an Applicant must first complete and submit a fee waiver request to DDES.
- If the decision on a fee waiver request results in a partial or full denial of the fee waiver request, the Applicant may appeal the decision to the Hearing Examiner by filing a combined Notice and Statement of Appeal and a \$50 appeal fee with DDES within 21 days after the date the fee waiver decision is **mailed** to the Applicant.
- The Hearing Examiner will conduct an 'open record hearing'. The Hearing Examiner may affirm, modify, or refer the matter back to DDES to adjust the billing. If the Applicant is the 'substantial prevailing party', the \$50 appeal fee is refunded.

III. Billing appeal process – Project Management statements

- To appeal charges billed on a project management statement, the Applicant must file a combined Notice and Statement of Appeal and a \$50 appeal fee with DDES within 21 days after the Notice of Completion is **mailed**.
- If DDES fully grants the billing appeal, DDES will notify the Hearing Examiner to dismiss the appeal and will refund the \$50 appeal fee to the Applicant. DDES will also adjust the billing.
- If DDES partially or fully denies the appeal, the Hearing Examiner will conduct an 'open record hearing'. The Hearing Examiner may affirm, modify, or refer the matter back to DDES to adjust the billing. If the Applicant is the 'substantial prevailing party', the \$50 appeal fee is refunded.

IV. Pre-ordinance billing appeals

Applicants have until March 16, 2009 to appeal billings made between January 1, 2004 and March 17, 2008 (the effective date of the fee appeal ordinance).

Non Project Management billings

- Applicants who filed a fee waiver on billings between January 1, 2004 and March 17, 2008 that was partially or fully denied may appeal this decision to the Hearing Examiner.
- DDES must respond to any new fee waiver requests within 14 days of **receiving** the request.
- Applicants wishing to appeal an adverse fee waiver decision must then file a combined Notice and Statement of Appeal and a \$50 appeal fee within 21 days after the fee waiver decision is **mailed**.
- The Hearing Examiner will conduct an 'open record hearing'. The Hearing Examiner may affirm, modify, or refer the matter back to DDES to adjust the billing. If the Hearing Examiner determines that the Applicant is the 'substantial prevailing party', the \$50 appeal fee is refunded.

Project Management statements

- The applicant must file a Notice of Appeal and the \$50 appeal fee with DDES by March 17, 2009. A Statement of Appeal must be filed with DDES no later than 30 days **after filing the Notice of Appeal**.
- The Hearing Examiner will conduct an 'open record hearing'. The Hearing Examiner may affirm, modify, or refer the matter back to DDES to adjust the billing. If the Hearing Examiner determines that the Applicant is the 'substantial prevailing party', the \$50 appeal fee is refunded.

For more information

For questions or more information about the fee appeal process, **call 206-296-6714 or e-mail waiverappeal.ddes@kingcounty.gov**. DDES has established this dedicated phone line and e-mail for appeal questions.

Be sure to visit our Web site at:
www.kingcounty.gov/permits



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.

