

## FAQ CHRONIC NUISANCE CODE

The Chronic Nuisance Code is intended to encourage property and business owners to be good neighbors and help ensure compliance with local codes.

### What is the Chronic Nuisance Code?

The Chronic Nuisance Code (Tacoma Municipal Code 8.30.A) is intended to address issues at business and residential properties that negatively impact quality of life, safety, and health of surrounding neighborhoods.

### What are some examples of Chronic Nuisance activities?

Chronic nuisance activities may include illegal drug activity, alcohol violations, and prostitution or noise code violations. A complete list of violations can be found [here](#).

### When can a property be declared a Chronic Nuisance property?

A property can be a Chronic Nuisance property when a specific number of chronic nuisance activities occur on or near a property within a certain period of time, specifically when there are:

- Three Chronic Nuisance activities in 60 days;
- Four Chronic Nuisance activities in six months;
- Six Chronic Nuisance activities in 12 months; or
- Two search warrants for drug activity in 12 months

### If a property is declared a Chronic Nuisance property, how are the problems fixed?

The property owner will be required to complete and comply with a Correction Agreement developed by City staff. If the property owner does not complete and comply with this Correction Agreement, then they may be subject to:

- Permanent cancellation of their business license (if they are a business)
- Criminal charges that include a fine of up to \$5,000 and/or up to 364 days in jail

### What is a Correction Agreement?

Once a property is determined to be a Chronic Nuisance property, the Chronic Nuisance Code directs City staff to develop and send a Correction Agreement directly to the property owner. This Correction Agreement details the steps the property owner needs to take to correct the problems. Additionally, the Chronic Nuisance Code has a built-in follow-up requirement for staff to track Chronic Nuisance cases to ensure property owners are making progress on compliance with the steps detailed in their completed Correction Agreements, and identify if any additional actions need to be taken.

### Chronic Nuisance Properties - Residential

#### If one individual owns multiple residential rental properties, and one or more of the properties is found with violations, will all of the properties in Tacoma be declared Chronic Nuisance properties?

Under the Chronic Nuisance Code, each property and related nuisance activities would be treated as a separate matter. So if every property owned by one individual meets the definition of a Chronic Nuisance property, each property would be handled as a separate case. If only one of the properties meets the definition of a Chronic Nuisance property then the property owner will be required to enter into a Correction Agreement for just that property.

**Is it possible to revoke a business license of a rental property owner for all the properties that individual owns and rents in Tacoma if one of the properties is declared a Chronic Nuisance property?**

Under the Business License Code, a rental property owner has one business license that covers all properties. The owner is thus allowed to rent multiple properties under one business license. So if a rental property owner's business license is revoked, the property owner would not be allowed to rent any properties in Tacoma.

**Does the Chronic Nuisance Code help with properties that have abandoned junk cars and overgrown grass and trash in the yard?**

No. The Chronic Nuisance Code (TMC 8.30A) only applies if the property meets the definition of a Chronic Nuisance property by one of the above ways (e.g. three violations in 60 days, four violations in six months, etc.). Abandoned junk cars and overgrown grass or trash in the yard can be remedied through a code enforcement action using the Nuisance Code (TMC 8.30).

**How does the Chronic Nuisance Code apply to a residential property that is owner-occupied?**

If a residential property is occupied by the property owner, and Chronic Nuisance violations occur as a result of activities on the property, the property could meet the definition of a Chronic Nuisance property. The City would then require the property owner to enter into a Correction Agreement designed to resolve the issues causing the Chronic Nuisance violations. If a Correction Agreement does not resolve the problems, the City can pursue a criminal case against the property owner or the City could ask the court to appoint a "receiver" under state law. A "receiver" is a person used to help and manage and fix the problems at the property.

### **Chronic Nuisance Properties – Commercial**

**If a business owner's property is declared a Chronic Nuisance property, will the business continue to operate?**

If the business and/or property owner agree to the Correction Agreement drafted by the City, the business may be allowed to operate while the problems identified are resolved. If the issues are not resolved through the Correction Agreement, the business license could be revoked.

**If a business license is revoked, can a business still operate in Tacoma?**

No. A business must have a valid business license to operate in Tacoma. Continuing to operate a business after a business license is revoked is a misdemeanor offense and subject to a fine of up to \$1,000 and/or 90 days in jail.