

FAQ

CHRONIC NUISANCE AND BUSINESS LICENSE CODE AMENDMENTS SEPTEMBER 2018

The City is updating the Chronic Nuisance Code and Business License Code in response to community feedback. The code changes will positively affect communities by encouraging property and business owners to be good neighbors. Strengthening the code will also allow the City to respond faster to community concerns and provide more options to the City when businesses and/or other property owners do not comply with local codes.

What is the Chronic Nuisance Code?

The Chronic Nuisance Code (Tacoma Municipal Code 8.30.A) is intended to fix problems at business and residential properties that have a negative impact on the quality of life, safety, and health of surrounding neighborhoods due to chronic nuisance activities.

What is a Chronic Nuisance Activity?

Chronic nuisance activities are behaviors occurring on a property such as illegal drug activity, alcohol violations, 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:

- 3 Chronic Nuisance Activities in 60 days;
- 4 in 6 months;
- 6 in 12 months; or
- 2 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 a “Correction Agreement” drafted by City staff. If the owner does not agree and fix the problems, then they may be subject to:

- Permanent cancellation of the City license if a business
- Criminal charges that include a fine of up to \$5,000 and/or up to 364 days in jail

How is the new process going to be faster?

The new process directs City staff to send a “Correction Agreement” directly to the property owner once a property is determined to be a chronic nuisance. This agreement will set out steps the property owner needs to take to correct the problems. Additionally, the new code has a built-in follow-up requirement for staff to review the progress of a given chronic nuisance case to ensure the appropriate progress is being made and identify if additional actions need to be taken.

Will there be a report or check-in at some point in the future to review any properties that fell under the new requirements and whether the intentions of the changes were met?

Yes, staff will provide a report to City Council’s Community Vitality Services committee in October 2019 after the changes have been in effect for one year.

Chronic Nuisance Properties - Residential

If a person owns multiple residential rental properties and one or more of the properties is found with violations will all of the properties in the City be declared a chronic nuisance property?

Under the chronic nuisance code, each property and related nuisance activities would be treated as a separate matter. So if every property 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 the person owns and rents in the City 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 the City.

Will this new process help with properties that have abandoned junk cars and overgrown grass and trash in the yard?

No. The chronic nuisance code only applies if the property meets the definition of a chronic nuisance property by one of the above ways (3 violations in 60 days, 4 in 6 months, etc....). However, if the Chronic Nuisance Code does not apply, other provisions of the Tacoma Municipal Code such as the Nuisance Code may apply to remedy these types of situations.

How will this process 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 which 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 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 fine and/or 90 days in jail.