

Legislation to Provide Resident Relief from Amplified Noise Tabled Indefinitely by Council

Contributed by Charles Allen
Tuesday, 19 February 2008

The Council voted 7-5 today to table indefinitely the "Noise Control Protection Amendment Act of 2008." The legislation, co-introduced by Councilmembers Tommy Wells, Mary Cheh and Kwame Brown, would have created reasonable protections for residents within their homes from amplified noise. Unlike other major cities, DC law does not regulate the volume and intensity of non-commercial amplified noise in the day-time.

"I'm disappointed. It's tough to stand up against special interests," commented Mr. Wells. "We worked hard with residents and labor leaders open to a solution to find a fix that is fair and provides some neighborhood protections. I'm disappointed more of my colleagues didn't side with fairness for our residents, but I'll continue working to change their minds."

The proposed bill would maintain Washington, DC as one of the most liberal and permissive jurisdictions in the country. A review of noise ordinances for the cities of New York, Boston, San Diego, Miami and Los Angeles showed that each has more restrictive laws than what had been proposed in this legislation.

The Noise Control Protection Amendment Act of 2008 seeks to balance First Amendment rights and protections, with the rights of residents to enjoy quiet in their homes and protect their hearing from lasting damage. Going above and beyond First Amendment protections found in other jurisdictions, with this bill, non-commercial public speech measured above 70 decibels, or 10 decibels greater than ambient noise, would only constitute a noise disturbance if it were also found to be excessive under the "reasonable person" standard as defined by DC law. DC's Attorney General has reviewed this proposal and believes it represents a Constitutionally sound approach that balances the protection of free speech and protection for residents.

The proposed measure had the support of ANC 6A and 6C, the Hillcrest Civic Association in Ward 7, the Penn Quarter Civic Association and Downtown Neighborhood Association in Wards 2 and 6, the Woodland Normanstone Neighborhood Association in Ward 3, and labor unions SEIU 32BJ and SEIU 500, representing thousands of working men and women in DC.

Councilmembers Tommy Wells, Mary Cheh, David Catania, Marion Barry and Carol Schwartz voted against tabling the bill.