

Press Release: April 15, 2008

Ward 6 Councilmember Tommy Wells

Immediate Release

1350 Pennsylvania Avenue, N.W., Room 408
Washington, D.C. 20004

**Contact: Charles Allen
(202) 724-8072**

Council Revives Legislation to Provide Resident Relief from Amplified Noise

(Washington, DC) – The “Noise Control Protection Amendment Act of 2008” passed in the Council’s Committee of the Whole today. The bill had previously been tabled on February 19th, but a unanimous vote of the members today revived the proposal and put it before the Council for consideration.

The legislation, co-introduced by Councilmembers Tommy Wells, Mary Cheh and Kwame Brown, closes a loophole in a 2004 law and creates 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 very pleased that my colleagues supported this measure today,” commented Mr. Wells. “We have worked hard to find a fix that is fair and provides some neighborhood protections.”

The bill maintains 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, Maimi and Los Angeles showed that each has more restrictive laws that 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 bill has 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.

The legislation will come before the Council on May 6th for First Reading.

###