

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 8.24 TO INSURE COMPLAINT WITH THE "RIGHT TO REPORT" PROVISION OF THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ACT OF 2022

WHEREAS, under the City's Chronic Behavioral Nuisances on Land and Buildings ordinance a chronic behavioral public nuisance exists when certain enumerated criminal acts have occurred multiple times at a particular property or building; and

WHEREAS, under the Chronic Behavioral Nuisances on Land and Buildings ordinance, it is a violation for a chronic behavioral public nuisance to exist and the City is authorized to act to abate the chronic behavioral public nuisance and to impose fines and other penalties to compel the "person in charge" of the property or building where the nuisance is occurring to cease or bring about the cessation of the nuisance; and

WHEREAS, on March 10, 2022, Congress passed the Violence Against Women Act Reauthorization Act of 2022 as part of the Consolidated Appropriations Act, 2022 and on March 15, 2022, President Biden signed that Act into law; the Violence Against Women Act Reauthorization Act of 2022 is codified as Division W of Public Law 117-103; and

WHEREAS, the Violence Against Women Act Reauthorization Act of 2022 includes a provision, referred to as the "Right to Report Crime and Emergencies From One's Home" provision, section 41415, which provides that "[l]andlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing . . . have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance." The Right to Report provision also provides that landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing "shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities"; and

WHEREAS, under the definition of "covered governmental entity" contained in the Right to Report provision of the Violence Against Women Act Reauthorization Act of 2022, the City of Olympia is a "covered governmental entity" and so is subject to the Right to Report provision; and

WHEREAS, the City's Chronic Behavioral Nuisances on Land and Buildings ordinance could, arguably, be interpreted to result in a penalty to a landlord, homeowner, tenant, resident, occupant, guests of housing, or applicant for housing, if such person reported a criminal act enumerated in the ordinance and if the City took certain abatement or other enforcement action that adversely affected such person; therefore, in an abundance of caution, it is prudent to amend the Chronic Behavioral Nuisances on Land and Buildings ordinance to make clear that landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing may not be penalized for exercising their right to report under the Right to Report provision of the Violence Against Women Act Reauthorization Act of 2022;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 8.24.000. Olympia Municipal Code Section 8.24.000 is hereby amended to read as follows:

8.24.000 Chapter Contents

Sections:

- 8.24.010 Definitions generally.
- 8.24.020 Behavioral public nuisance on land and buildings declared.
- 8.24.030 Abatement of behavioral public nuisances.
- 8.24.040 Liability for continuing nuisance.

- 8.24.050 Cumulative effect of chapter.
- 8.24.060 Hearing Examiner process for determination of violations penalty and abatement requirements.
- 8.24.070 Decision of the Hearing Examiner.
- 8.24.080 Right of entry for inspection and enforcement.
- 8.24.090 Superior Court abatement of nuisance.
- 8.24.100 Chapter inapplicable when it would have the effect of penalizing certain persons.

Section 2. Amendment of OMC 8.24. Olympia Municipal Code Chapter 8.24 is hereby amended to add Section 8.24.100 as follows:

8.24.100 Chapter inapplicable when it would have the effect of penalizing certain persons

Notwithstanding anything in this Chapter to the contrary, a property may not be designated a chronic behavioral public nuisance under this Chapter where such designation would have the effect of penalizing the landlord of the property, the homeowner of the property, a tenant of the property, a resident of the property, an occupant of the property, a guest in housing at the property, or an applicant for housing at the property, based on any such person's request for assistance or based on criminal activity of which such person is a victim or otherwise not at fault.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance takes effect 30 days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: