

ARE YOU BOTHERED BY A NUISANCE &
DON'T KNOW WHAT TO DO ABOUT IT?

Has it been a long time since you could enjoy the use of your home or property because of nuisance activity, whether you rent or own?

Under Washington State laws, people affected by nuisance activity have the option of seeking relief from its effects, through mediation and if necessary, by filing a claim in small claims court.

Everyone who documents the personal impact of the nuisance activity may file. In Civil Court, the burden of proof is a preponderance of evidence, or 51% or more. (Dependents may have actions taken on their behalf). Claims are limited to up to \$4000 per each person.

RCW 7.48.120

Nuisance Defined.

Nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property. RCW 7.48.210 Civil Action, who may maintain. A private person may maintain a civil action for a public nuisance, if it is especially injurious to him but not otherwise.



For further details, or to arrange for a presentation to your block or group, contact Seattle Neighborhood Group:

Call Lois Grammon-Simpson at Seattle Neighborhood Group, p. 323-3150 or 206.323.9666. Or, email lois@sngi.org. For more information, see the SNG website at URL www.sngi.org.

TAKE ACTION!

If a nuisance property is distressing you, it's probably affecting other people around you. Join forces!

The greatest advantage of pursuing the nuisance process is the position of strength and leverage it provides neighbors.



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Neighborhood Nuisance keeping you from enjoying your home?



What neighbors can do:

- ✍ Organize your block to mobilize against illegal drug activity, noise, disturbances and other nuisances
- ✍ Legally and SAFELY document and work with police to address illegal drug-related activity
- ✍ Mediate solutions when possible
- ✍ If attempts to gain cooperation and voluntary compliance fail, prepare a successful court case
- ✍ Go to Small Claims Court and WIN, to stop harmful activity that continues despite the knowledge of the property owner
- ✍ Collect a judgment to compensate you for the loss of the use and enjoyment of your property and reduce illegal and disruptive activity in the neighborhood

*Success Depends on
Neighborhood Cooperation
and Careful Documentation!*

FOLLOW THESE STEPS:

- Meet and develop an action plan
- Learn about the nuisance process
- Research property ownership through the court house or King County Tax Assessor's Office
- Document problems through an activity log (below). Keep track of 911 calls.
- Collect activity logs.
- Contact the property owners and ask to set up a time to meet and to present your documentation.
- If the owners refuse to meet or respond unsatisfactorily, send a letter notifying them of the private or public nuisance and asking them to address the problems.

Logging Strategy:

Use activity logs to document incidents, how they affect neighbors & any response/outcomes:

- ✍ Drug-dealing
- ✍ Noise
- ✍ Disturbances
- ✍ Litter/graffiti/illegal dumping, etc.

Include the date and time of any incidents. Add descriptions of any vehicles involved and license numbers when possible. If you call 911 or Seattle's non-emergency number (625-5011), request an incident number of the call and log it.

Take turns and avoid burnout. Work out a schedule for neighbors to be watching and logging problem activity and any follow-up.

Next Steps:

If the property owner does not respond to the letter & neighbors decide to go to court:

- As many individuals as possible (adults & children) may file individual claims (\$25 filing fee per-person)
- A hearing will be scheduled and held in Small Claims Court
- Notice of the claim needs to be served to the property owner by a sheriff or process server for a fee, through registered or certified mail, or a person not connected to case, at least 10 days before hearing

Possible Outcomes:

- The court awards a judgment to neighbors
- The property owner pays OR
- The property owner appeals OR
- The court denies the award

If property owner appeals judgment:

- The case goes to Superior Court
- Neighbors prepare documentation and testimony
- The hearing is held

*See what happened when some
Seattle neighbors took action
(and they recently won an appeal):*

SEATTLE POST-INTELLIGENCER 5/11/06,
http://seattlepi.nwsourc.com/local/269804_noise11.html