

# LEGISLATIVE TESTIMONY

## Implementation and Enforcement of Act No. 8682 Noise Pollution in the U.S. Virgin Islands

Good morning/afternoon Honorable Chair, members of the Committee, and distinguished government officials.

My name is Rashida Francis, and I appear before you today on behalf of the residents of Old Tutu, Hidden Valley, Anna's Retreat, Estate Thomas and surrounding communities.

Thank you for the opportunity to testify on an issue that directly impacts the health, safety, and quality of life of many Virgin Islands families—**the enforcement of Act No. 8682, our Territory's noise ordinance law**, and proposed Bill No. 36-0115, if approved, will allow the Department of Licensing and Consumer Affairs to revoke the business license of a business owner found in violation.

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### Opening Statement

Let me begin by grounding this issue in public health.

According to the National Institute on Deafness and Other Communication Disorders, **consistent exposure to noise levels at or above 85 decibels can cause hearing loss**. Yet, under Act No. 8682, businesses are permitted to operate at sound levels up to **90 decibels** during certain hours.

So today, we are not simply discussing noise—we are discussing the **public nuisances, health, safety, and long-term harm to both residents and workers**.

Let me also say this clearly:

**This is not a case where the Virgin Islands lacks a law, nor is this an attempt for disgruntled residents to harass business owners.**

This is a case where the burden of enforcing that law has fallen on the residents instead of the government agencies that the law tasks to do so.

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### Who Is Being Impacted

This issue is not abstract.

The communities most affected on the island of St. Thomas are Estate Thomas, Tutu/Anna's Retreat, Bovoni/Nadir, and surrounding areas. These are home to many **Black Native Virgin Islanders**, including seniors who qualified for housing through VIHFA programs in the 1970s that were designed to assist individuals the opportunity to achieve homeownership.

These are:

- first- and second-generation homeowners
- retired government and public servants

- business owners
- our grandparents, godparents, neighbors, mothers, and fathers.

They have worked their entire lives to achieve homeownership and stability.

### **They have earned the right to live in peace!**

Additionally, **employees working within these business establishments are also being impacted**, as many are exposed to prolonged high noise levels without adequate hearing protection, safety measures, or insurance coverage.

Lastly, children are being affected by this issue. Each time a bar, tavern or nightclub hosts an event within 500ft of a residential area at the decibel range that Act 8682 allows within the timeframe allowed, many parents are reporting to the enforcement officer that their children have school in the morning and cannot sleep. The severity of this issue becomes more complicated for parents with children who have sensory concerns, other developmental disabilities, or medical conditions that heightens their sensitivity to noise. Private Daycare centers are at risk, should a bar/tavern license owner decide to host events at noise decibels that laws allow during the day.

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## **Core Problem: Residents Are Bearing the Burden**

Despite the existence of Act 8682, the current system effectively shifts enforcement responsibility onto residents.

Here is what that looks like in real life:

- Residents only have a **weekly 4-hour block with NO noise**, typically on Sunday and Monday mornings between **3:00 a.m. and 6:59 a.m.**
- Residents must call VIPD, DLCA, or DOH to report noise ordinance violations and other issues caused when businesses host events or activities like Bingo, dances or if the owner decides to play loud music, causing there to be an influx of patrons, loud voices over a speaker or bands placed on the outside in an open area of the establishment.
- Most violations occur after hours—beginning around **5:00 p.m.**, when many of these agencies are closed—leaving residents with no option but to call **911**, which dispatches VIPD.
- Unfortunately, VIPD officers do not always show up with a device to measure noise as stipulated by law, nor do the responding officer take the readings from the residents, may have the appropriate device on hand, which the law also allows. When officers arrive on the scene, they measure the noise from 100 ft away from a designated point from the property of the establishment, and not from the home of the resident who is making the complaint. This is because Act 8682 does not allow them to measure from the point of the complaint or use their discretion to include in their investigation, information from the person making the complaint. This results in officers finding that the business owner is not in violation of the law upon arrival. They

do ask the business owner to turn the music down in an effort to maintain peace. As they leave, some businesses turn the sound back up.

- VIPD is the **only agency that provides confirmation** that a report was filed. However, residents must pay a minimum of **\$20 to obtain that report**.
- The other agencies do not consistently provide written documentation or follow up with residents to confirm that after-hours complaints were received or addressed.

**This is not a coordinated enforcement system, even though Act 8682 states that the Virgin Islands Police Department shall coordinate the noise complaint response by all agencies and that VIPD shall designate a Noise Prevention and Control Officer to coordinate the responsibilities of the Department of Health, Department of Licensing and Consumer Affairs and the Department of Planning and Natural Resources.**

**In actuality, this has become a situation where residents being forced to manage enforcement themselves.**

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## **Key Enforcement Gaps**

Through our Town Hall meeting in November 2025 and subsequent meetings with government agencies, several critical gaps were identified as follows:

### **1. Lack of Coordination**

The **Noise Prevention and Control Officer required by law has not been clearly designated, identified or made accessible to residents**, resulting in fragmented enforcement and frustration to residents.

### **2. Landlord Loophole**

Commercial landlords can obtain approval for one type of business and later lease to bars, taverns, or nightclubs **without undergoing a new permitting or zoning process**.

This includes both private and government-owned properties. Landlords are not held accountable—even when violations occur. Act 8682 currently only speaks to license carriers.

### **3. No Pre-Opening Compliance**

Soundproofing is not required before a business opens. Instead, residents must endure ongoing disturbances and repeatedly report violations.

### **4. Weak Interagency Communication**

VIPD, DLCA, and DOH do not operate within a **shared, real-time complaint tracking system**, which results in violations remaining at the warning stage.

### **5. Underutilization of DPNR**

The Department of Planning and Natural Resources is **underutilized in addressing noise ordinance concerns**, particularly in:

- development and oversight of land use
- issuance of citations
- and determinations related to licensure status

This creates a critical gap in enforcement and accountability.

### **5. Lack of Language in existing laws for mobile Businesses**

Currently, there is no enforceable language that regulates Party Buses and Safaris use of music, with regards to the type of license these commercial businesses should have, penalties that will be imposed should an owner/operator be found in violation of the law, and at what point can enforcement officers take them off the road. Lastly, the law does not speak to a designated path/route that these vehicles would be required to take when transporting customers.

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## Quality of Life and Public Health Impact

The impact of these gaps extends far beyond inconvenience.

Residents are experiencing:

- chronic sleep disruption
- stress and fatigue
- reduced productivity and
- diminished quality of life.
- In some cases, verbal conflicts have aroused between homeowners and business owners.

We all understand that individuals require **6 to 8 hours of sleep** for proper health and functioning.

However, under the current enforcement reality, residents are left with minimal guaranteed quiet time.

Additionally, the law does not adequately account for:

- outdoor performances
- wind direction
- elevation

which allows noise to travel well beyond intended areas and into residential communities.

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## Worker Protection Concerns

Employees working in these establishments are also at risk.

They are often exposed to **prolonged noise levels exceeding safe thresholds**, without:

- required hearing protection
- enforced safety standards
- or adequate insurance coverage

This is both a public health issue and a labor concern.

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## What Residents Are Asking For

Residents are not asking for businesses to shut down.

Residents are asking for **the law to work as intended**.

Specifically:

- That businesses meet compliance requirements before opening, by enclosing and soundproofing areas where music, loud microphones and large crowds will gather.
- That landlords, include government agencies like property and procurement are held accountable and made to perform regular inspections of their tenants that includes records of complaints to ensure that they are following the law. We are

also asking that landlords be required to cite applicable laws that impacts their commercial tenant's opportunity to operate the business in the Virgin Islands, and the penalties that both the landlord and tenant faces if violations occur and the remedies that the landlord will implement to resolve the matter at the time that the lease agreement is executed.

- Noise ordinance violations be taken into consideration by DCLA when reissuing business licenses and corrective action plans be in place if and when a business gets to a second violation and fine.
- That the law spells out whether violations start over once a license is renewed or if the business moves to a new location.
- That enforcement agencies coordinate effectively
- That complaints specific to Act 8682 and Bill number 36-0115 if passed, are documented, tracked and provided to residents at no cost.
- Periodic townhall meeting be held with residents when an identified number of noise complaints have been made in their area or a new type of business wants to set up in the area that could potentially, create a disturbance.
- And most importantly, I/we are asking that residents are no longer forced to carry the burden of enforcement

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## Closing

Honorable Senators, this is a moment of opportunity.

Act No. 8682 was created to balance economic activity with community well-being.

Right now, that balance is not being achieved.

But with stronger enforcement, clearer accountability, and targeted legislative amendments, it can be restored.

**The people of the Virgin Islands should not have to fight for peace in their own homes.**

They deserve:

- rest
- safety
- dignity
- and a government system that works on their behalf

On behalf of the residents of Old Tutu, Hidden Valley, Anna's Retreat, Estate Thomas, Bovoni and surrounding communities, I respectfully urge you to take action to ensure that Act No. 8682 is enforced fairly, and that the amendments made through Bill number 36-0115 are consistent, and effective.

Please, give my godmother Maxine Fleming, and other homeowners like Ms. Sandyl Elskoe, Mr. Audley Joseph, Ms. Elfa Hernandez and countless others who have been battling the issues that I have outlined for years, some relief. Relief that allows them to finally enjoy their homes, 24 hours a day, 7 days a week, 7 days a year, for 365 days a year.

Thank you for your time and consideration.