

  
Chairman Phil Mendelson

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the District of Columbia Administrative Procedure Act to codify agency deference and clarify that a reviewing court or tribunal shall defer to an agency’s reasonable interpretation of a statute or regulation it administers so long as that interpretation is not plainly wrong, or inconsistent with the statutory or regulatory language or legislature’s intent.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Review of Agency Action Clarification Emergency Amendment Act of 2024”.

Sec. 2. Section 110 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510), is amended as follows:

(a) Subsection (a)(1) is amended by striking the phrase “So far as necessary” and inserting the phrase “Subject to subsections (c) and (d) of this section and so far as necessary” in its place.

(b) New subsections (c) and (d) are added to read as follows:

“(c) In reviewing an order or decision of the Mayor or an agency in any court or administrative proceeding, including but not limited to proceedings under subsection (a) of this section, the reviewing tribunal shall defer to the Mayor or agency’s reasonable interpretation of a statute or regulation it administers, provided that the interpretation is not plainly wrong, or inconsistent with the statutory or regulatory language or the legislature’s intent.

33           “(d) In reviewing a rule adopted by the Mayor or an agency, the reviewing tribunal shall  
34 defer to the Mayor or agency’s reasonable interpretation of a statute it administers, provided that  
35 the interpretation is not plainly wrong, or inconsistent with the statutory language or the  
36 legislature’s intent.”.

37           Sec. 3. Fiscal impact.

38           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
39 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
40 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

41           Sec. 4. Effective date.

42           This act shall take effect following approval by the Mayor (or in the event of veto by the  
43 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
44 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
45 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
46 D.C. Official Code § 1-204.12(a)).