


Chairman Phil Mendelson

1
2
3
4
5 A BILL
6
7
8

9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
10
11
12

13 To amend, on a temporary basis, the District of Columbia Administrative Procedure Act to
14 codify agency deference and clarify that a reviewing court or tribunal shall defer to an
15 agency’s reasonable interpretation of a statute or regulation it administers so long as that
16 interpretation is not plainly wrong, or inconsistent with the statutory or regulatory
17 language or legislature’s intent.
18

19 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
20 act may be cited as the “Review of Agency Action Clarification Temporary Amendment Act of
21 2024”.

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

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

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

28 “(c) In reviewing an order or decision of the Mayor or an agency in any court or
29 administrative proceeding, including but not limited to proceedings under subsection (a) of this
30 section, the reviewing tribunal shall defer to the Mayor or agency’s reasonable interpretation of a
31 statute or regulation it administers, provided that the interpretation is not plainly wrong, or
32 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 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
43 the Mayor, action by the Council to override the veto) and a 30-day period of congressional
44 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
45 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

46 (b) This act shall expire after 225 days of its having taken effect.