



ADVISORY NEIGHBORHOOD COMMISSION 6B

A RESOLUTION ON B26-48

THE REVIEW OF AGENCY ACTION CLARIFICATION AMENDMENT ACT OF 2025

At a properly noticed general meeting on March 25, 2025, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0-0 to support the following resolution:

WHEREAS, a pending bill in the District of Columbia Council, the Review of Agency Action Clarification Amendment Act of 2025, B26-48, would significantly limit judicial review of agency action; and

WHEREAS, justice and equity, especially for DC residents who rely on District agencies for essential services such as food assistance, unemployment benefits, and tenant protections, require meaningful judicial review of agency action; and

WHEREAS, as currently drafted, B26-48 omits the critical requirement that, before considering an agency's interpretation of the law, courts first determine whether the statute is silent or at least ambiguous, an omission that vitiates legislative intent and agency accountability; and

WHEREAS, as currently drafted, B26-48 also requires judicial deference to agency interpretations even if the agency has disregarded its own procedures or those established by the Council, deference that undermines transparency and public trust in agency decisionmaking; and

WHEREAS, as currently drafted, by requiring judicial deference to agency interpretations of the agency's own regulations, B26-48 lets agencies parrot broad statutory language in their regulations and avoid judicial review entirely; and

WHEREAS, unlike federal agencies, District agencies do not routinely engage in highly technical or scientific matters requiring specialized expertise; and

WHEREAS, any law requiring judicial deference to agency decisions should ensure robust judicial review and adhere to best practices, as exemplified by the pending federal Stop Corporate Capture Act;

THEREFORE, BE IT RESOLVED:

1. Advisory Neighborhood Commission 6B opposes B26-48 as currently drafted and urges the Council to either leave judicial deference to case-by-case judicial determination or, at least, authorize meaningful judicial oversight of agency actions.

2. ANC 6B urges the Council to consider how District agencies differ from federal agencies, and the need for transparency and procedural safeguards when determining the appropriateness of judicial deference to District agencies.

3. ANC 6B urges the Council to amend B26-48 to require that, before a court defers to agency statutory interpretations, the court find that--
 - a. the statute is silent or at least ambiguous.
 - b. the agency has adhered to lawful procedures in reaching its challenged decision.
 - c. the agency has particular expertise in the subject matter of its interpretation.

ON BEHALF OF ANC 6B

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Ryder', written in a cursive style.

Edward Ryder
Chair, ANC 6B