

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 2.
GOVERNMENT ADMINISTRATION.

CHAPTER 5.
ADMINISTRATIVE PROCEDURE.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 5. ADMINISTRATIVE PROCEDURE.

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CHAPTER 5. ADMINISTRATIVE PROCEDURE.

Refs & Annos

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama	1981, No. 81-855, p. 1534	5-27-1981*	Code 1975, §§ 41-22-1 to 41-22-27.
Arizona [FN1]	1970, c. 101	1-1-1971	A.R.S. §§ 41-1001 to 41-1066.
Arkansas	1967, No. 434	3-17-1971	A.C.A. §§ 25-15-201 to 25-15-219.
Connecticut	1971, P.A. 854	1-1-1972	C.G.S.A. §§ 4-166 to 4-189.
District of Columbia	1968, Pub.L. 90-614	10-21-1969	D.C. Official Code, 2001 Ed. §§ 1-207.42, 2-501 to 2-510.
Georgia	1964, p. 338	7-1-1965	O.C.G.A. §§ 50-13-1 to 50-13-23.
Hawaii	1961, c. 103		HRS §§ 91-1 to 91-18.
Illinois	1975, P.A. 79-1083	9-22-1975	S.H.A. 5 ILCS 100/1-1 to 100/15-10.
Iowa	1974, c. 1090	7-1-1975	I.C.A. §§ 17A.1 to 17A.34.
Louisiana	1966, No. 382	7-1-1967	LSA-R.S. 49:950 to 49:972.
Maine	1977, c. 551	7-1-1978	5 M.R.S.A. §§ 8001 to 11008.
Maryland	1957, c. 94	6-1-1957	Code, State Government, § 10-201 et seq.
Michigan	1969, No. 306	7-1-1970	M.C.L.A. §§ 24.201 to 24.315.
Missouri	1945, p. 1504		V.A.M.S. §§ 536.010 to 536.160.
Montana	1971, c. 2	12-31-1972	MCA 2-4-101 to 2-4-711.
Nebraska	1945, c. 255		R.R.S.1943, §§ 84-901 to 84-920.
Nevada	1965, c. 962		N.R.S. 233B.010 to 233B.150.
New York	1975, c. 167	9-1-1976	McKinney's State Administrative Procedure Act § 100 et seq.
Oklahoma	1963, c. 371		75 Okl.St.Ann. §§ 250.3 to 250.5, 302 to 323.
Oregon	1957, c. 717	6-13-1957[FN*]	ORS 183.310 to 183.550.
Rhode Island	1962, c. 112	1-1-1964	Gen.Laws 1956, §§ 42-35-1 to 42-35-18.
South Dakota	1966, c. 159		SDCL 1-26-1 to 1-26-41.
Tennessee	1974, c. 725	7-1-1975	T.C.A. §§ 4-5-101 to 4-5-404.
Vermont	1967, No. 360	7-1-1969	3 V.S.A. §§ 801 to 849.
West Virginia	1964, c. 1	7-1-1964	Code, 29A-1-1 to 29A-7-4.
Wisconsin	1955, c. 221		W.S.A. 227.01 to 227.60.
Wyoming	1965, c. 108	1-1-1966	Wyo.Stat.Ann. §§ 16-3-101 to 16-3-115.

[FN*] Date of approval.

[FN1] The Arizona act contains many of the major provisions of both the 1961 and 1981 Model State Administrative Procedure Acts. Accordingly, the citation of the Arizona act is set forth in the tables for both acts.

SUBCHAPTER I. ADMINISTRATIVE PROCEDURE.

§ 2-501. EFFECT OF SUBCHAPTER.

This subchapter shall supplement all other provisions of law establishing procedures to be observed by the Mayor and agencies of the District government in the application of laws administered by them, except

that this subchapter shall supersede any such law and procedure to the extent of any conflict therewith.
(Oct. 21, 1968, 82 Stat. 1204, Pub. L. 90-614, § 2; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(a), 22 DCR 2048; Mar. 29, 1977, D.C. Law 1-96, § 3(a), (c), 23 DCR 9532b.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1501.

1973 Ed., § 1-1501.

Legislative History of Laws

Law 1-19 was introduced in Council and assigned Bill No. 1-1, which was referred to the Committee of the Whole, the Committee on the Judiciary and the Committee on Criminal Law. The Bill was adopted on first and second readings on June 3, 1975 and June 20, 1975, respectively. Signed by the Mayor on July 10, 1975, it was assigned Act No. 1-30 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Miscellaneous Notes

D.C. Board of Appeals and Review established: See Mayor's Order 84-79, April 26, 1984, as amended by Mayor's Order 86-50, March 31, 1986.

§ 2-502. DEFINITIONS.

As used in this subchapter:

- (1)(A) The term "Mayor" means the Mayor of the District of Columbia, or his or her designated agent.
(B) The term "Council" means the Council of the District of Columbia established by § 1-204.01(a) unless the term "District of Columbia Council" is used in which event it shall mean the District of Columbia Council established by subsection (a) of § 201 of Reorganization Plan No. 3 of 1967 (81 Stat. 948).
- (2) The term "District" means the District of Columbia.
- (3) The term "agency" includes both subordinate agency and independent agency.
- (4) The term "subordinate agency" means any officer, employee, office, department, division, board, commission, or other agency of the government of the District, other than an independent agency or the Mayor or the Council, required by law or by the Mayor or the Council to administer any law or any rule adopted under the authority of a law.
- (5) The term "independent agency" means any agency of the government of the District with respect to which the Mayor and the Council are not authorized by law, other than this subchapter, to establish administrative procedures, but does not include the several courts of the District and the Tax Division of the Superior Court.
- (6)(A) The term "rule" means the whole or any part of any Mayor's or agency's statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Mayor or of any agency.
(B) The term "rule" does not include any statement for guiding, directing or otherwise regulating vehicular or pedestrian traffic, including any statement controlling parking, standing, stopping or a construction detour; provided, that:
 - (i) The contents of the statement are indicated to the public on one or more signs, signals, meters, markings or other similar devices located on or adjacent to a street, avenue, road, highway or other public space and are posted on the website of the District Department of Transportation;
 - (ii) The proposed installation, modification or removal of the statement is based on engineering or other technical considerations;
 - (iii) The proposed installation, modification or removal of the statement does not involve substantial policy considerations; and
 - (iv) The Council and the affected Advisory Neighborhood Commissions ("ANC") are provided with 30-days written notice via electronic delivery, excluding Saturdays, Sundays and legal holidays, of an agency's intent to install, modify or remove any of these statements, and any ANC recommendation, if provided, is given great weight pursuant to § 1-309.10.
- (7) The term "rulemaking" means Mayor's or agency's process for the formulation, amendment, or repeal of a rule.

(8) The term "contested case" means a proceeding before the Mayor or any agency in which the legal rights, duties, or privileges of specific parties are required by any law (other than this subchapter), or by constitutional right, to be determined after a hearing before the Mayor or before an agency, but shall not include:

- (A) Any matter subject to a subsequent trial of the law and the facts de novo in any court;
- (B) The selection or tenure of an officer or employee of the District;
- (C) Proceedings in which decisions rest solely on inspections, tests, or elections;
- (D) Cases in which the Mayor or an agency act as an agent for a court of the District; and
- (E) Requests for relief from the requirements of Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*), as permitted under that chapter; provided, that such requests shall be approved under such procedures as may be adopted by the Zoning Commission, which procedures need not include a hearing.

(9) The term "person" includes individuals, partnerships, corporations, associations, and public or private organizations of any character other than the Mayor, the Council, or an agency.

(10) The term "party" includes the Mayor and any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any proceeding before the Mayor or an agency, but nothing herein shall be construed to prevent the Mayor or an agency from admitting the Mayor or any person or agency as a party for limited purposes.

(11) The term "order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of the Mayor or of any agency in any matter other than rulemaking, but including licensing.

(12) The term "license" includes the whole or part of any permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission granted by the Mayor or any agency.

(13) The term "licensing" includes process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license by the Mayor or an agency.

(14) The term "relief" includes the whole or part of any Mayor's or agency's:

- (A) Grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;
- (B) Recognition of any claim, right, immunity, privilege, exemption, or exception; and
- (C) Taking of any other action upon the application or petition of, and beneficial to, any person.

(15) The term "proceeding" means any process of the Mayor or an agency as defined in paragraphs (6), (11), and (12) of this section.

(16) The term "sanction" includes the whole or part of any Mayor's or agency's:

- (A) Prohibition, requirement, limitation, or other condition affecting the freedom of any person;
- (B) Withholding of relief;
- (C) Imposition of any form of penalty or fine;
- (D) Destruction, taking, seizure, or withholding of property;
- (E) Assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;
- (F) Requirement, revocation, or suspension of a license; and
- (G) Taking of other compulsory or restrictive action.

(17) The term "regulation" means the whole or any part of any District of Columbia Council statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Mayor, District of Columbia Council, or any agency.

(18) The term "public record" includes all books, papers, maps, photographs, cards, tapes, recordings, vote data (including ballot-definition material, raw data, and ballot images), or other documentary materials, regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. Public records include information stored in an electronic format.

(18A) The term "public body" means the Mayor, an agency, or the Council of the District of Columbia.

(19) The term "adjudication" means the agency process, other than rulemaking, for the formulation, issuance, and enforcement of an order.

(20) The term "publish" means, for the official publications described in § 2-504, to issue, in print or electronic format, textual or graphic material for sale or distribution to the public.

(Oct. 21, 1968, 82 Stat. 1204, Pub. L. 90-614, § 3; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(b)-(q), 22 DCR 2048; Mar. 29, 1977, D.C. Law 1-96, § 3(a), (c), (d), 23 DCR 9532b; Apr. 3, 2001, D.C. Law 13-249, § 2, 48 DCR 662; Apr. 27, 2001, D.C. Law 13-283, § 2, 48 DCR 1917; Mar. 14, 2007, D.C. Law 16-275, § 201, 54 DCR 880; Mar. 25, 2009, D.C. Law 17-353, § 162, 56 DCR 1117; Feb. 4, 2010, D.C. Law 18-103, § 3, 56 DCR 9169; Sept. 24, 2010, D.C. Law 18-223, § 1082, 57 DCR 6242; Sept. 20, 2012, D.C. Law 19-168, § 6022, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 16, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1502.

1973 Ed., § 1-1502.

Effect of Amendments

D.C. Law 13-249, in par. (6), designated subpar. (A) and added subpar. (B).

D.C. Law 13-283 rewrote par. (18) and added par. (18A). Prior to amendment, par. (18) read:

"(18) The term 'public record' includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by the Mayor and agencies."

D.C. Law 16-275, in par. (8), added subpar. (E).

D.C. Law 17-353, in par. (8)(E), substituted "Requests" for "Request".

D.C. Law 18-103, in par. (18), substituted "tapes, recordings, vote data (including ballot-definition material, raw data, and ballot images)," for "tapes, recordings,".

D.C. Law 18-223 added par. (20).

D.C. Law 19-168, in par. (6)(B)(i), inserted "and are posted on the website of the District Department of Transportation,"; in par. (6)(B)(iv), substituted "provided with 30-days written notice via electronic delivery" for "provided with 30-days written notice".

D.C. Law 19-171, in par. (18), inserted a comma following "used".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3 of Omnibus Election Reform Emergency Amendment Act of 2009 (D.C. Act 18-236, November 30, 2009, 56 DCR 9154).

For temporary (90 day) amendment of section, see § 1082 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Law 13-249, the "Administrative Procedure Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-285, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2001, respectively. Signed by the Mayor on December 22, 2000, it was assigned Act No. 13-536 and transmitted to Both Houses of Congress for its review. D.C. Law 13-249 became effective on April 3, 2001.

Law 13-283, the "Freedom of Information Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-829, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 22, 2001, it was assigned Act No. 13-581 and transmitted to Both Houses of Congress for its review. D.C. Law 13-283 became effective on April 27, 2001.

Law 16-275, the "Inclusionary Zoning Implementation Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-779, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-632 and transmitted to both Houses of Congress for its review. D.C. Law 16-275 became effective on March 14, 2007.

For Law 17-353, see notes following § 2-218.42.

Law 18-103, the "Omnibus Election Reform Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-345, which was referred to the Committee on Government Operations and the Environment. The bill was adopted on first and second readings on October 6, 2009, and November 3, 2009, respectively. Signed by the Mayor on November 30, 2009, it was assigned Act No. 18-238 and transmitted to both Houses of Congress for its review. D.C. Law 18-103 became effective on February 4, 2010.

For Law 18-223, see notes following § 2-218.76.

For history of Law 19-168, see notes under § 2-218.76.

For history of Law 19-171, see notes under § 2-218.13.

Editor's Notes

"District of Columbia Council statement," referred to in (17), should probably appear as "statement of the Council of the District of Columbia" or "Council statement," in view of (1)(B) and the fact that this section refers to current and ongoing Council activity.

Miscellaneous Notes

District of Columbia Tax Court abolished: The District of Columbia Tax Court, formerly referred to in paragraph (5), was abolished by § 161(a) of Pub. L. 91- 358, 84 Stat. 579, and the functions thereof are now vested in the Tax Division of the Superior Court of the District of Columbia.

Short title: Section 1081 of D.C. Law 18-223 provided that subtitle I of title I of the act may be cited as the "Legal Publications Modernization Amendment Act of 2010".

Short title: Section 6021 of D.C. Law 19-168 provided that subtitle C of title VI of the act may be cited as "District Department of Transportation Omnibus Amendment Act of 2012".

Uniform Law

This section is based upon § 1 of the Uniform Law Commissioners' Model State Administrative Procedure Act (1961 Act). See 15 Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 2-503. ESTABLISHMENT OF PROCEDURES.

(a) The Mayor and the Council shall, for the Mayor and for each subordinate agency, establish or require each subordinate agency to establish procedures in accordance with this subchapter.

(b) Each independent agency shall establish procedures in accordance with this subchapter.

(c) The procedures required to be established by subsections (a) and (b) of this section shall include requirements of practice before the Mayor and each agency.

(Oct. 21, 1968, 82 Stat. 1205, Pub. L. 90-614, § 4; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(r), (s), 22 DCR 2051; Mar. 29, 1977, D.C. Law 1- 96, § 3(a), (c), 23 DCR 9532b.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1503.

1973 Ed., § 1-1503.

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

§ 2-504. OFFICIAL PUBLICATIONS.

(a) The Mayor shall cause to be published the official publications known as the District of Columbia Register and the District of Columbia Municipal Regulations pursuant to subchapter III of this chapter.

(b) All courts within the District shall take judicial notice of rules, regulations, and Council acts and resolutions published or of which notice is given in the District of Columbia Register or the District of Columbia Municipal Regulations pursuant to subchapter III of this chapter.

(c) Publication in the District of Columbia Register of Council acts and resolutions, regulations adopted, amended, or repealed by the District of Columbia Council and rules adopted, amended, or repealed by the Mayor or by any agency shall not be considered as a substitute for publication in 1 or more newspapers of general circulation when such publication is required by statute.

(Oct. 21, 1968, 82 Stat. 1206, Pub. L. 90-614, § 5; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(t)-(x), 22 DCR 2051; Mar. 29, 1977, D.C. Law 1-96, § 3(a), 23 DCR 9532b; Apr. 19, 1977, D.C. Law 1-120, § 2, 23 DCR 9924; Mar. 6, 1979, D.C. Law 2-153, § 6(a), 25 DCR 6960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1505.

1973 Ed., § 1-1504.

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Law 1-120 was introduced in Council and assigned Bill No. 1-340, which was referred to the Committee on the Judiciary and the Committee on Criminal Law. The Bill was adopted on first and second readings on November 23, 1976 and December 7, 1976, respectively. Enacted without signature by the Mayor on January 1, 1977, it was assigned Act No. 1-206 and transmitted to both Houses of Congress for its review.

Law 2-153 was introduced in Council and assigned Bill No. 2-96, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 28, 1978 and December 12, 1978, respectively. Signed by the Mayor on December 29, 1978, it was assigned Act No. 2-319 and transmitted to both Houses of Congress for its review.

§ 2-505. PUBLIC NOTICE AND PARTICIPATION IN RULEMAKING; EMERGENCY RULES.

(a) The Mayor and each independent agency shall, prior to the adoption of any rule or the amendment or repeal thereof, publish in the District of Columbia Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) notice of the intended action so as to afford interested persons opportunity to submit data and views either orally or in writing, as may be specified in such notice. The notice shall also contain a citation to the legal authority under which the rule is being proposed. The publication or service required by this subsection of any notice shall be made not less than 30 days prior to the effective date of the proposed adoption, amendment, or repeal, as the case may be, except as otherwise provided by the Mayor or the agency upon good cause found and published with the notice.

(b) Any interested person may petition the Mayor or an independent agency requesting the promulgation, amendment, or repeal of any rule. The Mayor and each independent agency shall prescribe by rule the form for such petitions, and the procedure for their submission, consideration, and disposition. Nothing in this subchapter shall make it mandatory that the Mayor or any agency promulgate, amend, or repeal any rule pursuant to a petition therefor submitted in accordance with this section.

(c) Notwithstanding any other provision of this section, if, in an emergency, as determined by the Mayor or an independent agency, the adoption of a rule is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals, the Mayor or such independent agency may adopt such rules as may be necessary in the circumstances, and such rule may become effective immediately. Any such emergency rule shall forthwith be published and filed in the manner prescribed in subchapter III of this chapter. No such rule shall remain in effect longer than 120 days after the date of its adoption.

(Oct. 21, 1968, 82 Stat. 1206, Pub. L. 90-614, § 6; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(y), 22 DCR 2053; Mar. 29, 1977, D.C. Law 1-96, § 3(a), (c), (e), 23 DCR 9532b; Apr. 12, 2000, D.C. Law 13-91, § 167, 47 DCR 520.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1506.

1973 Ed., § 1-1505.

Effect of Amendments

D.C. Law 13-91, in subsec. (a), inserted the second sentence.

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

Uniform Law

This section is based upon §§ 3 and 6 of the Uniform Law Commissioners' Model State Administrative Procedure Act (1961 Act). See 15 Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 2-506. FILING AND PUBLISHING OF RULES.[REPEALED]

(Oct. 21, 1968, 82 Stat. 1207, Pub. L. 90-614, § 7; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(g), 22 DCR 2048; Mar. 29, 1977, D.C. Law 1-96; § 3(a), (c); Mar. 6, 1979, D.C. Law 2-153, § 6(b), 25 DCR 6960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., Omitted.

1973 Ed., § 1-1506.

§ 2-507. COMPILATION OF RULES AND REGULATIONS.

(a) As soon as practicable after the effective date of this subchapter, the Mayor shall have compiled, indexed, and published in the District of Columbia Register all regulations adopted by the District of Columbia Council and rules adopted by the Mayor and District of Columbia Council and each agency and in effect at the time of such compilation. Such compilations shall be promptly supplemented or revised as may be necessary to reflect new regulations and rules and changes in regulations and rules.

(b) Compilations shall be made available to the public at a price fixed by the Mayor.

(c) The Mayor must publish the 1st compilation required by subsection (a) of this section within 1 year after the effective date of this subchapter and no regulations adopted by the District of Columbia Council nor rule adopted by the Mayor or by an agency before the date of such 1st publication which has not been filed and published in accordance with this subchapter and which is not set forth in such compilation shall be in effect after 1 year after the effective date of this subchapter.

(Oct. 21, 1968, 82 Stat. 1207, Pub. L. 90-614, § 7; 1973 Ed., § 1-1506; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(g), 22 DCR 2048; Mar. 29, 1977, D.C. Law 1-96, § 3(a), (c); Mar. 6, 1979, D.C. Law 2-153, § 6(b), 25 DCR 6960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1507.

1973 Ed., § 1-1507.

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Editor's Notes

"District of Columbia Council", appearing twice in (a) and once in (c), should probably be "Council of the District of Columbia" or "Council", in view of § 1-1502(1)(B) and the fact that this section refers to current and ongoing Council activity.

Uniform Law

This section is based upon § 5 of the Uniform Law Commissioners' Model State Administrative Procedure Act (1961 Act). See 15 Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 2-508. DECLARATORY ORDERS.

On petition of any interested person, the Mayor or an agency, within their discretion, may issue a declaratory order with respect to the applicability of any rule, regulation, Council act or resolution, or statute enforceable by them or by it, to terminate a controversy (other than a contested case) or to remove uncertainty. A declaratory order, as provided in this section, shall be binding between the Mayor or the agency, as the case may be, and the petitioner on the state of facts alleged and established, unless such order is altered or set aside by a court. A declaratory order is subject to review in the manner provided in this subchapter for the review of orders and decisions in contested cases, except that the refusal of the Mayor or of an agency to issue a declaratory order shall not be subject to review. The Mayor and each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

(Oct. 21, 1968, 82 Stat. 1207, Pub. L. 90-614, § 9; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(ff), 22 DCR 2054; Mar. 29, 1977, D.C. Law 1-96, § 3(a), (c), 23 DCR 9532b.)

Prior Codifications

1981 Ed., § 1-1508.

1973 Ed., § 1-1508.

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Uniform Law

This section is based upon § 8 of the Uniform Law Commissioners' Model State Administrative Procedure Act (1961 Act). See 15 Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 2-509. CONTESTED CASES.

(a) In any contested case, all parties thereto shall be given reasonable notice of the afforded hearing by the Mayor or the agency, as the case may be. The notice shall state the time, place, and issues involved, but if, by reason of the nature of the proceeding, the Mayor or the agency determines that the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The notice shall also state that if a party or witness is deaf, or because of a hearing impediment cannot readily understand or communicate the spoken English language, the party or witness may apply to the agency for the appointment of a qualified interpreter. Unless otherwise required by law, other than this subchapter, any contested case may be disposed of by stipulation, agreed settlement, consent order, or default.

(b) In contested cases, except as may otherwise be provided by law, other than this subchapter, the proponent of a rule or order shall have the burden of proof. Any oral and any documentary evidence may be received, but the Mayor and every agency shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every party shall have the right to present in person or by counsel his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Where any decision of the Mayor or any agency in a contested case rests on official notice of a material fact not appearing in the evidence in the record, any party to such case shall on timely request be afforded an opportunity to show the contrary.

(c) The Mayor or the agency shall maintain an official record in each contested case, to include testimony and exhibits, but it shall not be necessary to make any transcription unless a copy of such record is timely requested by any party to such case, or transcription is required by law, other than this subchapter. The testimony and exhibits, together with all papers and requests filed in the proceeding, and all material facts not appearing in the evidence but with respect to which official notice is taken, shall constitute the exclusive record for order or decision. No sanction shall be imposed or rule or order or decision be issued except upon consideration of such exclusive record, or such lesser portions thereof as may be agreed upon by all the parties to such case. The cost incidental to the preparation of a copy or copies of a record or portion thereof shall be borne equally by all parties requesting the copy or copies.

(d) Whenever in a contested case a majority of those who are to render the final order or decision did not personally hear the evidence, no order or decision adverse to a party to the case (other than the Mayor or an agency) shall be made until a proposed order or decision, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of those who are to render the order or decision, who, in such case, shall personally consider such portions of the exclusive record, as provided in subsection (c) of this section, as may be designated by any party.

(e) Every decision and order adverse to a party to the case, rendered by the Mayor or an agency in a contested case, shall be in writing and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Findings of fact and conclusions of law shall be supported by and in accordance with the reliable, probative, and substantial evidence. A copy of the decision and order and accompanying findings and conclusions shall be given by the Mayor or the agency, as the case may be, to each party or to his attorney of record.

(Oct. 21, 1968, 82 Stat. 1208, Pub. L. 90-614, § 10; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(gg)-(kk), 22 DCR 2054; Mar. 29, 1977, D.C. Law 1-96, § 3(a), (c), 23 DCR 9532b; Feb. 11, 1982, D.C. Law 4-67, § 2(a), 28 DCR 5043; Jan. 28, 1988, D.C. Law 7-62, § 14(a), 34 DCR 7426.)

1981 Ed., § 1-1509.

1973 Ed., § 1-1509.

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Law 4-67 was introduced in Council and assigned Bill No. 4-55, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 13, 1981 and October 27, 1981, respectively. Signed by the Mayor on November 9, 1981, it was assigned Act No. 4-113 and transmitted to both Houses of Congress for its review.

Law 7-62 was introduced in Council and assigned Bill No. 7-108, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 13, 1987 and October 27, 1987, respectively. Signed by the Mayor on November 5, 1987, it was assigned Act No. 7-95 and transmitted to both Houses of Congress for its review.

Uniform Law

This section is based upon §§ 9 and 10 of the Uniform Law Commissioners' Model State Administrative Procedure Act (1961 Act). See 15 Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 2-510. JUDICIAL REVIEW.

(a) Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Mayor or an agency in a contested case, is entitled to a judicial review thereof in accordance with this subchapter upon filing in the District of Columbia Court of Appeals a written petition for review. If the jurisdiction of the Mayor or an agency is challenged at any time in any proceeding and the Mayor or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the Court shall otherwise hold. The reviewing Court may by rule prescribe the forms and contents of the petition and, subject to this subchapter, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such Court within such time as such Court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the Court upon the Mayor or upon the agency, as the case may be. Within such time as may be fixed by rule of the Court, the Mayor or such agency shall certify and file in the Court the exclusive record for decision and any supplementary proceedings, and the clerk of the Court shall immediately notify the petitioner of the filing thereof. Upon the filing of a petition for review, the Court shall have jurisdiction of the proceeding, and shall have power to affirm, modify, or set aside the order or decision complained of, in whole or in part, and, if need be, to remand the case for further proceedings, as justice may require. Filing of a petition for review shall not in itself stay enforcement of the order or decision of the Mayor or the agency, as the case may be. The Mayor or the agency may grant, or the reviewing Court may order, a stay upon appropriate terms. The Court shall hear and determine all appeals upon the exclusive record for decision before the Mayor or the agency. The review of all administrative orders and decisions by the Court shall be limited to such issues of law or fact as are subject to review on appeal under applicable statutory law, other than this subchapter. In all other cases the review by the Court of administrative orders and decisions shall be in accordance with the rules of law which define the scope and limitations of review of administrative proceedings. Such rules shall include, but not be limited to, the power of the Court:

- (1) So far as necessary to decision and where presented, to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any action;
- (2) To compel agency action unlawfully withheld or unreasonably delayed; and
- (3) To hold unlawful and set aside any action or findings and conclusions found to be:
 - (A) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - (B) Contrary to constitutional right, power, privilege, or immunity;
 - (C) In excess of statutory jurisdiction, authority, or limitations or short of statutory jurisdiction, authority, or limitations or short of statutory rights;
 - (D) Without observance of procedure required by law, including any applicable procedure provided by this subchapter; or
 - (E) Unsupported by substantial evidence in the record of the proceedings before the Court.

(b) In reviewing administrative orders and decisions, the Court shall review such portions of the exclusive record as may be designated by any party. The Court may invoke the rule of prejudicial error.

(Oct. 21, 1968, 82 Stat. 1209, Pub. L. 90-614, § 11; July 29, 1970, 84 Stat. 582, Pub. L. 91-358, title I, § 162; Oct. 8, 1975, D.C. Law 1-19, title I, § 102(II), 22 DCR 2055; Mar. 29, 1977, D.C. Law 1-96, § 3(a), (c), 23

DCR 9532b.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1510.

1973 Ed., § 1-1510.

Legislative History of Laws

For legislative history of D.C. Law 1-19, see Historical and Statutory Notes following § 2-501.

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Uniform Law

This section is based upon § 15 of the Uniform Law Commissioners' Model State Administrative Procedure Act (1961 Act). See 15 Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

§ 2-511. INTERPRETERS FOR THE DEAF.[REPEALED]

(Oct. 21, 1968, 82 Stat. 1209, Pub. L. 90-614, § 12; Feb. 11, 1982, D.C. Law 4-67, § 2(b), 28 DCR 5043; Jan. 28, 1988, D.C. Law 7-62, § 14(b), 34 DCR 7426.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1511.

Legislative History of Laws

For legislative history of D.C. Law 7-62, see Historical and Statutory Notes following § 2-510.

SUBCHAPTER II. FREEDOM OF INFORMATION.

§ 2-531. PUBLIC POLICY.

The public policy of the District of Columbia is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. To that end, provisions of this subchapter shall be construed with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 201, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Apr. 27, 2001, D.C. Law 13-283, § 3(a), 48 DCR 1917.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1521.

1973 Ed., § 1-1521.

Effect of Amendments

D.C. Law 13-283, in the first sentence, substituted "The" for "Generally, the".

Legislative History of Laws

Law 1-96 was introduced in Council and assigned Bill No. 1-119, which was referred to the Committee on the Judiciary and the Committee on Criminal Law. The Bill was adopted on first and second readings on September 15, 1976 and October 12, 1976, respectively. Signed by the Mayor on November 19, 1976, it was assigned Act No. 1-178 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-283, see notes following § 2-502.

Delegation of Authority

Delegation of authority under D.C. Law 1-96, the "Freedom of Information Act of 1976.", see Mayor's Order 91-36, March 7, 1991.

Miscellaneous Notes

Free Flow of Information Act of 1992: See §§ 16-4701 to 16-4704.

Freedom of Information Act (FOIA) Committee, see Mayor's Order 2001-30, February 27, 2001 (48 DCR 2380).

Access to Email Traffic of District Government Employees, see Mayor's Order 2003-164, November 21, 2003 (50 DCR 10604).

Designation of Freedom of Information (FOIA) Officer in Each Subordinate Agency, Attendance at FOIA Committee Training, Listing of Subordinate Agency FOIA Officers on Agency Website and Agency Assistance with FOIA Requests, see Mayor's Order 2004-106, June 29, 2004 (51 DCR 7138).

§ 2-532. RIGHT OF ACCESS TO PUBLIC RECORDS; ALLOWABLE COSTS; TIME LIMITS.

(a) Any person has a right to inspect, and at his or her discretion, to copy any public record of a public body, except as otherwise expressly provided by § 2-534, in accordance with reasonable rules that shall be issued by a public body after notice and comment, concerning the time and place of access.

(a-1) In making any record available to a person pursuant to this section, a public body shall provide the record in any form or format requested by the person, provided that the person shall pay the costs of reproducing the record in that form or format.

(a-2) In responding to a request for records pursuant to this section, a public body shall make reasonable efforts to search for the records in electronic form or format, except when the efforts would significantly interfere with the operation of the public body's automated information system.

(a-3) A public body shall make available for inspection and copying any record produced or collected pursuant to a contract with a private contractor to perform a public function, and the public body with programmatic responsibility for the contractor shall be responsible for making such records available to the same extent as if the record were maintained by the public body.

(b) A public body may establish and collect fees not to exceed the actual cost of searching for, reviewing, and making copies of records. Documents may be furnished without charge or at a reduced charge where a public body determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(b-1) Any fee schedules adopted by the Mayor, an agency or a public body shall provide that:

(1) Fees shall be limited to reasonable standard charges for document search, duplication, and review when records are requested for commercial use;

(2) Fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or non-commercial scientific institution for scholarly or scientific research, or a representative of the news media;

(3) For any request for records not described in paragraphs (1) or (2) of this subsection, fees shall be limited to reasonable standard charges for document search and duplication; and

(4) Only the direct costs of search, duplication, or review may be recovered.

(b-2) Review costs shall include only the direct costs incurred during the initial examination of a document to determine whether the documents must be disclosed or withheld in part as exempt under this section. Review costs may not include costs incurred to determine issues of law or policy related to the request.

(b-3) No agency or public body may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency or public body has determined that the fee will exceed \$250.

(c) A public body, upon request reasonably describing any public record, shall within 15 days (except Saturdays, Sundays, and legal public holidays) of the receipt of any such request either make the requested public record accessible or notify the person making such request of its determination not to make the requested public record or any part thereof accessible and the reasons therefor.

(d) In unusual circumstances, the time limit prescribed in subsection (c) of this section may be extended by written notice to the person making such request setting forth the reasons for extension and expected date for determination. Such extension shall not exceed 10 days (except Saturdays, Sundays, and legal public holidays). For purposes of this subsection, and only to the extent necessary for processing of the particular request, "unusual circumstances" are limited to:

(1) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(2) The need for consultation, which shall be conducted with all practicable speed, with another public body having a substantial interest in the determination of the request or among 2 or more components of a public body having substantial subject-matter interest therein.

(e) Any failure on the part of a public body to comply with a request under subsection (a) of this section within the time provisions of subsections (c) and (d) of this section shall be deemed a denial of the request, and the person making such request shall be deemed to have exhausted his administrative remedies with respect to such request, unless such person chooses to petition the Mayor pursuant to § 2-537 to review the deemed denial of the request.

(f) For purposes of this section, the term:

(1) "Reasonable efforts" means that a public body shall not be required to expend more than 8 hours of personnel time to reprogram or reformat records.

(1A) "Request" means a single demand for any number of documents made at one time to an individual public body.

(2) "Search" means to review manually or by automated means, public records for the purpose of locating those records which are responsive to a request.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 202, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Apr. 27, 2001, D.C. Law 13-283, § 3(b), 48 DCR 1917; Mar. 16, 2005, D.C. Law 15-242, § 2, 51 DCR 11229; Mar. 17, 2005, D.C. Law 15-256, § 2(a), 52 DCR 1158; Apr. 7, 2006, D.C. Law 16-91, § 132(a), 52 DCR 10637.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1522.

1973 Ed., § 1-1522.

Effect of Amendments

D.C. Law 13-283 substituted "a public body" for "the Mayor or an agency", "Mayor or agency", or "the agency" wherever appearing throughout the section; and added subsecs. (a-1), (a-2), (a-3), and (f).

D.C. Law 15-242, in subsec. (b), rewrote the first sentence which had read: "A public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records, but in no instance shall the total fee for searching exceed \$10 for each request." and deleted the last sentence which had read: "Notwithstanding the foregoing, fees shall not be charged for examination and review by a public body to determine if such documents are subject to disclosure."; and added subsecs. (b-1) to (b-3).

D.C. Law 15-256, in subsec. (c), substituted "10" for "15".

D.C. Law 16-91, in subsec. (b), deleted the second sentence, which had read: "For purposes of this subsection, 'request' means a single demand for any number of documents made at 1 time to an individual public body."; and added par. (f)(1A).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of the Documents Administrative Cost Assessment Temporary Amendment Act of 2004 (D.C. Law 15-134, March 30, 2004, law notification 51 DCR 3820).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Documents Administrative Cost Assessment Emergency Amendment Act of 2003 (D.C. Act 15-290, January 6, 2004, 51 DCR 879).

For temporary (90 day) amendment of section, see § 2(a) of Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2004 (D.C. Act 15-591, November 1, 2004, 51 DCR 10729).

For temporary (90 day) amendment of section, see § 2 of Documents Administrative Cost Assessment Emergency Amendment Act of 2004 (D.C. Act 15-592, November 1, 2004, 51 DCR 10732).

For temporary (90 day) amendment of section, see § 2 of Documents Administrative Cost Assessment Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-22, February 17, 2005, 52 DCR 2972).

For temporary (90 day) amendment of section, see § 2(a) of Freedom of Information Legislative Records Clarification Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-23, February 17, 2005, 52 DCR 2973).

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

For D.C. Law 13-283, see notes following § 2-502.

Law 15-242, the "Documents Administrative Cost Assessment Act of 2004", was introduced in Council and assigned Bill No. 15-822, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 5, 2004, and November 9, 2004, respectively. Signed by the Mayor on November 30, 2004, it was assigned Act No. 15-599 and transmitted to both Houses of

Congress for its review. D.C. Law 15-242 became effective on March 16, 2005.

For Law 16-91, see notes following § 2-218.54.

Law 15-256, the "Freedom of Information Legislative Records Clarification Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-483, which was referred to Committee on Government Operations. The Bill was adopted on first and second readings on October 5, 2004, and November 9, 2004, respectively. Signed by the Mayor on November 30, 2004, it was assigned Act No. 15-631 and transmitted to both Houses of Congress for its review. D.C. Law 15-256 became effective on March 17, 2005.

Miscellaneous Notes

Section 3 of D.C. Law 15-256 provides:

"Sec. 3. Applicability.

"This act shall apply with respect to any requests for records pending on the effective date of this act, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date."

§ 2-533. LETTERS OF DENIAL.

(a) Denial by a public body of a request for any public record shall contain at least the following:

- (1) The specific reasons for the denial, including citations to the particular exemption(s) under § 2-534 relied on as authority for the denial;
- (2) The name(s) of the public official(s) or employee(s) responsible for the decision to deny the request; and
- (3) Notification to the requester of any administrative or judicial right to appeal under § 2-537.

(b) Each public body of the District of Columbia shall maintain a file of all letters of denial of requests for public records. This file shall be made available to any person on request for purposes of inspection and/or copying.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 203, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Apr. 27, 2001, D.C. Law 13-283, § 3(c), 48 DCR 1917.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1523.

1973 Ed., § 1-1523.

Effect of Amendments

D.C. Law 13-283, in subsec. (a), substituted "a public body" for "the Mayor or an agency"; and, in subsec. (b), substituted "Each public body" for "The Mayor and each agency of the District of Columbia".

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

For D.C. Law 13-283, see notes following § 2-502.

§ 2-534. EXEMPTIONS FROM DISCLOSURE.

(a) The following matters may be exempt from disclosure under the provisions of this subchapter:

- (1) Trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained;
- (2) Information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;
- (3) Investigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would:.

(A) Interfere with:

- (i) Enforcement proceedings;
- (ii) Council investigations; or
- (iii) Office of Police Complaints ongoing investigations;

- (B) Deprive a person of a right to a fair trial or an impartial adjudication;
 - (C) Constitute an unwarranted invasion of personal privacy;
 - (D) Disclose the identity of a confidential source and, in the case of a record compiled by a law-enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;
 - (E) Disclose investigative techniques and procedures not generally known outside the government; or
 - (F) Endanger the life or physical safety of law-enforcement personnel;
- (4) Inter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a public body in litigation with the public body.
 - (5) Test questions and answers to be used in future license, employment, or academic examinations, but not previously administered examinations or answers to questions thereon;
 - (6) Information specifically exempted from disclosure by statute (other than this section), provided that such statute:
 - (A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or
 - (B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;
 - (7) Information specifically authorized by federal law under criteria established by a presidential executive order to be kept secret in the interest of national defense or foreign policy which is in fact properly classified pursuant to such executive order;
 - (8) Information exempted from disclosure by § 28-4505;
 - (9) Information disclosed pursuant to § 5-417;
 - (10) Any specific response plan, including any District of Columbia response plan, as that term is defined in § 7-2301(1), and any specific vulnerability assessment, either of which is intended to prevent or to mitigate an act of terrorism, as that term is defined in § 22-3152(1);
 - (11) Information exempt from disclosure by § 47-2851.06;
 - (12) Information, the disclosure of which would reveal the name of an employee providing information under subchapter XV-A of Chapter 6 of Title 1 and subchapter XII of Chapter 2 of this title, unless the name of the employee is already known to the public;
 - (13) Information exempt from disclosure by § 7-2271.04; and
 - (14) Information that is ordered sealed and restricted from public access pursuant to Chapter 8 of Title 16.
- (a-1)(1) The Council may assert, on behalf of any public body from which it obtains records or information, any exemption listed in subsection (a) of this section that could be asserted by the public body pertaining to the records or information.
- (2) Disclosure of any public record, document, or information from a District of Columbia government agency, official, or employee to the following persons or entities shall not constitute a waiver of any privilege or exemption that otherwise could be asserted by the District of Columbia to prevent disclosure to the general public or in a judicial or administrative proceeding:
 - (A) The Council;
 - (B) A Council committee;
 - (C) A member of the Council acting in an official capacity;
 - (D) The District of Columbia Auditor; or
 - (E) An employee of the Office of the District of Columbia Auditor.
 - (b) Any reasonably segregable portion of a public record shall be provided to any person requesting the record after deletion of those portions which may be withheld from disclosure pursuant to subsection (a) of this section. In each case, the justification for the deletion shall be explained fully in writing, and the extent of the deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (a) of this section under which the deletion is made. If technically feasible, the extent of the deletion and the specific exemptions shall be indicated at the place in the record where the deletion was made.
 - (c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from

the Council of the District of Columbia. This section shall not operate to permit nondisclosure of information of which disclosure is authorized or mandated by other law.

(d) The provisions of this subchapter shall not apply to the Vital Records Act of 1981.

(e) All exemptions available under this section shall apply to the Council as well as agencies of the District government. The deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege are incorporated under the inter-agency memoranda exemption listed in subsection (a)(4) of this section, and these privileges, among other privileges that may be found by the court, shall extend to any public body that is subject to this subchapter.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 204, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Mar. 5, 1981, D.C. Law 3-169, § 3(c), 27 DCR 5368; Oct. 8, 1981, D.C. Law 4-34, § 29(i), 28 DCR 3271; June 19, 1982, D.C. Law 4-119, § 2(f), 29 DCR 1952; Apr. 27, 2001, D.C. Law 13-283, § 3(d), 48 DCR 1917; Oct. 17, 2002, D.C. Law 14-194, § 302, 49 DCR 5306; Oct. 28, 2003, D.C. Law 15-38, § 3(b), 50 DCR 6913; Mar. 17, 2005, D.C. Law 15-256, § 2(b), 52 DCR 1158; Apr. 13, 2005, D.C. Law 15-354, § 83(a), 52 DCR 2638; Apr. 7, 2006, D.C. Law 16-91, § 132(b), 52 DCR 10637; Sept. 19, 2006, D.C. Law 16-152, § 2, 53 DCR 5371; Mar. 14, 2007, D.C. Law 16-262, § 231, 54 DCR 794; May 5, 2007, D.C. Law 16-307, § 3(a), 54 DCR 868; June 13, 2008, D.C. Law 17-176, § 5, 55 DCR 5390; Mar. 25, 2009, D.C. Law 17-353, § 174, 56 DCR 1117; Mar. 11, 2010, D.C. Law 18-119, § 3, 57 DCR 906.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1524.

1973 Ed., § 1-1524.

Effect of Amendments

D.C. Law 13-283 rewrote subsec. (b) which prior thereto read:

"(b) Any reasonably segregable portion of a public record shall be provided to any person requesting such record after deletion of those portions which may be withheld from disclosure under subsection (a) of this section."

D.C. Law 14-194 made nonsubstantive changes to subsecs. (a)(8) and (a)(9); and added subsec. (a)(10).

D.C. Law 15-38, in subsec. (a), made nonsubstantive changes to pars. (9) and (10), and added par. (11).

D.C. Law 15-256, in par. (3) of subsec. (a), rewrote the lead-in language which had read: "(3) Investigatory records compiled for law-enforcement purposes, but only to the extent that the production of such records would:" and rewrote subpar. (A) which had read: "(A) Interfere with enforcement proceedings;"; rewrote par. (4) of subsec. (a); and added par. (12) of subsec. (a) and subsecs. (a-1) and (e). Prior to amendment, par. (4) of subsec. (a) read:

"(4) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;".

D.C. Law 15-354, in subsec. (a), validated a previously made technical correction.

D.C. Law 16-91, in pars. (a)(10) and (11), validated previously made technical changes; and, in subsec. (e), substituted "this subchapter" for "this chapter".

D.C. Law 16-152, in subsec. (a)(3), substituted "investigations and investigations conducted by the Office of Police Complaints" for "investigations" in the lead-in language, rewrote subpar. (A), and inserted "or" at the end of subpar. (E); and, in subsec. (e), deleted "executive branch" preceding "agencies". Prior to amendment, subpar. (A) of subsec. (a)(3) read as follows:

"(A) Interfere with enforcement proceedings, or with Council investigations;".

D.C. Law 16-262 added subsec. (a)(13).

D.C. Law 16-307 added subsec. (a)(14).

D.C. Law 17-176, in subsec. (a-1), designated the existing text as par. (1) and added par. (2).

D.C. Law 17-353 validated previously made technical corrections in subsecs. (a)(12), (13).

D.C. Law 18-119 rewrote subsec. (a-1)(2), which read as follows:

"(2) Disclosure of documents from a District of Columbia government agency, official, or employee to the Council, including an employee of the Office of the District of Columbia Auditor, a Council committee, or a member of the Council acting in an official capacity, shall not constitute a waiver of any privilege that otherwise could be asserted by the District of Columbia to prevent disclosure of the documents in a judicial or administrative proceeding."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3 of the Master Business Registration Delay

Temporary Act of 2003 (D.C. Law 14-302, May 3, 2003, law notification 50 DCR 3776).

For temporary (225 day) amendment of section, see § 2(a) of the Freedom of Information Legislative Records Clarification Temporary Amendment Act of 2003 (D.C. Law 15-83, March 10, 2004, law notification 51 DCR 3375).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3 of Master Business Registration Delay Emergency Act of 2002 (D.C. Act 14-595, January 7, 2003, 50 DCR 647).

For temporary (90 day) amendment of section, see § 3 of Master Business Registration Delay Congressional Review Emergency Act of 2003 (D.C. Act 15-73, April 16, 2003, 50 DCR 3616).

For temporary (90 day) amendment of section, see § 3 of Master Business Registration Second Delay Emergency Act of 2003 (D.C. Act 15-83, May 19, 2003, 50 DCR 4100).

For temporary (90 day) amendment of section, see § 3(b) of Streamlining Regulation Emergency Act of 2003 (D.C. Act 15-145, August 11, 2003, 50 DCR 6896).

For temporary (90 day) amendment of section, see §§ 2(a) and 3 of Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2003 (D.C. Act 15-190, October 24, 2003, 50 DCR 9499.)

For temporary (90 day) amendment of section, see § 2(a) of Freedom of Information Legislative Records Clarification Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-372, February 19, 2004, 51 DCR 2611).

For temporary (90 day) amendment of section, see § 2(b) of Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2004 (D.C. Act 15-591, November 1, 2004, 51 DCR 10729).

For temporary (90 day) amendment of section, see § 2(b) of Freedom of Information Legislative Records Clarification Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-23, February 17, 2005, 52 DCR 2975).

For temporary (90 day) amendment of section, see § 2 of Office of Police Complaints Emergency Act of 2006 (D.C. Act 16-379, May 19, 2006, 53 DCR 4403).

For temporary (90 day) amendment of section, see § 2 of Office of Police Complaints Congressional Review Emergency Act of 2006 (D.C. Act 16-524, November 7, 2006, 53 DCR 9273).

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Law 3-169 was introduced in Council and assigned Bill No. 3-107, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 28, 1980 and November 12, 1980, respectively. Signed by the Mayor on November 25, 1980, it was assigned Act No. 3-300 and transmitted to both Houses of Congress for its review.

Law 4-34 was introduced in Council and assigned Bill No. 4-161, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 16, 1981, and June 30, 1981, respectively. Signed by the Mayor on July 20, 1981, it was assigned Act No. 4-58 and transmitted to both Houses of Congress for its review.

Law 4-119 was introduced in Council and assigned Bill No. 4-135, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 23, 1982, and April 6, 1982, respectively. Signed by the Mayor on May 4, 1982, it was assigned Act No. 4-182 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-283, see notes following § 2-502.

Law 14-194, the "Omnibus Anti-Terrorism Act of 2002", was introduced in Council and assigned Bill No. 14-373, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 9, 2002, and May 7, 2002, respectively. Signed by the Mayor on June 3, 2002, it was assigned Act No. 14-380 and transmitted to both Houses of Congress for its review. D.C. Law 14-194 became effective on October 17, 2002.

Law 15-38, the "Streamlining Regulation Act of 2003", was introduced in Council and assigned Bill No. 15-19, which was referred to Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 3, 2003, and July 8, 2003, respectively. Signed by the Mayor on August 11, 2003, it was assigned Act No. 15-146 and transmitted to both Houses of Congress for its review. D.C. Law 15-38 became effective on October 28, 2003.

For Law 15-256, see notes following § 2-532.

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it

was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

For Law 16-91, see notes following § 2-218.54.

Law 16-152, the "Office of Police Complaints Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-587 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 2, 2006, and June 6, 2006, respectively. Signed by the Mayor on June 26, 2006, it was assigned Act No. 16-393 and transmitted to both Houses of Congress for its review. D.C. Law 16-152 became effective on September 19, 2006.

Law 16-262, the "Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-242, which was referred to Committee on Judiciary. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-618 and transmitted to both Houses of Congress for its review. D.C. Law 16-262 became effective on March 14, 2007.

Law 16-307, the "Criminal Record Sealing Act of 2006", was introduced in Council and assigned Bill No. 16-746, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-631 and transmitted to both Houses of Congress for its review. D.C. Law 16-307 became effective on May 5, 2007.

Law 17-176, the "Compliance Unit Establishment Act of 2008", was introduced in Council and assigned Bill No. 17-503 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on March 4, 2008, and April 1, 2008, respectively. Signed by the Mayor on April 22, 2008, it was assigned Act No. 17-360 and transmitted to both Houses of Congress for its review. D.C. Law 17-176 became effective on June 13, 2008.

For Law 17-353, see notes following § 2-218.42.

Law 18-119, the "Disclosure of Information to the Council Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-491, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on December 1, 2009, and December 15, 2009, respectively. Approved without signature by the Mayor on January 14, 2010, it was assigned Act No. 18-267 and transmitted to both Houses of Congress for its review. D.C. Law 18-119 became effective on March 11, 2010.

References in Text

The "Vital Records Act of 1981", referred to in subsection (d), is D.C. Law 4- 34.

Miscellaneous Notes

Section 3 of D.C. Law 15-256 provides:

"Sec. 3. Applicability.

"This act shall apply with respect to any requests for records pending on the effective date of this act, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date."

§ 2-535. RECORDING OF FINAL VOTES.

Each agency having more than 1 member shall maintain and make available for public inspection a record of the final votes of each member in each proceeding of that agency.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 205, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1525.

1973 Ed., § 1-1525.

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

§ 2-536. INFORMATION WHICH MUST BE MADE PUBLIC.

(a) Without limiting the meaning of other sections of this subchapter, the following categories of information are specifically made public information, and do not require a written request for information:

- (1) The names, salaries, title, and dates of employment of all employees and officers of a public body;
- (2) Administrative staff manuals and instructions to staff that affect a member of the public;

- (3) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (4) Those statements of policy and interpretations of policy, acts, and rules which have been adopted by a public body;
- (5) Correspondence and materials referred to therein, by and with a public body, relating to any regulatory, supervisory, or enforcement responsibilities of the public body, whereby the public body determines, or states an opinion upon, or is asked to determine or state an opinion upon, the rights of the District, the public, or any private party;
- (6) Information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;
- (6A) Budget requests, submissions, and reports available electronically that agencies, boards, and commissions transmit to the Office of the Budget and Planning during the budget development process, as well as reports on budget implementation and execution prepared by the Office of the Chief Financial Officer, including baseline budget submissions and appeals, financial status reports, and strategic plans and performance-based budget submissions;
- (7) The minutes of all proceedings of all public bodies;
- (8) All names and mailing addresses of absentee real property owners and their agents;
- (8A) All pending applications for building permits and authorized building permits, including the permit file;
- (9) Copies of all records, regardless of form or format, which have been released to any person under this chapter and which, because of the nature of their subject matter, the public body determines have become or are likely to become the subject of subsequent requests for substantially the same records; and
- (10) A general index of the records referred to in this subsection, unless the materials are promptly published and copies offered for sale.

(b) For records created on or after November 1, 2001, each public body shall make records available on the Internet or, if a website has not been established by the public body, by other electronic means. This subsection is intended to apply only to information that must be made public pursuant to this subsection.

(c) For the purposes of this section "absentee real property owners" means owners of real property located in the District that do not reside at the real property.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 206, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Mar. 17, 1993, D.C. Law 9-241, § 9, 40 DCR 629; Apr. 27, 2001, D.C. Law 13-283, § 3(e), 48 DCR 1917; Dec. 7, 2004, D.C. Law 15-205, § 1222, 51 DCR 8441; Apr. 13, 2005, D.C. Law 15-354, § 7, 52 DCR 2638; Apr. 7, 2006, D.C. Law 16-91, § 133, 52 DCR 10637.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1526.

1973 Ed., § 1-1526.

Effect of Amendments

D.C. Law 13-283 rewrote the section which prior thereto read:

"Without limiting the meaning of other sections of this subchapter, the following categories of information are specifically made public information:

- "(1) The names, salaries, title, and dates of employment of all employees and officers of the Mayor and an agency;
- "(2) Administrative staff manuals and instructions to staff that affect a member of the public;
- "(3) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- "(4) Those statements of policy and interpretations of policy, acts, and rules which have been adopted by the Mayor or an agency;
- "(5) Correspondence and materials referred to therein, by and with the Mayor or an agency, relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or states an opinion upon, or is asked to determine or state an opinion upon, the rights of the District, the public, or any private party;
- "(6) Information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;

"(7) The minutes of all proceedings of all agencies; and

"(8) All names and mailing addresses of absentee real property owners and their agents. 'Absentee real property owners' means owners of real property located in the District that do not reside at the real property."

D.C. Law 15-205 added pars. (6A) and (8A) to subsec. (a).

D.C. Law 15-534, in subsec. (a), validated a previously made technical correction.

D.C. Law 16-91, in par. (6A) of subsec. (a), validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1222 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 1222 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

Law 9-241, the "Real Property Tax Assessment Appeal Process Revision Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-199, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on January 5, 1993, it was assigned Act No. 9-375 and transmitted to both Houses of Congress for its review. D.C. Law 9-241 became effective on March 17, 1993.

For D.C. Law 13-283, see notes following § 2-502.

For Law 15-105, see notes following § 2-301.07.

For Law 15-205, see notes following § 2-301.05b

For Law 15-354, see notes following § 2-534.

For Law 16-91, see notes following § 2-218.54.

Miscellaneous Notes

Short title of subtitle U of title I of Law 15-205: Section 1221 of D.C. Law 15-205 provided that subtitle U of title I of the act may be cited as Freedom of Information Amendment Act of 2004.

§ 2-537. ADMINISTRATIVE APPEALS.

(a) Except as provided in subsection (a-1) of this section, any person denied the right to inspect a public record of a public body may petition the Mayor to review the public record to determine whether it may be withheld from public inspection. Such determination shall be made in writing with a statement of reasons therefor in writing within 10 days (excluding Saturdays, Sundays, and legal holidays) of the submission of the petition.

(1) If the Mayor denies the petition or does not make a determination within the time limits provided in this subsection, or if a person is deemed to have exhausted his or her administrative remedies pursuant to subsection (e) of § 2-532, the person seeking disclosure may institute proceedings for injunctive or declaratory relief in the Superior Court for the District of Columbia.

(2) If the Mayor decides that the public record may not be withheld, he shall order the public body to disclose the record immediately. If the public body continues to withhold the record, the person seeking disclosure may bring suit in the Superior Court for the District of Columbia to enjoin the public body from withholding the record and to compel the production of the requested record.

(a-1) Any person denied the right to inspect a public record in the possession of the Council may institute proceedings in the Superior Court for the District of Columbia for injunctive or declaratory relief, or for an order to enjoin the public body from withholding the record and to compel the production of the requested record.

(b) In any suit filed under subsection (a) or (a-1) of this section, the Superior Court for the District of Columbia may enjoin the public body from withholding records and order the production of any records improperly withheld from the person seeking disclosure. The burden is on the public agency to sustain its action. In such cases the court shall determine the matter de novo, and may examine the contents of such records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in § 2-534.

(c) If a person seeking the right to inspect or to receive a copy of a public record prevails in whole or in part in such suit, he or she may be awarded reasonable attorney fees and other costs of litigation.

(d) Any person who commits an arbitrary or capricious violation of the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$100.00. A

prosecution under this section may only be commenced by the issuance of a citation, which shall be personally served upon the defendant. The defendant shall not be arrested prior to the time of trial, except that a defendant who fails to appear for arraignment or trial may be arrested pursuant to a bench warrant and required to post a bond to secure his or her future appearance.

(e) All employees of the District government are responsible for compliance with the provisions of this subchapter, and this requirement shall be incorporated in section 1803 of Title 6 of the District of Columbia Municipal Regulations.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 207, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Apr. 27, 2001, D.C. Law 13-283, § 3(f), 48 DCR 1917; Oct. 26, 2001, D.C. Law 14-42, § 3(a), 48 DCR 7612; Mar. 13, 2004, D.C. Law 15-105, § 26(a), 51 DCR 881; Mar. 17, 2005, D.C. Law 15-256, § 2(c), 52 DCR 1158; Mar. 2, 2007, D.C. Law 16-191, § 120, 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1527.

1973 Ed., § 1-1527.

Effect of Amendments

D.C. Law 13-283, in subsec. (b), substituted "public body" for "Mayor or the agency"; and added subsecs. (d) and (e).

D.C. Law 14-42, in subsec. (e), substituted "section 1803 of Title 6 of the District of Columbia Municipal Regulations" for "section 1803 of the District of Columbia Personnel Regulations".

D.C. Law 15-105, in subsec. (a), validated previously made technical corrections.

D.C. Law 15-256, in subsec. (a), substituted "Except as provided in subsection (a-1), any person" for "Any person"; added subsec. (a-1); and, in subsec. (b), substituted "subsection (a) or (a-1)" for "subsection (a)".

D.C. Law 16-191, in subsec. (a), validated a previously made technical correction.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of the Freedom of Information Legislative Records Clarification Temporary Amendment Act of 2003 (D.C. Law 15-83, March 10, 2004, law notification 51 DCR 3375).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3(a) of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

For temporary (90 day) amendment of section, see §§ 2(b) and 3 of Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2003 (D.C. Act 15-190, October 24, 2003, 50 DCR 9499).

For temporary (90 day) amendment of section, see § 2(b) of Freedom of Information Legislative Records Clarification Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-372, February 19, 2004, 51 DCR 2611).

For temporary (90 day) amendment of section, see § 2(c) of Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2004 (D.C. Act 15-591, November 1, 2004, 51 DCR 10729).

For temporary (90 day) amendment of section, see § 2(c) of Freedom of Information Legislative Records Clarification Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-23, February 17, 2005, 52 DCR).

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

For D.C. Law 13-283, see notes following § 2-502.

For Law 14-42, see notes following § 2-402.

For Law 15-256, see notes following § 2-532.

For Law 16-191, see notes following § 2-218.02.

Delegation of Authority

Delegation of Authority--Secretary of the District of Columbia, see Mayor's Order 95-26, January 27, 1995.

Delegation of Authority--Office of the Secretary, see Mayor's Order 97-87, May 6, 1997 (44 DCR 2958).

Delegation of Authority to Review and Determine Administrative Petitions or Appeals filed under the Freedom of Information Act, see Mayor's Order 2004-205, December 29, 2004 (52 DCR 87).

Delegation of Authority to Review and Determine Administrative Petitions or Appeals Filed Under the Freedom of Information Act, see Mayor's Order 2005-98, June 14, 2005 (52 DCR 8164).

Delegation of Authority to Review and Determine Administrative Petitions or Appeals Filed Under the Freedom of Information Act, see Mayor's Order 2005-190, December 2, 2005 (53 DCR 694).

Delegation of authority to Review and Determine Administrative Petitions or Appeals Filed Under the Freedom of Information Act, see Mayor's Order 2007-62, March 6, 2007 (54 DCR 7788).

Miscellaneous Notes

Redelegation of Authority Under D.C. Law 1-96, the Freedom of Information Act of 1976; Rescission of Mayor's Order 87-6: See Mayor's Order 89-188, August 30, 1989.

Section 3 of D.C. Law 15-256 provides:

"Sec. 3. Applicability.

"This act shall apply with respect to any requests for records pending on the effective date of this act, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date."

§ 2-538. OVERSIGHT OF DISCLOSURE ACTIVITIES.

(a) On or before February 1 of each year, the Mayor shall request from each public body and submit to the Council, a report covering the public-record-disclosure activities of each public body during the preceding fiscal year. The report shall include:

- (1) The number of requests for records received by the public body and the number of requests processed;
- (2) The number of determinations made by each public body not to comply with requests for records made to the public body pursuant to this subchapter and the reasons for each determination;
- (3) The number of requests for records pending before the public body as of September 30 of the preceding year, and the median number of days that the requests had been pending before the public body as of that date;
- (4) The number of appeals made pursuant to § 2-537(a), the result of the appeals, and the reason for the action upon each appeal that results in a denial of information;
- (5) The number of employees found guilty of a misdemeanor pursuant to § 2- 537(d);
- (6) The median number of days taken by the public body to process different types of requests, and the number of requests processed within 15 days, the number of requests processed between 16 and 25 days, and the number of requests processed in 26 days or more;
- (7) The total amount of fees collected by the public body for processing requests;
- (8) The number of hours that staff devoted to processing requests for records pursuant to this section, and the total amount expended by the public body for processing these requests; and
- (9) A qualitative description or summary statement, and conclusions drawn from the data regarding compliance with this subchapter.

(b) The Mayor shall make these reports available to the public on the Internet or by other electronic means.

(c) The Corporation Counsel shall submit an annual report on or before February 1 of each calendar year, which shall include for the prior fiscal year, a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of the case, and the costs assessed pursuant to § 2-537(c).

(d) Each public body subject to the provisions of this subchapter shall designate a Freedom of Information Officer. As of November 1, 2001, the Mayor shall provide to these officers on their appointment a minimum of 8 hours of training regarding implementation and compliance with this subchapter.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 208, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b; Apr. 27, 2001, D.C. Law 13-283, § 3(g), 48 DCR 1917; Oct. 26, 2001, D.C. Law 14-42, § 3(b), 48 DCR 7612; Mar. 2, 2007, D.C. Law 16-191, § 10(a), 54 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1528.

1973 Ed., § 1-1528.

Effect of Amendments

D.C. Law 13-283 rewrote the section which prior thereto read:

"On or before the 30th day of June of each calendar year, the Mayor shall compile and submit to the Council of the District of Columbia a report covering the public-record-disclosure activities of each agency and of the executive branch as a whole during the preceding calendar year. The report shall include:

"(1) The number of determinations made by each agency not to comply with requests for records made to such agency under this subchapter and the reasons for each such determination;

"(2) The number of appeals made by persons under § 2-537(a), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

"(3) The names and titles or positions of each person responsible for the denial of records requested under this subchapter, and the number of instances of participation for each such person;

"(4) A copy of the fee schedule and the total amount of fees collected by each agency for making records available under this subchapter;

"(5) Such other information as indicates efforts to administer fully this subchapter; and

"(6) For the prior calendar year, a listing of the total number of cases arising under this subchapter, the total number of cases in which a request was denied in whole or in part, the total number of times in which each exemption provided under § 2-534 was cited as a reason for denial of a request, and the total amount of fees collected under § 2-532(b). Such report shall also include a description of the efforts undertaken by the Mayor to encourage agency compliance with this subchapter."

D.C. Law 14-42, in subsec. (a), substituted "preceding fiscal year" for "proceeding fiscal year".

D.C. Law 16-191 substituted "15" for "10"; substituted "between 16 and 25 days" for "between 11 and 20 days"; and substituted "26 days" for "21 days".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3(b) of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

For D.C. Law 13-283, see notes following § 2-502.

For Law 14-42, see notes following § 2-402.

For Law 16-191, see notes following § 2-218.02.

§ 2-539. DEFINITIONS.

For purposes of this subchapter, the terms "Mayor," "Council," "District," "agency," "rule," "rulemaking," "person," "party," "order," "relief," "proceeding," "public record," and "adjudication" shall have the meaning as provided in § 2-502.

(Oct. 21, 1968, Pub. L. 90-614, title II, § 209, as added Mar. 25, 1977, D.C. Law 1-96, § 2, 23 DCR 9532b.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1529.

1973 Ed., § 1-1529.

Legislative History of Laws

For legislative history of D.C. Law 1-96, see Historical and Statutory Notes following § 2-531.

§ 2-540. SHORT TITLE.

This subchapter may be cited as the "Freedom of Information Act of 1976".

(Oct. 21, 1968, Pub. L. 90-614, title II, § 210, as added Mar. 13, 2004, D.C. Law 15-105, § 5, 51 DCR 881; Mar. 2, 2007, D.C. Law 16-191, § 10(b), 54 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-191 rewrote the section which had previously read as follows:

"This subchapter may be cited as the "Freedom of Information Act"."

For Law 15-105, see notes following § 2-301.05.

For Law 16-191, see notes following § 2-218.02.

SUBCHAPTER III. LEGAL PUBLICATION.

§ 2-551. DEFINITIONS.

For purposes of this subchapter:

(1) The terms "Mayor," "Council," "District," "agency," "rule," "rulemaking," "person," "licensing", "publish," and "regulation" (except when used in the term "District of Columbia Municipal Regulation") shall have the meaning provided in § 2-502.

(2) The terms "Commissioner," "District of Columbia Council," "Chairman," "act," and "District of Columbia courts" shall have the meaning provided in § 1-203.01.

(3) The term "Administrator" means the person appointed by the Mayor to supervise and control the District of Columbia Office of Documents in accordance with § 2-611.

(4) The phrase "D.C. Official Code" means the Code of the District of Columbia laws as provided for in Chapter 3 of Act of July 30, 1947 (61 Stat. 636) and any continuations, supplements, or revisions thereof authorized by act, congressional resolution, or act.

(5)(A) The phrase "document having general applicability and legal effect" means any document issued under lawful authority prescribing a sanction or course of conduct, conferring a right, privilege, authority, or immunity or imposing an obligation, and applicable to the general public, members of a class or persons in a locality, as distinguished from named individuals or organizations.

(B) The phrase "document having general applicability and legal effect" does not include any act to be codified in the District of Columbia Code or a personnel manual or internal staff directive solely applicable to employees or agents of the District of Columbia, or any statement for guiding, directing or otherwise regulating vehicular or pedestrian traffic, including any statement controlling parking, standing, stopping or a construction detour; provided, that:

(i) The contents of the statement are indicated to the public on one or more signs, signals, meters, markings or other similar devices located on or adjacent to a street, avenue, road, highway or other public space;

(ii) The proposed installation, modification or removal of the statement is based on engineering or other technical considerations;

(iii) The proposed installation, modification or removal of the statement does not involve substantial policy considerations; and

(iv) The Council and the affected Advisory Neighborhood Commissions ("ANC") are provided with 30-days written notice, excluding Saturdays, Sundays and legal holidays, of an agency's intent to install, modify or remove any of these statements, and any ANC recommendation, if provided, is given great weight pursuant to § 1-309.10.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 301, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; Apr. 3, 2001, D.C. Law 13-249, § 3, 48 DCR 662; Apr. 7, 2006, D.C. Law 16-91, § 134, 52 DCR 10637; Sept. 24, 2010, D.C. Law 18-223, § 1083(a), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1531.

1973 Ed., § 1-1531.

Effect of Amendments

D.C. Law 13-249, in par. (5), designated the first sentence as subpar. (A), and added subpar. (B).

D.C. Law 16-91, in subpar. (5)(A), deleted the sentence which had read as follows: "The phrase 'document having general applicability and legal effect' does not include any act to be codified in the D.C. Official Code or a personnel manual or internal staff directive solely applicable to employees or agents of the District of Columbia."

D.C. Law 18-223, in par. (1), substituted "licensing", "publish," for "licensing,".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1083(a) of Fiscal Year 2011 Budget Support

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

For D.C. Law 13-249, see notes following § 2-502.

For Law 16-91, see notes following § 2-218.54.

For Law 18-223, see notes following § 2-218.76.

§ 2-552. DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS.

(a) The District of Columbia Office of Documents, established pursuant to § 2-611, shall supervise, manage, and direct the preparation, editing, publishing, and supplementation of an official legal compilation entitled the District of Columbia Municipal Regulations (DCMR). The District of Columbia Municipal Regulations shall be published in a manner to promote efficient public access to all current District of Columbia rules and regulations.

(b) Except as otherwise provided by law, the following documents shall be accurately compiled in the District of Columbia Municipal Regulations:

- (1) Every rule, regulation, and document having general applicability and legal effect adopted by the Commissioner, the Mayor, the District of Columbia Council, and each agency;
- (2) Every act of the Council which is not codified or to be codified in the D.C. Official Code and which is not enacted in emergency circumstances as provided in § 1-204.12;
- (3) Every rule, regulation, and document having general applicability and legal effect which is adopted under authority of law by a board, commission, or instrumentality of the District of Columbia: Provided, that nothing in this paragraph shall be construed to apply to the District of Columbia courts; and
- (4) Any document which the Council by resolution finds to be a document having general applicability and legal effect and which the Council by resolution orders to be printed.

(c) The District of Columbia Municipal Regulations shall contain the entire text of each document to be compiled under this section without any incorporation by reference unless:

- (1) The publication of the document would be impractical due to its unusual lengthiness;
- (2) The document is not itself a rule, regulation, or document having general applicability and legal effect but is incorporated by reference in a rule, regulation, or document having general applicability and legal effect;
- (3) A copy of the document incorporated by reference is available to the public at every public library branch in the District of Columbia and at the relevant agency headquarters; and
- (4) The incorporation by reference includes a specific indication of how and where a copy of such document may be inspected and obtained.

(d) The Administrator shall ensure that the District of Columbia Municipal Regulations shall contain the following research aids:

- (1) A citation or historical note to the original rule or act from which each section in the District of Columbia Municipal Regulations was derived;
- (2) A reference to where the original form of each rule, act, or document contained in the District of Columbia Municipal Regulations can be inspected or copied;
- (3) Parallel reference tables indexing the sections of the District of Columbia Municipal Regulations to enabling legislation and other provisions of law which the District of Columbia Municipal Regulations implements;
- (4) Major parts organized according to subject-matter headings with subdivisions thereof organized according to government agency titles; and
- (5) A comprehensive index relating sections of the District of Columbia Municipal Regulations to subject-matter topics and to the organizational units of government.

(e) The Administrator may prepare (or procure by contract in accordance with applicable law) and include in the District of Columbia Municipal Regulations annotations of judicial decisions, and other explanatory material relating to any document published in the District of Columbia Municipal Regulations.

(f) Each complete edition of the entire District of Columbia Municipal Regulations may be published in segments if it is deemed to be expeditious in the judgment of the Administrator.

(g) All documents compiled in the District of Columbia Municipal Regulations shall be formulated in accordance with the requirements of § 2-632.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 302, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; Sept. 29, 2006, D.C. Law 16-169, § 5(a), 53 DCR 6223.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1532.

1973 Ed., § 1-1532.

Effect of Amendments

D.C. Law 16-169 adds subsec. (g).

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

Law 16-169, the "Drug Offense Driving Privileges Revocation and Disqualification Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-665 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 18, 2006, it was assigned Act No. 16-438 and transmitted to both Houses of Congress for its review. D.C. Law 16-169 became effective on September 29, 2006.

§ 2-553. DISTRICT OF COLUMBIA REGISTER.

(a) The District of Columbia Office of Documents shall also supervise, manage, and direct the preparation, editing, and publishing of the District of Columbia Register which shall serve as the only official legal bulletin in the District of Columbia government and the temporary supplement of the District of Columbia Municipal Regulations.

(b) The District of Columbia Register shall contain the entire text of the following:

- (1) Every rule, regulation, and document having general applicability and legal effect required to be but not yet published and integrated in the District of Columbia Municipal Regulations as provided in this subchapter;
- (2) Every notice of public hearing issued by an agency;
- (3) Every notice of proposed agency rulemaking or repeal and every other document required to be published under this chapter; and
- (4) Every act, resolution, and notice of the Council and any other document requested to be published by the Chairman of the Council or his or her designee.

(c) The Administrator is authorized to publish in the District of Columbia Register:

- (1) Any document requested to be published by the Joint Committee on Judicial Administration in the District of Columbia;
- (2) Information on changes in the organization of the District of Columbia government;
- (3) Notices of public hearings not published under authority of subsection (b) of this section; and
- (4) Such other matters as the Mayor may from time to time determine to be of general public interest.

(d) The Administrator may exercise the discretion of omitting from the District of Columbia Register the publication of the entire text of a document if:

- (1) Such publication would be unduly cumbersome or expensive; and
- (2) If, in lieu of such publication, there is included in the District of Columbia Register a notice stating the general subject matter of any document so omitted and the specific manner in which a copy of such document may be obtained.

(e) If the text of an adopted act or rule is the same as the text of the previously published proposed act or rule, the Administrator may insert in the District of Columbia Register a notation to this effect, giving the publication date of and citation to the District of Columbia Register issue containing the proposed act or rule.

(f) If, after a proposed rule has been published initially in the District of Columbia Register, an agency decides to alter the initial text so that the proposed rule is substantially different from the initial text, the agency shall submit the altered text as though for initial publication. The alterations shall be indicated by the use of symbols determined by the Administrator.

(g) The District of Columbia Register shall be published on at least each Friday, or, if Friday is a legal holiday, on the next working day. Each year the Administrator shall publish a cumulative index of all matters published in the District of Columbia Register during the year.

(h) Each issue of the District of Columbia Register shall be published on the issue date, which shall appear on the 1st page of the issue. If for any reason the issue is published after the issue date that appears on the District of Columbia Register, a notice stating the actual date of publication shall be separately published and attached to each issue. All time computations based upon publication in the District of Columbia Register shall commence from the later of the issue date and the actual date of publication.

(i) All documents published in the District of Columbia Register shall be formulated in accordance with the requirements of § 2-632.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 303, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; Sept. 29, 2006, D.C. Law 16-169, § 5(b), 53 DCR 6223; Sept. 24, 2010, D.C. Law 18-223, § 1083(b), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1533.

1973 Ed., § 1-1533.

Effect of Amendments

D.C. Law 16-169 adds subsec. (i).

D.C. Law 18-223, in subsec. (g), deleted 'quarterly' following "shall publish"; and rewrote subsec. (h), which had read as follows:

"(h) On each document published in the District of Columbia Register there shall appear the date upon which such document was filed with the Administrator pursuant to § 2-554. On each issue of the District of Columbia Register there shall appear on its cover the actual date such issue was generally circulated to the public for review and comment: Provided, that should the District of Columbia Register be generally circulated after the cover date shown, a notice stating the correct date shall be attached thereto. All time computations based upon publication in the District of Columbia Register shall commence from the cover date, or, if corrected, the date of notice thereof. The provisions of this subsection shall apply to any and all supplemental editions to the District of Columbia Register."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1083(b) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

For Law 16-169, see notes following § 2-552.

For Law 18-223, see notes following § 2-218.76.

§ 2-554. DOCUMENTS TO BE FILED IN THE DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS.

Any document required or authorized to be published in the District of Columbia Municipal Regulations or the District of Columbia Register shall be filed with the District of Columbia Office of Documents. If a document has been published pursuant to subchapter I of this chapter and forwarded to the Office of the Secretariat prior to March 6, 1979, such document need not be filed with the District of Columbia Office of Documents, unless the Administrator otherwise notifies the person responsible for filing the document.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 304, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1534.

1973 Ed., § 1-1534.

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

§ 2-555. PERMANENT SUPPLEMENTS TO THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS.

(a) The Mayor shall:

- (1) Make available, by May 1, 2001, a complete and current version of the District of Columbia Municipal Regulations ("DCMR"), with all sections compiled by subject matter, and an index to the sections;
- (2) Publish, no later than 60 days after the beginning of each fiscal year, a cumulative supplement to the DCMR containing all newly promulgated DCMR provisions as of the first of the fiscal year;
- (3) Provide a summary statement at the beginning of all newly promulgated regulations;
- (4) Make available through the Internet, by January 1, 2002, an electronic version of the official text of the DCMR, with all sections compiled by subject matter, and an index to the sections, integrating all newly promulgated DCMR provisions since the last version; and
- (5) Update the electronic version of the official text of the DCMR prior to the effective date of any newly promulgated DCMR provisions, integrating the newly promulgated DCMR provisions since the last version.

(b) The Mayor may enter into an agreement with private contractors of database services to offer the DCMR in an electronic version.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 305, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; Apr. 3, 2001, D.C. Law 13-232, § 2, 48 DCR 582.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1535.

1973 Ed., § 1-1535.

Effect of Amendments

D.C. Law 13-232 rewrote the section which prior thereto read:

"At least once each year, every document required to be compiled pursuant to § 2-552 shall be permanently integrated into the District of Columbia Municipal Regulations by publication of loose-leaf pages or other appropriate permanent supplements of the District of Columbia Municipal Regulations. The index of the DCMR shall be similarly supplemented or reissued."

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

Law 13-232, the "District of Columbia Municipal Regulations Publication Improvement Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-402, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 21, 2000, it was assigned Act No. 13-509 and transmitted to Both Houses of Congress for its review. D.C. Law 13-232 became effective on April 3, 2001.

§ 2-556. DOCUMENTS TO BE FILED WITH ADMINISTRATOR.

Except as provided in § 2-554, 2 copies of any document to be published pursuant to this subchapter shall be filed with the Administrator. The Administrator shall immediately review filed documents to determine their conformity to the provisions of this subchapter and to editorial standards promulgated by the Administrator. Upon the Administrator's determination of a document's conformity with this section, 1 copy of each document shall be prepared for publication and 1 copy kept for permanent historic preservation.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 306, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1536.

1973 Ed., § 1-1536.

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

§ 2-557. PUBLICATION, SPECIFICATIONS, AND DISTRIBUTION OF THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS.

(a) The District of Columbia Municipal Regulations and its permanent supplements shall be published pursuant to typographical and contractual arrangements which ensure that the District of Columbia Municipal Regulations can be purchased at a reasonable cost in its entirety or in portions of related rules, regulations, or documents having general applicability and legal effect.

(b) Paper copies of the District of Columbia Municipal Regulations shall be printed by each regular branch of the District of Columbia Public Library system and each regular branch shall make a paper copy of the District of Columbia Municipal Regulations available to the public.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 307, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; Sept. 24, 2010, D.C. Law 18-223, § 1083(c), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1537.

1973 Ed., § 1-1537.

Effect of Amendments

D.C. Law 18-223 rewrote subsec. (b), which had read as follows:

"(b) Copies of the District of Columbia Municipal Regulations shall be available to the public at each regular branch of the District of Columbia library system and to each Advisory Neighborhood Commission established by the Council."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1083(c) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

For Law 18-223, see notes following § 2-218.76.

§ 2-558. LEGAL EFFECTIVENESS OF DOCUMENTS.

(a) Notwithstanding any other provision of this subchapter, any rule, regulation, or document having general applicability and legal effect which has been adopted or enacted by the Commissioner, the Mayor, the District of Columbia Council, an agency, or other instrumentality of the District before March 6, 1979, and which is not published in the District of Columbia Municipal Regulations on or before June 30, 1984, shall not be in effect thereafter.

(b) Except in the case of emergency rules or acts, no rule or document of general applicability and legal effect adopted or enacted on or after March 6, 1979, shall become effective until after its publication in the District of Columbia Register, nor shall such rule or document of general applicability and legal effect become effective if it is required by law, other than subchapter I of this chapter or this subchapter, to be otherwise published, until such rule or document of general applicability and legal effect is also published as required by such law.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 308, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; July 1, 1980, D.C. Law 3-75, § 2, 27 DCR 2277; Oct. 17, 1981, D.C. Law 4-41, § 2, 28 DCR 3423; May 20, 1983, D.C. Law 5-10, § 2, 30 DCR 1793; Aug. 2, 1983, D.C. Law 5-22, § 2, 30 DCR 3337.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1538.

1973 Ed., § 1-1538.

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

Law 3-75 was introduced in Council and assigned Bill No. 3-253, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on April 22, 1980 and May 6, 1980, respectively. Signed by the Mayor on May 14, 1980, it was assigned Act No. 3-184 and transmitted to both Houses of Congress for its review.

Law 4-41 was introduced in Council and assigned Bill No. 4-266, which was referred to the Committee on Government Operations and the Committee on the Judiciary. The Bill was adopted on first and second

readings on July 1, 1981 and July 14, 1981, respectively. Signed by the Mayor on July 23, 1981, it was assigned Act No. 4-70 and transmitted to both Houses of Congress for its review.

Law 5-10 was introduced in Council and assigned Bill No. 5-150, which was retained by Council. The Bill was adopted on first and second readings on March 15, 1983 and March 29, 1983, respectively. Signed by the Mayor on April 6, 1983, it was assigned Act No. 5-24 and transmitted to both Houses of Congress for its review.

Law 5-22 was introduced in Council and assigned Bill No. 5-151, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 10, 1983 and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-39 and transmitted to both Houses of Congress for its review.

Miscellaneous Notes

Publication requirement exemption: Section 5 of D.C. Law 16-300 provided:

"Notwithstanding section 8 of this act and sections 204 and 308(b) of the District of Columbia Administrative Procedure Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code §§ 2-602 and 2-558(b)), the text, maps, and graphics of the District elements of the Comprehensive Plan for the National Capital, as amended by this act, need not be published in the District of Columbia Register to become effective."

§ 2-559. CORRECTION OF ERRORS IN DOCUMENTS.

The Administrator of the District of Columbia Office of Documents shall correct grammatical or typographical errors in the publication of the text of a document in the District of Columbia Statutes-at-Large, the District of Columbia Register or the District of Columbia Municipal Regulations by the publication of an errata list or by publication of the entire document or the affected part of the document in its corrected form so as to indicate the actual corrections which were made.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 309, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; Sept. 24, 2010, D.C. Law 18-223, § 1083(d), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1539.

1973 Ed., § 1-1539.

Effect of Amendments

D.C. Law 18-223 substituted "publication" for "printing".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1083(d) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

For Law 18-223, see notes following § 2-218.76.

§ 2-560. CERTIFICATION.

Each part of the District of Columbia Municipal Regulations, each permanent supplement of the District of Columbia Municipal Regulations, and the District of Columbia Register shall contain a certificate by the Administrator stating that such part contains all documents required to be published pursuant to this subchapter as of the date of such certificate.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 310, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960; Sept. 20, 2012, D.C. Law 19-168, § 1113, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1540.

1973 Ed., § 1-1539.1.

Effect of Amendments

D.C. Law 19-168 deleted "the District of Columbia Statutes-at-Large," following "Each part of".

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

For history of Law 19-168, see notes under § 2-218.76.

§ 2-561. PRESUMPTION CREATED BY PUBLICATION.

The publication of any document in the District of Columbia Statutes-at-Large, the District of Columbia Municipal Regulations, or the District of Columbia Register creates a rebuttable presumption:

- (1) That it was duly issued, prescribed, adopted, or enacted; and
- (2) That all requirements of this subchapter have been complied with.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 311, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1541.

1973 Ed., § 1-1539.2.

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

§ 2-562. PENALTIES.

Any person who knowingly and willfully causes any document not to be published in the District of Columbia Statutes-at-Large, the District of Columbia Register, or the District of Columbia Municipal Regulations which is required to be so published pursuant to this subchapter shall be guilty of a misdemeanor and shall be fined not more than \$100, or imprisoned not more than 30 days, or both.

(Oct. 21, 1968, Pub. L. 90-614, title III, § 312, as added Mar. 6, 1979, D.C. Law 2-153, § 4, 25 DCR 6960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1542.

1973 Ed., § 1-1539.3.

Legislative History of Laws

For legislative history of D.C. Law 2-153, see Historical and Statutory Notes following § 2-505.

SUBCHAPTER IV. OPEN MEETINGS.

§ 2-571. SHORT TITLE.

This subchapter may be cited as the "Open Meetings Act".

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 401, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-350, the "Open Meetings Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-716, which was referred to the Committee on Government Operations and the Environment. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 19, 2011, it was assigned Act No. 18-700 and transmitted to both Houses of Congress for its review. D.C. Law 18-350 became effective on March 31, 2011.

§ 2-572. STATEMENT OF POLICY.

The public policy of the District is that all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 402, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

§ 2-573. RULES OF CONSTRUCTION.

This subchapter shall be construed broadly to maximize public access to meetings. Exceptions shall be construed narrowly and shall permit closure of meetings only as authorized by this chapter.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 403, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

§ 2-574. DEFINITIONS.

For the purposes of this subchapter, the term:

(1) "Meeting" means any gathering of a quorum of the members of a public body, including hearings and roundtables, whether formal or informal, regular, special, or emergency, at which the members consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless whether held in person, by telephone, electronically, or by other means of communication. The term "meeting" shall not include:

(A) A chance or social gathering; provided, that it is not held to avoid the provisions of this paragraph; or

(B) A press conference.

(2) "Open Government Office" means the District of Columbia Open Government Office established by § 2-592.

(3) "Public body" means any government council, including the Council of the District of Columbia, board, commission, or similar entity, including a board of directors of an instrumentality, a board which supervises or controls an agency, or an advisory body that takes official action by the vote of its members convened for such purpose. The term "public body" shall not include:

(A) A District agency or instrumentality (other than the board which supervises or controls an agency or the board of directors of an instrumentality);

(B) The District of Columbia courts;

(C) Governing bodies of individual public charter schools;

(D) The Mayor's cabinet;

(E) The professional or administrative staff of public bodies when they meet outside the presence of a quorum of those bodies; or

(F) Advisory Neighborhood Commissions; provided, that this subchapter shall not affect the requirements set forth in § 1-309.11.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 404, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

§ 2-575. OPEN MEETINGS.

(a) Except as provided in subsection (b) of this section, a meeting shall be open to the public. A meeting shall be deemed open to the public if:

(1) The public is permitted to be physically present;

(2) The news media, as defined by § 16-4701, is permitted to be physically present; or

(3) The meeting is televised.

(b) A meeting, or portion of a meeting, may be closed for the following reasons:

- (1) A law or court order requires that a particular matter or proceeding not be public;
- (2) To discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of a contract, including an employment contract, if an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;
- (3) To discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating incentives relating to the location or expansion of industries or other businesses or business activities in the District;
- (4)(A) To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements; provided, that, upon request, the public body may decide to waive the privilege.

(B) Nothing herein shall be construed to permit a public body to close a meeting that would otherwise be open merely because the attorney for the public body is a participant;
- (5) Planning, discussing, or conducting specific collective bargaining negotiations;
- (6) Preparation, administration, or grading of scholastic, licensing, or qualifying examinations;
- (7) To prevent premature disclosure of an honorary degree, scholarship, prize, or similar award;
- (8) To discuss and take action regarding specific methods and procedures to protect the public from existing or potential terrorist activity or substantial dangers to public health and safety, and to receive briefings by staff members, legal counsel, law enforcement officials, or emergency service officials concerning these methods and procedures; provided, that disclosure would endanger the public and a record of the closed session is made public if and when the public would not be endangered by that disclosure;
- (9) To discuss disciplinary matters;
- (10) To discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials;
- (11) To discuss trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained;
- (12) To train and develop members of a public body and staff;
- (13) To deliberate upon a decision in an adjudication action or proceeding by a public body exercising quasi-judicial functions; and
- (14) To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations, if disclosure to the public would harm the investigation.

(c)(1) Before a meeting or portion of a meeting may be closed, the public body shall meet in public session at which a majority of the members of the public body present vote in favor of closure.

(2) The presiding officer shall make a statement providing the reason for closure, including citations from subsection (b) of this section, and the subjects to be discussed. A copy of the roll call vote and the statement shall be provided in writing and made available to the public.

(d) A public body that meets in closed session shall not discuss or consider matters other than those matters listed under subsection (b) of this section.

(e) A public body shall not keep the number of attendees below a quorum to avoid the requirements of this section.

(f) Notwithstanding any provision of this chapter, the Council may adopt its own rules to ensure the District's open meetings policy, as established in § 2-572, is met with respect to Council meetings; provided, that the rules of the Council shall comply with this section and the definition of meeting in § 2-574(1); provided further, that until the Council adopts rules pursuant to this subsection, this subchapter shall apply to the Council.

(g) Within 60 days after March 31, 2011, the relevant committee of the Council with jurisdiction on this issue shall submit a report to the Council that presents recommendations on whether the sections of this subchapter should apply to Advisory Neighborhood Commissions.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 405, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734; Sept. 26, 2012, D.C. Law 19-171, § 18, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171, in subsec. (f), validated a previously made technical correction.

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

For history of Law 19-171, see notes under § 2-218.13.

§ 2-576. NOTICE OF MEETINGS.

Before meeting in open or closed session, a public body shall provide advance public notice as follows:

(1) Notice shall be provided when meetings are scheduled and when the schedule is changed. A public body shall establish an annual schedule of its meetings, if feasible, and shall update the schedule throughout the year. Except for emergency meetings, a public body shall provide notice as early as possible, but not less than 48 hours or 2 business days, whichever is greater, before a meeting.

(2) Notice shall be provided by posting:

(A) In the office of the public body or a location that is readily accessible to the public; and

(B) On the website of the public body or the District government.

(3) Notwithstanding the notice requirement of paragraph (2) of this subsection, notice of meetings shall be published in the District of Columbia Register as timely as practicable.

(4) When a public body finds it necessary to call an emergency meeting to address an urgent matter, notice shall be provided at the same time notice is provided to members and may be provided pursuant to any method in paragraph (2) of this subsection.

(5) Each meeting notice shall include the date, time, location, and planned agenda to be covered at the meeting. If the meeting or any portion of the meeting is to be closed, the notice shall include, if feasible, a statement of intent to close the meeting or any portion of the meeting, including citations to the reason for closure under § 2-575(b), and a description of the matters to be discussed.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 406, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

§ 2-577. MEETING PROCEDURES.

(a) A meeting may be held by video conference, telephone conference, or other electronic means; provided, that:

(1) Reasonable arrangements are made to accommodate the public's right to attend the meeting;

(2) The meeting is recorded; and

(3) All votes are taken by roll call.

(b) All provisions of this subchapter shall apply to electronic meetings.

(c) E-mail exchanges between members of a public body shall not constitute an electronic meeting.

(d) When an emergency meeting is convened, the presiding officer shall open the meeting with a statement explaining the subject of the meeting, the nature of the emergency, and how public notice was provided.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 407, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

§ 2-578. RECORD OF MEETINGS.

(a) All meetings of public bodies, whether open or closed, shall be recorded by electronic means; provided, that if a recording is not feasible, detailed minutes of the meeting shall be kept.

(b) Copies of records shall be made available for public inspection according to the following schedule;

provided, that a record, or a portion of a record, may be withheld under the standard established for closed meetings pursuant to § 2-575(b):

(1) A copy of the minutes of a meeting shall be made available for public inspection as soon as practicable, but no later than 3 business days after the meeting.

(2) A copy of the full record, including any recording or transcript, shall be made available for public inspection as soon as practicable, but no later than 7 business days after the meeting.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 408, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

§ 2-579. ENFORCEMENT; AUTHORITY.

(a) The Open Government Office may bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declaratory relief for any violation of this subchapter before or after the meeting in question takes place; provided, that the Council shall adopt its own rules for enforcement related to Council meetings. Nothing in this subchapter shall:

(1) Be construed to create or imply a private cause of action for a violation of this subchapter; or

(2) Restrict the private right of action citizens have under § 1-207.42.

(b) In any lawsuit filed under this section, the burden shall be on the public body to sustain its action or proposed action. The court shall determine the matter de novo and may examine the record of a closed meeting to determine whether this section has been violated.

(c) If the court finds that a public body plans to hold a closed meeting or portion of a meeting in violation of subsection (d) of this section, the court may:

(1) Enjoin the public body from closing the meeting or portion of the meeting;

(2) Order that future meetings of the same kind be open to the public; or

(3) Order that the record of a meeting be made public.

(d) If the court finds that a resolution, rule, act, regulation, or other official action was taken, made, or enacted in violation of this subchapter, the court may order an appropriate remedy, including requiring additional forms of notice, postponing a meeting, or declaring action taken at a meeting to be void. Actions shall not be declared void unless the court finds that the balance of equities compels the action or the court concludes that the violation was not harmless.

(e) If the court finds that a member of a public body engages in a pattern or practice of willfully participating in one or more closed meetings in violation of the provisions of this subchapter, the court may impose a civil fine of not more than \$250 for each violation.

(f) The court may grant such additional relief as it finds necessary to serve the purposes of this subchapter.

(g) A public body may seek an advisory opinion from the Open Government Office regarding compliance with this subchapter.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 409, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

§ 2-580. TRAINING.

The Office of Boards and Commissions, established December 19, 2001 (Mayor's Order 2001-189), in coordination with the Open Government Office, shall:

(1) Develop a training manual for members of public bodies; and

(2) Annually advise all members of public bodies of their responsibilities under this subchapter.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 410, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-571.

SUBCHAPTER V. OPEN GOVERNMENT OFFICE.

§ 2-591. SHORT TITLE.

This subchapter may be cited as the "Open Government Office Act".

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 501, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-350, the "Open Meetings Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-716, which was referred to the Committee on Government Operations and the Environment. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 19, 2011, it was assigned Act No. 18-700 and transmitted to both Houses of Congress for its review. D.C. Law 18-350 became effective on March 31, 2011.

§ 2-592. ESTABLISHMENT OF THE DISTRICT OF COLUMBIA OPEN GOVERNMENT OFFICE.

The District of Columbia Open Government Office ("Open Government Office") is established as an independent office within the Board of Ethics and Government Accountability to promote open governance in the District of Columbia. All assets, staff, and unexpended appropriations of the Open Government Office shall be transferred to the Board of Ethics and Government Accountability.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 502, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734; Apr. 27, 2012, D.C. Law 19-124, § 501(a)(1), 59 DCR 1862.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-124 rewrote the section, which formerly read:

"The District of Columbia Open Government Office ('Open Government Office') is established as an independent agency to promote open governance in the District of Columbia."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 401(a)(1) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

Legislative History of Laws

For history of Law 18-350, see notes under § 2-591.

Law 19-124, the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-511, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on December 6, 2011, and December 20, 2011, respectively. Signed by the Mayor on February 27, 2012, it was assigned Act No. 19-318 and transmitted to both Houses of Congress for its review. D.C. Law 19-124 became effective on April 27, 2012.

§ 2-593. POWERS AND DUTIES OF THE OPEN GOVERNMENT OFFICE.

(a) The Open Government Office shall:

- (1) Report annually, on or before February 1, on its activities, including recommendations for changes in the law;
- (2) Issue advisory opinions to public bodies on compliance with subchapter IV of this chapter;
- (3) Provide training to public bodies, officials, and employees related to subchapter IV of this chapter; and
- (4) Issue rules to implement the provisions of this subchapter and subchapter IV of this chapter.

(b) The Open Government Office may bring suit to enforce § 2-579.

(c) The Open Government Office may issue advisory opinions on implementation of subchapter II of this chapter.

((Oct. 21, 1968, Pub. L. 90-614, title IV, § 503, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-350, see notes under § 2-591.

§ 2-594. DIRECTOR.

(a) The Open Government Office shall be headed by a Director appointed by the Board of Ethics and Government Accountability to serve a 5-year term.

(b) The Director may be reappointed and, if not reappointed, the Director shall serve until his successor has been confirmed.

(c) The Director shall not be removed before expiration of the 5-year term except for cause.

(d) The Director shall employ staff as needed.

(Oct. 21, 1968, Pub. L. 90-614, title IV, § 504, as added Mar. 31, 2011, D.C. Law 18-350, § 2, 58 DCR 734; Apr. 27, 2012, D.C. Law 19-124, § 501(a)(2), 59 DCR 1862.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-124 rewrote subsec. (a), which had read as follows:

"(a) The Open Government Office shall be headed by a Director appointed by the Mayor with the advice and consent of the Council to serve a 5-year term."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 401(a)(2) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

Legislative History of Laws

For history of Law 18-350, see notes under § 2-591.

For history of Law 19-124, see notes under § 2-592.