TEXT

DC ST § 1-309.10

This document has been updated. Use KEYCITE.

Formerly cited as DC ST 1981 § 1-261

DISTRICT OF COLUMBIA OFFICIAL CODE 2001 EDITION
DIVISION I. GOVERNMENT OF DISTRICT.
TITLE 1. GOVERNMENT ORGANIZATION.
CHAPTER 3. SPECIFIED GOVERNMENTAL AUTHORITY.
SUBCHAPTER V. ADVISORY NEIGHBORHOOD COMMISSIONS.
PART A. GENERAL.

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BZA
Case No. 16982
Exhibit No. 29

Current through December 1, 2002

§ 1-309.10. Advisory Neighborhood Commissions-Duties and responsibilities; notice; great weight; access to documents; reports; contributions.

(a) Each Advisory Neighborhood Commission ("Commission") may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area. For the purposes of this part, proposed actions of District government policy shall be the same as those for which prior notice of proposed rulemaking is required pursuant to § 2-505(a) or as pertains to the Council of the District of Columbia.
(b) Thirty days written notice, excluding Saturdays, Sundays and legal holidays of such District government actions or proposed actions shall be given by first-class mail to the Office of Advisory Neighborhood Commissions, each affected Commission, the Commissioner representing a single-member district affected by said actions, and to each affected Ward Councilmember, except where shorter notice on good cause made and published with the notice may be provided or in the case of an emergency and such notice shall be published in the District of Columbia Register. In cases in which the 30-day written notice requirement is not satisfied, notification of such proposed government action or actions to the Commissioner representing the affected single-member district shall be made by mail. The Register shall be made available, without cost, to each Commission. A central record of all such notices shall be held by the Office of Advisory Neighborhood Commissions.
(c)(1) Proposed District government actions covered by this part shall include, but shall not be limited to, actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in subsection (a) of this section, each agency, board and commission shall, before the award of any grant funds to a citizen organization or group, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by subsection (b) of this section. Each District of Columbia government entity shall maintain a record of the notices sent to each Commission pursuant to subsection (b) of this section.
(2)(A) The Alcoholic Beverage Control Board ("ABC Board") or its designee shall give notice to Advisory Neighborhood Commissions, the Office of Advisory Neighborhood Commissions, the Commission representing the area in which the applicant's establishment is located, and the Commissioner representing an affected single-member district at least 45 calendar days prior to a hearing on applications for issuance or renewal of retailer's licenses, class A, B, C/R, C/T, C/N, C/H, C/X, D/R, D/T, D/N, D/H, D/X, and consumption licenses for clubs, or for transfer of a license of any of these classes to a different location. The ABC Board or its designee party shall give notice by first-class mail, posted not less than 5 calendar days prior to the first day of the 45- calendar-day notice period, and addressed to:
(i) The Commission office, with sufficient copies of the notice for distribution to each Commissioner;
(ii) The Chairperson of the Commission at his or her home address of record; and
(iii) The Commissioner in whose single-member district the establishment is located at his or her home address of record.
(B) In addition, the ABC Board shall provide to each Commission office, on a quarterly basis, a printed list of all Alcohol Beverage Control licenses due to expire in the ensuing 6 months. An Advisory Neighborhood Commission may object to the application in the manner set forth in § 25-115(c) and (e).
(3) The Department of Consumer and Regulatory Affairs shall ensure that each Advisory Neighborhood Commission is provided at least twice a month by first- class mail with a current list of applications for construction and demolition

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permits within the boundaries of th[redacted]dvisory Neighborhood Commission. All n[redacted]es shall also be provided to the Office of Advisory Neighborhood Commissions. Each Commission and the affected ward Councilmember shall also be provided at least twice a month with a current list of applications for public space permits.
(d)(1) Each Commission so notified pursuant to subsections (b) and (c) of this section of the proposed District government action or actions shall consider each such action or actions in a meeting with notice given in accordance with § 1-309.11(c) which is open to the public in accordance with 1-309.11(g). The recommendations of the Commission, if any, shall be in writing and articulate the basis for its decision.
(2) At the close of business of the day after which the notice period concludes as provided in subsection (b) or (c) of this section, the affected District government entity may proceed to make its decision.
(3)(A) The issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity. Great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns.
(B) In all cases the government entity is required to articulate its decision in writing. The written rationale of the decision shall articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In so doing, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission. Further, the government entity is required to support its position on the record.
(C) The government entity shall promptly send to the Commission and the respective ward Councilmember a copy of its written decision.
(4) Oral testimony shall be followed as if provided in advance in writing as required by paragraph (1) of this subsection when accompanied within 7 days by written documentation approved by the respective Commission, which supports the testimony.
(e) Reserved.
(f) Each Commission may present its views to any federal or District agency.
(g) The Commission shall not have the power to initiate a legal action in the courts of the District of Columbia or in the federal courts, provided that this limitation does not apply to or prohibit any Commissioner from bringing suit as a citizen.
(h)(1) Each Commission may initiate its own proposal for District government action. The District government entity to which the proposal is made shall acknowledge the proposal in writing to the initiating Commission within 10 days of receipt of the proposal and shall issue a status report to the initiating Commission within 60 days of receipt.
(2) Any Commission may hold public hearings on requested or proposed government actions. Commissions may invite public witnesses from any executive or independent entity to testify before the Commission. Within 45 days of the close of the public hearing, the Commission may submit to the Council a report detailing the Commission's findings and recommendations to be included in any public record of the proposed government action.
(i)(1) Each Commission shall have access to District government officials and to all District government official documents and public data pursuant to § 2- 531 et seq. that are material to the exercise of its development of recommendations to the District government.
(2) The Mayor shall provide to all Commissions, at no cost, current zoning and alcohol beverage control regulations, and any other regulations requested in writing by the respective Commission not available electronically, in order for Commissioners to adequately perform their responsibilities.
(j)(1) On or before November 30 of each year, each Commission may file an annual report with the Council and the Mayor for the preceding fiscal year. Such report shall include, but shall not be limited to:
(A) Summaries of important problems perceived by the Commission in order of their priority;
(B) Recommendations for actions to be taken by the District government;
(C) Recommendations for improvements on the operation of the Commissions;
(D) Financial report; and
(E) A Summary of Commission activities.
(2) Minority reports may be filed.
(k) Reserved.
(l) No Commission may solicit or receive funds unless specifically authorized to do so by the Council, except that receipt of individual contributions of $1,000 or less need not be approved by the Council. No person shall make any contribution, nor shall a Commission receive any contribution from any person which, when aggregated with all other contributions received from that person, exceeds $1,000 per calendar year. Each Commission shall file with its quarterly reports to the District of Columbia Auditor required pursuant to § 1-309.13(j) details of all contributions received during the relevant period of time.
(m) Each Commission shall monitor complaints of Commission area residents with respect to the delivery of District government services and file comments on same with the appropriate District government entity and the Council.
(n) Each Commission shall develop an annual fiscal year spending plan budget for the upcoming fiscal year within 60 days of notification of the amount of the Commission's annual allotment. Prior to adoption of the budget at a public meeting, the Commission shall present the budget at a public meeting of the Commission to elicit comments from the residents of the Commission area.
(o) Each Commission may, where appropriate, constitute the citizen advisory mechanism required by any federal statute (unless specifically prohibited by federal statute).