

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



IN REPLY REFER TO:

February 9, 2000

David J. Bardin
Advisory Neighborhood Commission 3F
4701 Connecticut Avenue, N.W., #501
Washington, D.C. 20008-5633

By Fax: 966-2585

Re: Notice to ANCs of applications for building and demolition permits

Dear Mr. Bardin:

This responds to your letter of February 3, 2000, wherein you requested advice regarding notice to Advisory Neighborhood Commissions (ANCs) by the Department of Consumer and Regulatory Affairs (DCRA). As background, you state that applications for building and demolition permits were filed with DCRA by Exxon Corporation in February 1999 for renovations at an Exxon station located within the boundaries of ANC 3F. ANC 3F was not given notice of the permit applications, nor was notice published in the D.C. Register. You state that Mr. Armando Lourenco of DCRA has opined that DCRA is not required to give notice to ANCs of applications for such permits. Your reading of the statute would require DCRA to give notice to ANCs of construction and demolition permit applications. You seek clarification of DCRA's responsibilities in such situations.

Section 13(c)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975, D.C. Law 1-21, as added by the Advisory Neighborhood Commission Additional Notice Act of 1977, effective October 26, 1977, D.C. Law 2-30, D.C. Code § 1-261 (c)(3) provides:

The Department of Economic Development shall ensure that each affected Advisory Neighborhood Commission is provided regularly by mail with a current list of applications for construction and demolition permits within the boundaries of that Advisory Neighborhood Commission.

After this section was enacted in 1977, the name of the Department of Economic Development was changed to the Department of Licenses, Investigations and Inspections. See Mayor's Order Number 78-42, effective February 17, 1978.

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Subsequently, the Department of Licenses, Investigations and Inspections was abolished and all its functions were transferred to DCRA. See Reorganization Plan No. 1 of 1983, effective March 31, 1983. Since one of the functions of the prior Department was to provide notice under section 13(c)(3), DCRA is required to provide notice to an ANC of applications for construction and demolition permits within the boundaries of the ANC by regularly mailing a list of such applications to the affected ANC.¹

If I may be of further assistance, please do not hesitate to contact me at 724-5537.

Sincerely,



Annette B. Elseth
Assistant Corporation Counsel
Legal Counsel Division

cc: Armando Lourenco
DCRA

AL-00-046

¹ In the current version of the D.C. Code, the 1981 Edition published by Michie, the codification of the law reflects the name change from the Department of Economic Development to the Department of Licenses, Investigations and Inspection. However, the subsequent change from the Department of Licenses, Investigations and inspections to DCRA has not been codified. Michie's failure to codify the change has no effect on my advice. (I also note that Bill 13-131, currently pending the Council, makes a technical amendment to section 13(c)(3) to reflect DCRA's responsibility.)