

Frequently Asked Questions: Great Weight

Does “great weight” mean an agency must follow ANC advice?

No, it does not mean that. However, if an agency is required to give an ANC great weight, it must explain why it doesn't follow the ANC's advice if it decides not to do what the ANC recommends. It must also respond with precision and specificity to the issues and concerns raised by the ANC.

Does an agency have to give great weight to all ANC recommendations?

No, only certain recommendations. If the agency is required to ask for ANC advice it must give great weight to the ANC's reply. If an agency is required by law, or decides on its own, to hold a public hearing, it must give great weight to the ANC's comments. If an ANC offers unsolicited advice, on the other hand, the agency is required to acknowledge the ANC's letter, but it is not required to give the advice great weight.

What is the reason that agencies must give great weight when they voluntarily have public hearings?

It is based on the ANC's right under the Home Rule Charter to have notice of zoning changes, public improvements, and permits “of significance to neighborhood planning and development.” If an agency decides to hold a public meeting on an action that it is planning to take, the Attorney General has reasoned, the agency itself must feel that the matter is of “of significance to neighborhood planning and development.” It follows then that the ANC should be given great weight for any recommendations that it submits.

Are individual Commissioners entitled to great weight?

No, they are not. Only the comments adopted by the full Commission with a majority vote at a properly noticed public meeting with a quorum of Commissioners present are entitled to great weight.

Can an ANC go to court if an agency does not give the ANC great weight?

Once again the answer is no. ANCs at the present time are prohibited by law from “initiating legal action.” However, anyone living within the ANC's boundaries, including individual Commissioners in their roles as private citizen, may sue an agency for failing to give their ANC notice or great weight. This is because the courts have found that notice and great weight are rights given to the ANCs on behalf of their constituents not just to the ANCs. Their constituents therefore have a legal interest in making sure government agencies respect the ANC law.

Where can I find the legal definition of great weight?

See Section 1-309.10(d)(3)(A) and 1-309.10(d)(3)(B) of the DC Code.