

Government of the District of Columbia
Office of the Chief Financial Officer



Fitzroy Lee
Acting Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Fitzroy Lee
Acting Chief Financial Officer 

DATE: November 1, 2021

SUBJECT: Fiscal Impact Statement – Anti-SLAPP Emergency Amendment Act of 2021 (and accompanying temporary version)

REFERENCE: Draft Introduction as provided to the Office of Revenue Analysis on October 28, 2021

Conclusion

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill.

Background

In 2010, the District enacted The Anti-SLAPP Act of 2010¹ (Act), which allows defendants in a lawsuit to seek quick dismissal of claims “arising from an act in furtherance of the right of advocacy on issues of public interest.” Such lawsuits are commonly referred to as strategic lawsuits against public participation (SLAPPs) and are generally defined as retaliatory lawsuits intended to silence, intimidate, or punish those who have used public forums to speak, petition, or otherwise move for government action on an issue. The Act also makes provision for filing of a special motion to quash attempts arising from SLAPPs to seek personally identifying information and for the courts to award the costs of litigation to the successful party on a special motion.

The bill would amend the Act to prevent its use by defendants in claims brought by the District, including in any cases currently pending.

¹ Effective March 31, 2011 (D.C. Law 18-351; 58 DCR 741).

The Honorable Phil Mendelson

FIS: "Anti-SLAPP Emergency Amendment Act of 2021," (and accompanying temporary version), Draft Introduction as provided to the Office of Revenue Analysis on October 28, 2021

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The bill makes changes to the ability of defendants in cases filed by the District to seek dismissal of cases and other relief using the Act. There is no impact on the District's budget or financial plan.