

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer
Office of Revenue Analysis**

**NOTICE of GENERAL REAL PROPERTY TAX RATES AND
SPECIAL REAL PROPERTY TAX RATES: TAX YEAR 2007**

I. Sum of Real Property Tax Rates

The recommended Tax Year 2007 real property tax rates are the following:

2007 Proposed Real Property Tax Rates	
<u>Real Property Tax Class</u>	<u>Calculated Indexed Rate Per \$100 of Assessed Value</u>
Class One (owner and renter-occupied residential)	\$0.88
Class Two (commercial)	\$1.85
Class Three (vacant and abandoned)	\$5.00

II. Special Real Property Tax Rates

**BOND ACT REQUIREMENTS
Certification of Debt Service Requirement**

In Tax Year 2007, forty-five percent of total real property tax collections, by class, shall be dedicated to the repayment of General Obligations Bonds. The recommended special real property tax rates by class for Tax Year 2007 are as follows:

2007 Recommended Real Property Special Tax Rates	
<u>Property Class</u>	<u>Real Property Special Tax Rate Per \$100 of Assessed Value</u>
Class One (owner and renter-occupied residential)	\$0.40
Class Two (commercial)	\$0.83
Class Three (vacant and abandoned)	\$2.25

CITY LIGHTS PUBLIC CHARTER SCHOOL

INVITATION TO BID

Soliciting Bids for Financial Services
Bid No.: CLPCS-2006-1F

City Lights Public Charter School is now accepting bids for our Financial Services Contract. Bids may be faxed to the attention of Nick Battle at 202-832-3654. All bids must be submitted no later than Friday, October 13, 2006.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BOARD FOR

THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF PUBLIC INTEREST

The Director of the Department of Consumer and Regulatory Affairs, in accordance with section 742 of the District of Columbia Home Rule Act of 1973, as amended, D.C. Code section 1-1504 (1999 Repl.), hereby gives notice that the Board for the Condemnation of Insanitary Buildings' (BCIB) regular meetings will be held on the dates listed below for calendar year 2006, (the second and fourth Wednesday of each month). The meetings will begin at 10:00 a.m. in Room 7100 of 941 North Capitol Street, NW, Washington, D.C. 20002. These regularly scheduled meetings of the BCIB are open to the public. Please call the Building Condemnation Division on (202) 442-4322 or 442-4486 for further information or for changes in this schedule.

The BCIB is charged with examining the sanitary condition of all buildings in the District of Columbia, determining which buildings are in such insanitary condition as to endanger the health or lives of its occupants or persons living in the vicinity, and issuing orders of condemnation requiring the owners to remedy the insanitary condition. Should the owner fail to remedy the cited conditions, the BCIB shall cause the building to be made habitable, safe and sanitary or razed and removed. The cost of work performed by the District of Columbia Government shall be assessed to the property.

Calendar Year 2006 Meeting Dates

October 11, 2006

October 25, 2006

November 8, 2006

November 22, 2006

December 13, 2006

December 27, 2006

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING
P.O. BOX 37200
WASHINGTON, D.C. 20013-7200

Find enclosed a list of buildings against which condemnation proceedings have been instituted. This list is current as of August 2006. The following paragraphs will give some insight into why these buildings were condemned and the meaning of condemnation for insanitary reasons.

Each listed property has been condemned by the District of Columbia Government's Board for the Condemnation of Insanitary Buildings (BCIB). The authority for this board is Title 6, Chapter 9, of the District of Columbia Code, 2001 Edition. The BCIB has examined each property and has registered with the record owner (via condemnation) a strong disapproval of the condition in which the property is being maintained. The BCIB has recorded at the Office of the Recorder of Deeds an Order of Condemnation against each property for the benefit of purchasers and the real estate industry.

These properties were condemned because they were found to be in such an insanitary condition as to endanger the health and lives of persons living in or in the vicinity of the property. The corrective action necessary to remove the condemnation order could take the form of demolition and removal of the building by the owner or the BCIB. However, most buildings are rendered sanitary, i.e., the insanitary conditions are corrected by the owner or the BCIB.

The administration of the condemnation program does not take title to property. The title to each property remains with the owner. Accordingly, inquiries for the sale or value of these properties should be directed to the owner of record. Inquiries regarding the owner or owner's address should be directed to the Office of Tax and Revenue, Customer Service, Office of Real Property Tax (202) 727-4829, 941 North Capitol Street, NE, 1st floor.

For further assistance, contact the Support Staff of the BCIB on 442-4486.

THE BOARD FOR THE CONDEMNATION OF INSANITARY BUILDING

Enclosure:

**BOARD FOR
THE CONDEMNATION OF INSANITARY BUILDINGS**

NOTICE OF PUBLIC INTEREST

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest</u>			
51 Bryant Street	104	3127	5
5109 Connecticut Avenue	48	1989	3
5109 Connecticut Avenue-Rear	48	1989	3
1735 Crestwood Drive	12	2633	4
412 Delafield Place	175	3251	4
410 Florida Avenue	40	507	5
1461 Florida Avenue	147	2660	1
3003 Georgia Avenue	111	3052	1
3919 Georgia Avenue	0035	3027	4
3919 Georgia Avenue-Rear(Shed)	0035	3027	4
4607 Georgia Avenue	16	3015	4
4609 Georgia Avenue	17	3015	4
616 Irving Street	146	3052	1
1301 Kalmia Road	1	2771	4
709 Kenyon Street	806	2892	1
416 Luray Place-Rear	77	3044	1
1000 M Street	57	341	2
1006 M Street	51	341	2
1824 Monroe Street	813	2614	1
212 Morgan Street	0083	0555	6
216 Morgan Street	0018	0555	6
3642 New Hampshire Ave.-Rear	32	2898	1
1320 North Capitol Street	154	617	5
1424 North Capitol Street	10	616	5
1426 North Capitol Street	836	616	5
86 O Street	201	617	5
405 O Street	802	511	2
509 O Street	479	2001/2002	2
605 P Street	154	445	2
1429 Parkwood Place	62	2688	1
1433 Parkwood Place	64	2688	1
1428 Perry Place	29	2688	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Con't)</u>			
1427 Q Street	9	208	2
1001 Quebec Place	63	2902	4
936 Quincy Street	92	2901	4
3620 RCC Road	121	2831	1
423 Shepherd Street	38	3238	4
423 Shepherd Street-Rear	38	3238	4
815 T Street	23	393	1
901 U Street	100	360	2
1359 U Street	805	236	1
1361 U Street	805	236	1
613 Upshur Street	72	3226	4
613 Upshur Street-Rear	72	3226	4
2023 Vermont Avenue	87	360	1
215 Whittier Street-Rear	820	3363	4
1329 Wisconsin Avenue	68	1232	2
1401 1 st Street	814	616	5
1821 1 st Street	137	3110	5
1837 1 st Street	126	3110	5
1202 3 rd Street	837	523	2
1506 3 rd Street	818	521	5
1859 3 rd Street	810	3096	1
1922 3 rd Street-Rear	10	3089	1
1209 4 th Street	810	523	6
1211 4 th Street	502	2026	6
1221 4 th Street	848	523	2
1417 5 th Street	54	511	2
1425 5 th Street	511	817	2
1427 5 th Street	818	511	2
1905 8 th Street	802	416	1
1905 8 th Street -Rear	802	416	1
1301 9 th Street	801	399	2
1303 9 th Street	62	399	2
1305 9 th Street	63	399	2
1307 9 th Street	803	399	2
1309 9 th Street	804	399	2
1822 9 th Street	242	362	1
4523 9 th Street-Rear	0046	3017	4
1715 11 th Street	10	335	2
2232 11 th Street	70	302	1
3007 11 th Street	99	2851	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Con't)</u>			
5113 13 th Street-Rear	19	2929	4
5713 13 th Street-Rear	51	2935	4
5749 13 th Street-Rear	58/818	2935	4
2208 14 th Street	30	202	1
3405 14 th Street	115	2836	1
3431 14 th Street	133	2836	1
3509 14 th Street	53	2827S	1
4024 14 th Street	53	2694	4
5209 14 th Street	105	2804	4
3350 17 th Street	93	2612	1
3350 17 th Street-Rear	93	2612	1
3222 19 th Street	817	2604	1
3222 19 th Street-Rear	817	2604	1

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast</u>			
1033-39 Bladensburg Road	807	4473	5
314 R Bryant Street	76	3555	5
3027 Channing Street	54	4360	5
837 Florida Avenue	63	908	6
903 Florida Avenue	802	931N	6
905 Florida Avenue	804	931N	6
1369 Florida Avenue-Rear	129	1026	6
1654 Gales Street	122	4510	6
2001-R Gales St-Rear #1	800	4525	7
2001-R Gales St-Rear #2	800	4525	7
2001-R Gales St-Rear #3	800	4525	7
2001-R Gales St-Rear #4	800	4525	7
2001-R Gales St-Rear #5	800	4525	7
2001-R Gales St-Rear #6	800	4525	7
2001-R Gales St-Rear #7	800	4525	7
2001-R Gales St-Rear #8	800	4525	7
2001-R Gales St-Rear #9	800	4525	7

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<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northeast (Con't)</u>			
2001-R Gales St-Rear #10	800	4525	7
1002 Irving Street	812	3877	5
1511 Isherwood Street	176	4544	6
5069 Just Street	305	5176	7
303 K Street	804	775	6
1753 L Street	0104	4474	5
4502 Lee Street	148	5155	7
5119 Lee Street	0038	5200	7
1800 M Street	124	4445	5
1405 Montello Avenue	28	4060	5
1410 Montello Avenue	809	4059	5
1414 Montello Avenue	807	4059	5
5706 NHB Avenue	10	5214	7
1309 North Carolina Avenue	115	1035	6
1243 Owen Place	188	4060	5
115 Riggs Road	85	3701	5
3610 South Dakota Avenue	33	4224	5
3610 South Dakota Ave.-Rear	33	4224	5
227 Tennessee Avenue	127	1033	6
227 Tennessee Avenue-Rear	127	1033	6
1741 Trinidad Avenue	26	4082	5
415 W Street	41	3601	5
514 3 rd Street	54	754	6
915 3 rd Street	801	775	6
1811 3 rd Street	7	3570	5
2410R 4 th Street-Rear	59	3555	5
2416R 4 th Street-Rear	75	3555	5
819 8 th Street	28	911	6
819 10 th Street	805	958	6
214 15 th Street	106	1055	6
3300 18 th Street	19	4143	5
4310 22 nd Street	12	4232	5
3721 30 th Place	814	4304E	5
1322 45 th Place	25	5120	7
1202 47 th Place	60	5160	7
1227 47 th Place	39	5160	7
1017 48 th Street	10	5153	7
1055 48 th Street	0098	5153	7
109 53 rd Street	91	5243	7

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
1523 A Street	816	1072	6
1751 A Street	63	1097	6
1751 A Street-Rear	63	1097	6
5019 A Street	5	5327	7
5019 A Street-Rear (Shed)	5	5327	7
5055 A Street	14	5327	7
20 Bass Circle	12	5345	7
5010 Benning Road	68	5340	7
5032 Benning Road	37	5340	7
3401 Brothers Place	803	6006	8
4915 C Street	28	5336	7
5201 C Street	9	5312	7
4926 Call Place	33	5336	7
4930 Call Place	32	5336	7
5000 Call Place	35	5323	7
3213 Dubois Place	38	5430	7
627 E Street-Rear	842	877	6
3118 E Street	807	5440	7
3326 Ely Place	807	5444	6
647 G Street	139	878	6
3009 G Street	807	5480	7
1239 Good Hope Road	89	3033	8
1410 Good Hope Road	24	5605	8
1220 Mapleview Place	811	5800	8
1909 MLK Jr. Avenue	829	5770	8
1911 MLK Jr. Avenue	829	5770	8
1913 MLK Jr. Avenue	829	5770	8
2228 MLK Jr. Avenue	810	5802	8
2234 MLK Jr. Avenue	811	5802	8
2238 MLK Jr. Avenue	978	5802	8
2629 MLK Jr. Avenue-East	192	5867	8
2629 MLK Jr. Avenue-West	192	5867	8
2759 MLK Jr. Avenue-Rear	802	5982	8
2241 Prout Street	803	5561	8
1620 South Capitol Street	0808	0708	6
1008 South Carolina Avenue	23	970	6
1225 Sumner Road	980	5865	8
821 Virginia Avenue	6	929	6
1242 W Street	99	5782	8
1118 1 st Street	60	743N	6
1122 1 st Street	58	743N	6

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<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (Con't)</u>			
4010 3 rd Street	806	6167	8
4014 3 rd Street	804	6167	8
3020 7 th Street	50	5953	8
3009 8 th Street	814	5953	8
3009 8 th Street -Rear	814	5953	8
102 9 th Street	801	943	6
911 12 th Street	19	969	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southwest</u>			
78 Darrington Street-Rear	23	6223S	8
71 Forrester Street	67	6240	8
157 Forrester Street	803	6240	8

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF THE ENVIRONMENT**

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to Title 20 DCMR § 206, the Air Quality Division (AQD) of the Department of the Environment located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to construct and operate paint spray booth to Collision Auto Clinic located at 2206 Lawrence Avenue, N.E. Washington D.C.

The application and the draft construction and operating permit are available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Department of the Environment, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after November 6, 2006 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, and mailing address, and must contain a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos at (202) 535-1354.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF THE ENVIRONMENT**

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to Title 20 DCMR § 206, the Air Quality Division (AQD) of the Department of the Environment located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to construct and operate an emergency power generator to American University located at 4400 Massachusetts Avenue, N.W. Washington D.C.

The application and the draft construction and operating permit are available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Department of the Environment, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after November 6, 2006 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, and mailing address, and must contain a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos at (202) 535-1354.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF THE ENVIRONMENT**

NOTICE OF PERMIT ACTION

Notice is hereby given that, pursuant to Title 20 DCMR § 206, the Air Quality Division (AQD) of the Department of the Environment located at 51 N Street, N.E., Washington, D.C., intends to issue a permit to construct and operate two internal combustion engines to Federal Trade Commission located at 600 Pennsylvania Avenue, N.W. Washington D.C.

The application and the draft construction and operating permit are available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos, at (202) 535-1354.

Interested persons may submit written comments within 30 days of publication of this notice. Comments should be addressed to Stanley C. Tracey, Chief, Engineering and Planning Branch, Air Quality Division, Department of the Environment, 51 N Street, N.E., Washington, D.C. 20002. No written comments postmarked after November 6, 2006 will be accepted. The written comments must also include the person's name, telephone number, affiliation, if any, and mailing address, and must contain a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit. For more information, please contact Abraham T. Hagos at (202) 535-1354.

DISTRICT OF COLUMBIA REGISTER

**DEPARTMENT OF HUMAN SERVICES
NOTICE OF PUBLIC MEETING**

Pursuant to requirements of the Rehabilitation Act (29 U.S.C. 721(a)(16)), the Department of Human Services, Rehabilitation Services Administration, hereby gives notice of a public meeting for the purpose of obtaining public comment and input on the promulgation of the attached proposed rules governing the administration and operation the District of Columbia Vocational Rehabilitation Services Program. The public meeting will be held on Tuesday, November 7, 2006 from 9:30 a.m. to 12:30 p.m., at 810 First Street, N.E., 10th Floor conference room.

Comments are solicited from consumers, service providers, advocacy organizations and other interested individuals on proposed regulations that will guide the development of policies and procedures implementing the proposed regulations.

Individuals who wish to offer oral comments will be provided up to ten (10) minutes during the public meeting and are asked to contact the Office of Quality Assurance and Federal Compliance at (202) 442-8670 (Voice and TDD) before 4:45 p.m. on Monday, November 6, 2006. Interested individuals will be asked to provide their name, address, telephone number and organization affiliation, if any, and to submit two (2) copies of their comments at the time of the meeting.

Individuals desiring to submit written statements or comments to be included in the meeting record should mail them, no later than 4:45 p.m. on Wednesday, November 1, 2006. Oral and written comments will be considered prior to publication of the final rulemaking.

All interested individuals shall also have the opportunity to submit written comments after the public meeting, but no later than sixty days (60) from the publication date of the Notice of Proposed Rulemaking. All written comments may be submitted to:

Rehabilitation Services Administration
Office of Quality Assurance and Federal Compliance
810 First Street, N.E.
Washington, D.C. 20002
Attention: James Tolbert, Program Monitor

Audio tape recordings and/or written copies of the regulations relevant to the Public Hearing are available at the Martin Luther King Jr. Memorial Library, 902 G Street, N.W., and at the Office of Quality Assurance and Federal Compliance at the address above. Additional questions may be directed to the Office of Quality Assurance and Federal Compliance at (202) 442-8670 (Voice and TDD).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED RULES AND
SECOND NOTICE OF PROPOSED RULEMAKING

The Interim Director of the D.C. Department of Human Services, pursuant to authority set forth in the Rehabilitation Services Program Establishment Act of 2004 (Act) effective April 12, 2005 (D.C. Law 15-332; D.C. Official Code § 32-332), and Mayor's Order 2002-173, dated October 14, 2002, hereby withdraws its Notice of Proposed Rulemaking amending Chapter 1 Title 29 of the District of Columbia Municipal Regulations published in D.C. Register volume 53, number 6, pages 7398-7438, on Friday September 8, 2006, and hereby gives a second notice of the intent to amend Chapter 1 of Title 29 of the District of Columbia Municipal Regulations by adopting a new § 117 and §§ 119-126 and to amend § 199 by deleting the entire section and replacing it with new language. The proposed rules will become final in not less than sixty (60) days from the date of this publication of the notice in the D.C. Register and affords interested individuals the opportunity to participate in a public meeting as required by the Rehabilitation Act (29 U.S.C. 721(a)(16)) and to submit oral and written comments following the conclusion of the public hearing in accordance with D.C. Official Code § 2-505. Oral and written comments will be considered prior to publication of the final rulemaking.

The proposed sections provide program standards and procedures for the provision of vocational rehabilitation services, including post-secondary education, transition services, and entrepreneurial services. The proposed sections also describe the process for payment for services and goods, client financial participation, order of selection, and record closure for eligible individuals receiving vocational rehabilitation services, and independent living services.

Title 29 DCMR, Chapter 1 is amended by adopting a new Section 117:**117 REASONS FOR CLOSURE OF THE RECORD OF SERVICES**

117.1 The Rehabilitation Services Administration shall close a client's record of services after the client:

- (a) Maintains a successful employment outcome for a period of ninety (90) days or more in accordance with § 116;
- (b) Indicates in writing that he or she no longer wishes to participate in the rehabilitation program;
- (c) Fails to comply with the vocational rehabilitation process, required assessments or with provisions agreed to in the Individualized Plan for Employment (IPE) or Independent Living Plan (ILP) and is not working with the Rehabilitation Services Administration to remedy any problems or develop a new IPE or ILP;

- (d) Fails to respond to a notice of the Rehabilitation Services Administration's intent to close the client's case;
- (e) Ceases to meet the eligibility criteria for participation in the rehabilitation program in accordance with § 103;
- (f) Is determined to be incapable of achieving an employment outcome as defined in § 199, because of the severity of the individual's disability in accordance with § 103;
- (g) Ceases to be present in the District of Columbia or cannot be located;
- (h) Is determined to have an open vocational rehabilitation case in another state or United States territory;
- (i) Is institutionalized for ninety days or more or is unavailable for services;
- (j) Is determined not to have an impediment to employment or not to have a need for independent living;
- (k) Is unable to accept or maintain employment because suitable transportation was either not feasible or not available;
- (l) Is determined not to need vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with their strengths, resources, priorities, concerns, abilities, capabilities and informed choice in accordance with section §103;
- (m) Is unable to access a source of extended services;
- (n) Is placed in a non-integrated setting for a public or non-profit organization after receipt of services;
- (o) Transfers to another Agency;
- (p) Dies; or
- (q) Is determined to have no disabling condition.

117.2

Before closing an individual's record of service based on a determination that the individual is incapable of achieving an employment outcome due to the severity of the disability, the Rehabilitation Services Administration shall give the individual an opportunity to participate in a trial work experience with appropriate supports, or if a trial work experience is not available, the Rehabilitation Services

Administration shall perform an extended evaluation to determine if the individual is capable of benefiting from vocational rehabilitation services to achieve an employment outcome, in accordance with § 103.

- 117.3 Before closing an individual's record of service, the Rehabilitation Services Administration shall:
- (a) Give the applicant or eligible individual thirty (30) days written notice of the proposed closure;
 - (b) Provide an opportunity for consultation with the individual or, as appropriate, the individual and the individual's representative; and
 - (c) Record in the client's record of services the responses or views of the eligible individual and, as appropriate, the individual's representative, or the client's failure to respond to the thirty (30) days notice of closure and opportunity for consultation.
- 117.4 When the Rehabilitation Services Administration closes a record of services, the applicant or eligible individual or, as appropriate, the individual and the individual's representative are provided advance written notice of:
- (a) The reasons for the decision to close the record;
 - (b) The individual's appeal rights and the means by which the individual may express and seek remedy for any concerns regarding the record closure, including the opportunity for an administrative review, mediation or an administrative hearing; and
 - (c) The Client Assistance Program's role in client representation.
- 117.5 If the Rehabilitation Services Administration closes a record of services based on a determination that an individual is ineligible for services, the Rehabilitation Services Administration shall refer the individual to other agencies and programs, including, when appropriate, the independent living services program, pursuant to § 104.
- 117.6 If the Rehabilitation Services Administration closes a record of services based on a determination that the individual is incapable of achieving an employment outcome because of the severity of the individual's disability, the Rehabilitation Services Administration shall review the decision within twelve (12) months, after giving the individual written notice of and the opportunity to participate in the review, unless one of the following applies:
- (a) The individual refuses the review;

- (b) The individual is no longer present in the District of Columbia or cannot be located; or
- (c) The individual has a medical condition which is rapidly progressing or is terminal.

117.7

The Rehabilitation Services Administration shall not close an applicant's record before completing the eligibility determination process, unless:

- (a) The applicant declines to participate in, or is unavailable to complete the eligibility assessment process pursuant to § 109, and the Rehabilitation Services Administration has documented at least three attempts to contact the applicant or representative, if appropriate, including by telephone and in writing, and the applicant or representative has not responded;
- (b) The applicant fails to complete the assessment process for determining eligibility and priority for services, and existing information is insufficient to facilitate an eligibility determination; or
- (c) The applicant notifies the Rehabilitation Services Administration that he or she is no longer present in the District of Columbia or has moved to another jurisdiction.

117.8

The Rehabilitation Services Administration shall consider an individual rehabilitated when either:

- (a) The individual has met all of the goals stated in the ILP; or
- (b) The Rehabilitation Services Administration determined the individual's eligibility in accordance with §§ 102 and 103;
- (c) The Rehabilitation Services Administration performed an assessment to determine the individual's rehabilitation needs and provided a comprehensive assessment, where required, and counseling and guidance in determining an appropriate employment goal;
- (d) The Rehabilitation Services Administration provided appropriate vocational rehabilitation services, in accordance with the individual's IPE, which contributed to the achievement of the employment outcome;
- (e) The individual achieved the employment outcome that is described in the IPE; and
- (f) The individual maintained the employment outcome for at least ninety (90) days, and agreed with the rehabilitation counselor at the end of that ninety (90) days that:

- (1) The individual's employment was satisfactory;
- (2) The individual was performing satisfactorily on the job;
- (3) The individual planned to continue the employment; and
- (4) The individual has been informed of the availability of post employment services.

- 117.9 After the Rehabilitation Services Administration determines that an individual has been rehabilitated, the Rehabilitation Services Administration shall close the individual's record of services.
- 117.10 The Rehabilitation Services Administration shall provide post-employment services as defined in § 199, after the Rehabilitation Services Administration has closed the record of services, if they are necessary to assist the individual in maintaining, regaining, or advancing in employment.
- 117.11 The Rehabilitation Services Administration shall review and reevaluate annually for a minimum of two (2) years and subsequently at the request of the individual, or, if appropriate, the individual's representative, the status of each individual placed in extended employment in a community rehabilitation program or in supported employment who is not earning the minimum wage to determine the interests, priorities and needs of the individual with respect to competitive employment or training for competitive employment.
- 117.12 If the Rehabilitation Services Administration conducts a review pursuant to § 117.11, the individual or, if appropriate, the individual's representative, shall provide input into the review and sign an acknowledgment that the review and reevaluation have taken place.
- 117.13 Following a review and revaluation under § 117.11, and a determination that the individual can achieve an employment outcome, the individual's record of services shall be reopened, and the IPE amended to reflect the individual's current rehabilitation program.

Title 29 DCMR, Chapter 1 is amended by adding new Sections 119-126:

119 PAYMENT FOR REHABILITATION SERVICES

- 119.1 The Rehabilitation Services Administration shall pay only for services that are:
- (a) Required to complete the assessment or evaluation process;

- (b) Identified on the client's Individualized Plan for Employment (IPE) or Independent Living Plan (ILP);
- (c) Preauthorized and approved by the Rehabilitation Services Administration through a signed purchase order or other authorizing document, pursuant to the D.C. Procurement Practices Act (D.C. Official Code § 2-301 *et. seq.*) and procedures;
- (d) Determined satisfactory based upon the Rehabilitation Services Administration's evaluation of the services; and
- (e) Not available through a comparable service or benefit pursuant to § 114.

119.2 The Rehabilitation Services Administration shall pay only the portion of the cost of services identified as the responsibility of the Rehabilitation Services Administration in the client's IPE or ILP, and shall not pay costs that have been designated as the client's financial responsibility.

119.3 Each service provider who is subject to District of Columbia or other state licensure or certification requirements shall provide evidence of a valid license or certification before the Rehabilitation Services Administration may authorize the provider to render services to its clients. The provider shall maintain licensure or certification during each period of rendering the authorized services. Providers selected must be authorized prior to rendering services as a District vendor pursuant to the District of Columbia Procurement Practices Act (D.C. Official Code § 2-301 *et. seq.*).

119.4 Each college or university shall be accredited by an appropriate District, state, or national accrediting organization before the Rehabilitation Services Administration may authorize a client to attend that institution or authorize payment to that institution.

119.5 A private career or proprietary school or other institution subject to regulation shall provide evidence of a valid license, certificate of approval or certification issued by the appropriate licensing or accreditation authority authorizing the institution to provide the specific courses of instruction or services the individual is seeking before the Rehabilitation Services Administration may authorize an individual to attend that institution or authorize payment to that institution.

119.6 Each provider of services shall meet the requirements of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101 *et seq.*).

119.7 Each provider shall submit a detailed, completed, and signed invoice for services rendered, along with any required reports or information, in accordance with procedures established by the D.C. Government, before the Rehabilitation Services Administration may authorize payment to the provider or initiate a

payment request. The Rehabilitation Services Administration may return to the provider each invoice not properly signed, completed, and accompanied by required reports.

119.8

A provider may not charge or accept payment from an individual client of the Rehabilitation Services Administration, the individual's family, or a third party for authorized services, unless the amount of the individual's financial responsibility to the provider has been:

- (a) Preauthorized by the Rehabilitation Services Administration;
- (b) Agreed to by the individual in writing; and
- (c) Incorporated into the Rehabilitation Services Administration's written authorization for services to the provider.

119.9

The Rehabilitation Services Administration shall pay for authorized services at a rate not higher than the provider's customary charge.

119.10

The Rehabilitation Services Administration shall pay for all authorized services in accordance with the Procurement Practices Act (D.C. Official Code § 2-301 *et. seq.*).

120

PAYMENTS FOR GOODS

120.1

The Rehabilitation Services Administration shall pay only for goods that are:

- (a) Determined by the Rehabilitation Services Administration to be necessary for the client to participate in the assessment or evaluation process;
- (b) Identified on the client's Individualized Plan for Employment (IPE) or Independent Living Plan (ILP);
- (c) Preauthorized and approved by the Rehabilitation Services Administration through either a signed purchase order or other authorizing document;
- (d) Determined satisfactory by the Rehabilitation Services Administration; and
- (e) Not available through a comparable service or benefit pursuant to § 114.

120.2

The Rehabilitation Services Administration shall pay only the portion of the cost of goods identified as the responsibility of the Rehabilitation Services Administration on the client's IPE in accordance with § 124, and shall not pay costs that have been designated as the client's financial responsibility.

- 120.3 Each provider of goods shall comply with the requirements of § 119.3 during the entire period of providing goods.
- 120.4 If a provider supplies goods pursuant to a purchase order or other authorizing document, the provider shall submit the invoice for the delivered goods in accordance with procedures established by the Rehabilitation Services Administration. The amount of the invoice shall not exceed the cost specified in the purchase order or authorizing document.
- 120.5 A provider may not charge or accept payment from a client of the Rehabilitation Services Administration, the client's family, or a third party for authorized goods unless the amount of the client's financial responsibility to the provider has been:
- (a) Preauthorized by the Rehabilitation Services Administration;
 - (b) Agreed to by the client in writing; and
 - (c) Incorporated into the Rehabilitation Services Administration's authorization for goods from the provider.
- 120.6 The Rehabilitation Services Administration shall pay for authorized goods at a rate equal to or lesser than:
- (a) The provider's customary charge; and
 - (b) The rate established as the result of competitive bidding conducted by the Department of Human Services, Office of Contracts and Procurement as reflected in an issued purchase order.
- 120.7 The Rehabilitation Services Administration shall not purchase vehicles, land, or buildings or pay for the cost of construction or additions to a building.
- 120.8 The Rehabilitation Services Administration shall provide no more than one (1) pair of glasses and frames per year unless additional glasses are required by a change in prescription, and no comparable benefit is available to pay for the glasses.
- 120.9 The Rehabilitation Services Administration may purchase assistive technology devices and aids for an eligible individual pursuant to an assistive technology assessment which establishes a need for the device, if no comparable benefit is available to pay for the assistive technology device(s).
- 120.10 The Rehabilitation Services Administration shall provide no more than one of each type of assistive technology device or aid unless a new evaluation shows that a replacement or additional device or aid is warranted.

- 120.11 The Rehabilitation Services Administration shall provide computers, books, tools, and other training materials that are necessary to complete training pursuant to § 113.2, only after an eligible individual provides one of the following:
- (a) Written verification from the chairperson of the relevant department, or director of the training program, that a specific computer or specific books, tools, and other training materials are required for the course of study;
 - (b) The catalog or syllabus for the course which specifies that a specific computer or specific books, tools, and training materials are a requirement for all students; or
 - (c) Written documentation from a licensed professional that the eligible individual requires a specific computer, or specific books, tools, and training materials as an accommodation for the client's disability and functional limitations.
- 120.12 The Rehabilitation Services Administration shall not pay for upgrades, repairs, or maintenance for computer systems or operating programs except as provided in § 120.11.
- 120.13 When an individual provides documentation that a computer is required to complete training pursuant to § 120.11, the Rehabilitation Services Administration shall first determine if a comparable computer is available through the computer loan program. If no computer is available pursuant to the computer loan program, the Rehabilitation Services Administration shall purchase a computer for use by the individual.
- 120.14 A client's request for a computer, books, tools and training equipment made in accordance with §§ 113 and 120.11 must be submitted by the client as soon as possible, but no later than one week after the first day of training, and must include the cost of each item or supply requested. Failure to comply with § 120.11 may result in a delay of the receipt of supplies.
- 120.15 The Rehabilitation Services Administration may establish other reasonable purchase requirements from time to time, through public notice.
- 120.16 The Rehabilitation Services Administration shall pay for all goods authorized in accordance with the Procurement Practices Act (D.C. Official Code § 2-301 *et. seq.*).

**121 PAYMENT FOR DENTAL SERVICES, PRESCRIPTION GOODS,
PRESCRIPTION DRUGS AND MEDICAL SUPPLIES**

121.1 The Rehabilitation Services Administration shall pay for dental services under the following circumstances:

- (a) The dental condition is documented by a licensed and certified dental professional as:
 - (1) Secondary rather than a primary impairment, and services are necessary to render the individual employable or are required to prevent a serious physical illness; or
 - (2) A significant maxillofacial problem and/or disease of the gums that is a serious impediment to employment or may cause or aggravate specific health condition;
- (b) Comparable benefits are not available in accordance with § 114;
- (c) The dental consultant, who is not the treating dentist, has reviewed and approved the dental service to ensure that the service provided is necessary to achieve the individual's vocational goal or independent living goal;
- (d) The Rehabilitation Services Administration has approved the services for payment; and
- (e) The treating dentist provides a post-dental service report.

121.2 The Rehabilitation Services Administration shall purchase prescription goods, prescription drugs, and medical supplies under the following circumstances :

- (a) The Rehabilitation Services Administration determines it is necessary to achieve the individual's vocational goal or independent living goal;
- (b) The Rehabilitation Services Administration determines that no comparable benefit is available to the client, in accordance with § 114;
- (c) A current, valid prescription from an authorized medical professional is provided; and
- (d) Unless a particular brand is specified by an authorized medical professional, the Rehabilitation Services Administration shall purchase generic drugs.

121.3 The Rehabilitation Services Administration shall procure authorized dental services, prescription goods, and medical supplies in accordance with the Procurement Practices Act (D.C. Official Code § 2-301 *et. seq.*).

122 POST-SECONDARY EDUCATION

122.1 The Rehabilitation Services Administration may fund post-secondary educational expenses in accordance with this section, and as specified in an eligible individual's Individualized Plan for Employment (IPE).

122.2 The Rehabilitation Services Administration may fund post-secondary education and training consistent with § 122.3(b) if an eligible individual requesting post-secondary educational services:

- (a) Provides documentation of acceptance for matriculation from an accredited post-secondary institution as defined in § 199;
- (b) Demonstrates the aptitude and ability to succeed in college level work in the particular course of study identified in the IPE through either past post-secondary academic performance or a diagnostic assessment conducted by a qualified professional, which shall include, at a minimum:
 - (1) A career assessment; and
 - (2) Psycho-educational assessment;
- (c) Resolves any defaulted student loan or obtains a waiver from the Department of Education regarding any defaulted student loan;
- (d) Submits a financial aid application annually to the following:
 - (1) The post-secondary institution the individual is attending or to which the individual has applied;
 - (2) The D.C. Tuition Assistance Grant, if applicable;
 - (3) All other District or state funded educational assistance programs and school grants or financial aid;
 - (4) The U.S. Department of Education (The Free Application for Federal Student Aid (FAFSA));
 - (5) All federal grant programs, including the Pell Grant; and
 - (6) The Leverage Educational Assistance Program (LEAP);

- (e) Provides the Rehabilitation Services Administration a copy of the FAFSA Student Aid Report (SAR) and any other aid award from each source; and
- (f) Signs the Rehabilitation Services Administration's form authorizing the post-secondary institution to provide the Rehabilitation Services Administration with information relating to the individual's training or educational program, including, but not limited to:
 - (1) A copy of the individual's official transcript;
 - (2) A copy of the individual's grades at the conclusion of each semester;
 - (3) Attendance records;
 - (4) Financial awards; and
 - (5) Notice of any disciplinary or adverse action.

122.3

The amount of financial assistance the Rehabilitation Services Administration may provide for post-secondary educational and training expenses for each eligible individual shall not exceed:

- (a) The amount specified in the annual student expense budget determined by the post-secondary institution's financial aid administrator, in accordance with the Higher Education Act of 1965 (20 U.S.C. § 1071 *et. seq.*) as amended:
 - (1) Plus the cost of educational and training-related expenses that are required to enable the individual to have access to and participate in the institution's educational or training program, such as:
 - (A) Disability-related support services for which the institution is not responsible;
 - (B) Adaptive equipment for which the institution is not responsible in accordance with § 120; and
 - (C) Books and supplies in accordance with § 120;
 - (2) Minus the amount of:
 - (A) Grants and scholarships awarded to the individual to attend the post-secondary institution; and

- (B) The individual or family financial participation in accordance with §124;
- (b) The published tuition rate of the University of the District of Columbia, or other public District of Columbia post-secondary institution, unless the Administrator approves an exception under one of the following circumstances:
- (1) If the University of the District of Columbia or other public District of Columbia post-secondary institutions does not provide the course of study or program essential to achievement of a client's vocational goal, the Rehabilitation Services Administration shall pay for education and training at a public post-secondary institution in the Washington, D.C. Metropolitan Area;
 - (2) If the University of the District of Columbia, other public District of Columbia post-secondary institutions, or a Washington, D.C. Metropolitan Area public post-secondary institution does not provide the course of study or program essential to achievement of a client's vocational goal, the Rehabilitation Services Administration shall pay the published in-state tuition rate of the public post-secondary institution located in another state; or
 - (3) If there is no public post-secondary institution in the District of Columbia, District of Columbia Metropolitan Area, or other state that provides the course of study or program essential to achievement of the client's vocational goal, the Rehabilitation Services Administration shall allow a client to attend a private post-secondary institution, but shall only pay an amount of tuition equal to the highest published in-state tuition rate of a public post-secondary institution located in the state where the private post-secondary institution is located.
- 122.4 Before the Administrator approves an exception pursuant to § 122.3(b), the eligible individual shall work with the assigned vocational rehabilitation counselor to document the availability of the program that is essential to achieve the vocational goal in accordance with the priority of attendance set forth in § 122.3(b).
- 122.5 Costs related to the individual's choice to attend a post-secondary institution outside of the District of Columbia or a private institution that exceed the costs specified in § 122.3 are the responsibility of the individual unless the Administrator approves an exception pursuant to § 122.3(b).
- 122.6 The Rehabilitation Services Administration shall not fund on or off-campus room

and board, except in exceptional circumstances. Exceptional circumstances shall be documented annually, and shall include the following circumstances:

- (a) The post-secondary educational institution requires on-campus housing, and the requirement is documented by the student handbook or other official school documents annually; or
- (b) On-campus housing is necessary to accommodate a client's disabilities, as documented annually by a professional with expertise in the area of the individual's disability.

122.7

An eligible individual who is receiving post-secondary educational expenses in accordance with this section, shall continue to receive financial assistance, subject to the availability of program funds, if the individual:

- (a) Maintains eligibility in accordance with § 103;
- (b) Maintains a minimum cumulative grade point average of C or its equivalent, computed annually;
- (c) Maintains eligibility for financial aid in accordance with the post-secondary institution's written criteria for satisfactory academic progress toward a degree, certificate, or certification;
- (d) Attends only one post-secondary institution per academic/training year, transferring only after receiving prior approval of the Rehabilitation Services Administration and the amendment of the IPE to reflect the new institution;
- (e) Secures the prior approval of the Rehabilitation Services Administration and amends the IPE to specify any change(s) before changing the course of study or the major agreed upon in the individual's IPE;
- (f) Keeps current his or her financial obligations with the post-secondary institution;
- (g) Participates in annual reviews for financial participation in the cost of services pursuant to § 124;
- (h) Resolves any defaulted student loans or obtains a waiver from the Department of Education regarding any defaulted student loans;
- (i) Annually submits a financial aid application in accordance with § 122.2(d);

- (j) Annually provides the Rehabilitation Services Administration a copy of the FAFSA Student Aid Report (SAR) and any other aid awards or scholarships from all sources in accordance with § 122.2(e); and
- (k) Signs the Rehabilitation Services Administration's form authorizing each post-secondary institution to provide the Rehabilitation Services Administration with information relating to the individual's training or educational program pursuant to § 122.2(f), at the end of each semester, for the duration of any training program, and the institution has provided the individual's cumulative grade point average.

122.8 An individual must obtain prior written approval from the Rehabilitation Services Administration for any costs the individual expects the Rehabilitation Services Administration to assume. The Rehabilitation Services Administration shall not be responsible for the payment of any post-secondary educational or training costs that the individual may incur before receiving the Rehabilitation Services Administration's written commitment to fund the costs at the post-secondary educational or training institution.

122.9 The Rehabilitation Services Administration shall authorize and process payment of post-secondary educational and training expenses, consistent with §§ 119, 120, 121 and this section, only after:

- (a) The Rehabilitation Services Administration receives the individual's cumulative grade point average at the end of each academic year; and
- (b) The institution submits to the Rehabilitation Services Administration an invoice that states at a minimum, the costs for courses, training, registration, fees, and other agreed upon services.

122.10 The Rehabilitation Services Administration may approve only one transfer from one post-secondary institution to another post-secondary institution and only one change in the vocational goal during the vocational rehabilitation process, unless the Administrator determines that exceptional circumstances warrant a change.

122.11 The Rehabilitation Services Administration shall not fund the costs of a post-secondary education for, at the least, the academic semester following:

- (a) Dismissal by a post-secondary institution;
- (b) The individual's failure to maintain satisfactory academic or other progress in accordance with the institution's academic or performance requirements or financial aid eligibility criteria; or

- (c) The individual's failure to meet the institution's requirements for progress toward earning a degree or to earn the requisite certificate for the course of study.
- 122.12 Subsequent to § 122.11, the Rehabilitation Services Administration may reconsider funding costs of post-secondary education if the individual:
- (a) Provides documentation of successful completion of a C or better while maintaining a full-time schedule at a post-secondary educational institution for one semester; and
- (b) Complies with the requirements set forth in § 122.7.
- 122.13 The Rehabilitation Services Administration may consider or reconsider an individual's written request to pursue a post-secondary educational program on less than a full-time basis, only if the request is accompanied by written documentation from a licensed professional with expertise in the area of the individual's disability, who has assessed the individual's capabilities, and the individual's need for a reduction from full-time attendance due to their disability. The individual shall submit the request and written documentation annually.
- 122.14 The Rehabilitation Services Administration shall not provide financial assistance for an individual to:
- (a) Attend summer school, a summer program, or an enrichment course that is not a required course, and can be completed during the academic year;
- (b) Engage in travel that is not a requirement for completion of their course of study or training or travel outside of the United States; or
- (c) Repeat a course or training program.
- 122.15 An individual shall not withdraw from a course after the institution's drop and add period is over without receiving the Rehabilitation Services Administration's prior approval. This requirement for prior approval includes instances where the individual has a medical certification of incapacitation that prevents further matriculation.
- 122.16 An individual who fails to comply with § 122.15 shall be responsible for paying the institution any costs associated with the individual's unauthorized withdrawal.
- 122.17 An individual receiving funding for post-secondary education or related expenditures shall notify the Rehabilitation Services Administration immediately of any change in his or her status as a student or trainee, such as:

- (a) Dismissal or suspension from a post-secondary institution or training program; and
 - (b) Interruption in courses or training for any reason, and disciplinary actions that affect completion of the post-secondary or training program.
- 122.18 An individual who fails to comply with § 122.17 shall be responsible for paying the institution any costs associated with the individual's failure to report an immediate change in his or her status as a student or trainee.
- 122.19 The Rehabilitation Services Administration shall not pay for the costs of post-secondary education for the semester in which the individual fails to comply with § 122.17.
- 122.20 The Rehabilitation Services Administration may provide financial assistance to an eligible individual for graduate education only when:
- (a) Graduate or professional certification is documented as a commonly recognized standard for entry into the field which is the employment goal on the IPE;
 - (b) The approved IPE states that graduate or professional education is necessary and essential to the achievement of the individual's employment goal;
 - (c) The graduate or professional school has accepted the individual;
 - (d) The Rehabilitation Services Administration approves the request for graduate or professional study; and
 - (e) The individual who is enrolled in a graduate or professional program maintains the grade point average required by the graduate or professional school for progress toward the specific degree or certificate.
- 122.21 An individual who is receiving services under an IPE before the effective date of this section shall not be subject to §§ 122.3(b), 122.4, 122.5, and 122.6 unless:
- (a) The vocational goal identified in the IPE is achieved;
 - (b) The individual's record of service is closed; or
 - (c) The individual changes their vocational goal, course of study, or major agreed upon in the individual's IPE.
- 122.22 An individual who is pursuing a graduate education under an IPE before the

effective date of this section shall not be subject to § 122.20 until the vocational goal identified in the IPE is achieved or their record of service is closed.

123 THE ENTREPRENEURIAL PROGRAM

123.1 The Rehabilitation Services Administration shall provide an entrepreneurial program that assists a client in starting his or her own business in the District of Columbia.

123.2 When an eligible individual elects a self-employment outcome, the vocational rehabilitation counselor shall:

- (a) Explore and discuss with the individual the nature of the desired business, the feasibility of the business, and the individual's preparation for operating the business;
- (b) Prepare a written referral to the entrepreneurial program for the individual who wishes to pursue a self-employment goal;
- (c) Schedule an interview for the individual and the counselor to consult with the entrepreneurial program;
- (d) Inform the individual about:
 - (1) How the entrepreneurial program works;
 - (2) Required training and training sources for would-be entrepreneurs;
 - (3) The type of business funding that is available;
 - (4) The type of funding the would-be entrepreneur must obtain to start the business enterprise; and
 - (5) The support services that are available to assist the entrepreneur in determining the feasibility of the business, preparing for the business, preparing the business plan, and seeking funding for the business;
- (e) Determine, along with the individual, any supportive services the individual may require to participate in the entrepreneurial training, prepare the business plan, and prepare for operation of the business; and
- (f) After receipt of the Entrepreneurial Program's report and recommendation for entrepreneurial services, develop an Individualized Plan for Employment (IPE) that addresses the individual's entrepreneurial goal, training needs and supportive services.

123.3

Upon receipt of a referral for entrepreneurial services, the Entrepreneurial Program shall consult with the individual and the counselor to:

- (a) Assess the individual's:
 - (1) Entrepreneurial interest;
 - (2) Past training and related experiences;
 - (3) Practical skills for operating a business; and
 - (4) Command of the skills necessary to operate a business or be self-employed in accordance with the entrepreneurial goal;
- (b) Determine training required to prepare the individual to open and operate the determined business;
- (c) Assess how the individual's disability may affect his or her ability to operate the business; and
- (d) Determine supports or services the individual may require to operate the business.

123.4

The Entrepreneurial Program shall send a report and recommendation for services to the individual's counselor for IPE development to provide for the training and support services the individual requires to learn how to operate a business, develop a business plan and open and operate the business, after completion of an assessment of the individual's entrepreneurial skills and needs.

123.5

The Rehabilitation Services Administration may purchase goods and services for a business enterprise, including the occupational licenses, tools, equipment, initial stocks, and supplies necessary to open the business, in accordance with §§119, and 120, only after the individual:

- (a) Demonstrates that he or she possesses the basic knowledge and skills required to manage a business through either:
 - (1) Successful completion of training as required in the individual's IPE;
 - (2) Successful completion of related courses; or
 - (3) Past work experience or entrepreneurial experience;

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- (b) Submits a business plan completed in accordance with § 123.8, and approved by the Chief of the Entrepreneurial Program;
- (c) Submits a request for funding; and
- (d) Provides documentation of any additional funding secured for the business.

123.6

In accordance with § 123.3 (a)(2), an individual may demonstrate knowledge and skills required to manage a business by providing documentation of completion of the following or comparable courses with a cumulative grade point average of "C" or better at an accredited college or university as a regular or non-degree student:

- (a) Entrepreneurship/self-employment;
- (b) Principles of Accounting;
- (c) Introduction to Business;
- (d) Principles of Finance; and
- (e) Marketing.

123.7

In accordance with § 123.3(a)(3), an individual may demonstrate knowledge and skills required to manage a business through past work or entrepreneurial experience by providing the following documentation:

- (a) A detailed description of the work or entrepreneurial experience that he or she believes demonstrates the knowledge and skills required to operate a business;
- (b) The nature of the business;
- (c) Clientele served;
- (d) Numbers of clients/customers;
- (e) The location of the business;
- (f) The number of years he or she operated the business; and
- (g) The reason why the business ceased to operate or why the individual ceased to function with the business.

123.8

In accordance with § 123.5(b), an individual must provide a business plan that:

- (a) Describes the nature of the business and the income source;
- (b) Identifies funding sources other than the Rehabilitation Services Administration and projects income streams that are sufficient to maintain the business;
- (c) Provides a Five Year Plan for the business that addresses:
 - (1) Five years of projected sales;
 - (2) The targeted clientele;
 - (3) The full range of services to be offered; and
 - (4) Sustainability of the business for a five-year period and in a downturned market;
- (d) Identifies the specific items and costs for which the business is seeking funding from the Rehabilitation Services Administration and states the role they are to play in the operation of the business and generation of business income; and
- (e) Is approved by the Chief of the Entrepreneurial Program.

123.9 The Rehabilitation Services Administration, directly or through its training sources, shall assist the client in identifying a lending institution to which the client may apply for a business loan, if the client successfully completes all of the required training and develops a business plan that meets the Rehabilitation Services Administration's approval.

123.10 An individual who is receiving services under an IPE which specifically identifies an entrepreneurial vocational goal before the effective date of this section shall continue to be served in accordance with their IPE until the vocational goal identified in the IPE is achieved or their record of service is closed.

124 CLIENT PARTICIPATION IN THE COST OF SERVICES

124.1 The Rehabilitation Services Administration shall consider the financial need of an eligible individual through uniform application of a financial need test. The test shall accord equitable treatment in determining an eligible individual's participation in the cost of rehabilitation services that are subject to the financial need test pursuant to §§ 124.5 and 124.6, and authorized by the Rehabilitation Services Administration.

124.2 Unless an eligible individual is exempt from participation in the financial need test pursuant to §§ 124.3, 124.4 or 124.17, an eligible individual shall participate in a financial need test:

- (a) At the time the first Individualized Plan for Employment (IPE) or Independent Living Plan (ILP) is developed;
- (b) Annually on or around the date that the first IPE or ILP became effective;
- (c) Each time an IPE or ILP is amended; and
- (d) Each time there is a change in an eligible individual's financial status.

124.3 An eligible individual is not required to contribute to the cost of vocational rehabilitation services if they are:

- (a) A ward of the District of Columbia Government because of dependency or delinquency commitments;
- (b) A recipient of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI);
- (c) A client of the Income Maintenance Administration who meets the requirements for Income Maintenance Administration-related rehabilitation programs; or
- (d) An eligible individual receiving any other form of public assistance income.

124.4 The following vocational rehabilitation services and independent living services shall not be subject to a financial need test:

- (a) Assessment and related services to determine eligibility, priority for services, and vocational rehabilitation needs;
- (b) Counseling, guidance and referral services that the Rehabilitation Services Administration provides;
- (c) Maintenance when additional costs are incurred as a result of undertaking or participating in assessment services;
- (d) Transportation when required to enable an individual to participate in assessment services;
- (e) Personal assistance services during the assessment process;

- (f) Placement services, including job coaching and on-job training that the Rehabilitation Services Administration provides;
- (g) Auxiliary aids or services such as interpreter services or reader services that an individual requires in order to participate in the assessment process; and
- (h) Non-assessment services that are provided to an individual with a significant disability during either an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences or an extended evaluation.

124.5

The following rehabilitation services, shall require the financial need test to determine the eligible individual's participation in the cost of rehabilitation services as shown on the Client Financial Statement:

- (a) Physical and mental restoration;
- (b) Maintenance;
- (c) Telecommunications, sensory and other technological aids and devices;
- (d) Transportation for other than diagnostic services;
- (e) Training;
- (f) Occupational licenses;
- (g) Books and training materials;
- (h) Tools, equipment and initial stock; and
- (i) Supplies and other goods and services including services to family members.

124.6

The following independent living rehabilitation services shall require the financial need test to determine the eligible individual's participation in the cost of rehabilitation services as shown on the Client Financial Statement:

- (a) Physical and mental restoration services;

- (b) Housing incidental to the provision of any independent living rehabilitation services, including appropriate accommodations to and modifications of any space utilized to serve individuals with severe disabilities;
- (c) Transportation;
- (d) Recreational services;
- (e) Services to family members of individuals with severe disabilities of a type which would require economic need consideration when necessary for improving the individual with disabilities' ability to live and function more independently; and
- (f) Telecommunication, sensory and other technological aids and devices.

124.7 The following individuals shall participate in the cost of rehabilitation services:

- (a) The applicant or eligible individual; and
- (b) Any other individual who:
 - (1) Claims the applicant or eligible individual as a dependent for federal tax purposes; or
 - (2) Is required to provide financial information on the eligible individual's free application for federal student aid, in accordance with the Higher Education Act of 1965, (20 U.S.C. §§ 1071 *et. seq.*) as amended.

124.8 An individual required to participate in the cost of rehabilitation services, in accordance with this chapter, shall, as a condition for the provision of vocational rehabilitation services:

- (a) Complete the financial statement prescribed by the Rehabilitation Services Administration;
- (b) Promptly notify the Rehabilitation Services Administration of any changes in financial status; and
- (c) Participate in the Rehabilitation Services Administration's review of the eligible individual's financial status, in accordance with §124.2.

124.9 The amount of the eligible individual's financial participation in the cost of rehabilitation services, is based upon available family income and family unit size

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(number of dependents claimed for federal tax purposes) and determined in accordance with the schedule in § 124.12.

124.10

Available income is calculated by:

- (a) Adding annual-adjusted gross income as reported on the most recent federal and state tax return plus current nontaxable income, including but not limited to, Social Security, other than Social Security Insurance (SSI) or Social Security Disability Insurance (SSDI), workers' compensation, and veteran benefits;
- (b) Adding all other income as set forth in § 124.14;
- (c) Subtracting any deductible medical and dental expenses as reported on the Internal Revenue Service Form 1040, Schedule A, of the most recent federal and state tax return; and
- (d) Subtracting any substantiated disability-related expenses not included in deductible dental and medical expenses in paragraph (c) of this subsection.

124.11

When the current income of the eligible individual or the person who claims the individual for federal income tax purposes is substantially different from that reported on the most recent federal tax return, the available income is determined using current financial information.

124.12 Each eligible individual shall participate in the cost of rehabilitation services that are subject to the financial needs test pursuant to §§ 124.5 and 124.6, as shown on the following financial participation schedule:

FINANCIAL PARTICIPATION SCHEDULE

Number of Dependents:	1	2	3	4	5	6	7	8
Available Income	Amount of Annual Individual/Family Financial Participation:							
1. \$19,000 and below	0	0	0	0	0	0	0	0
2. \$19,001- \$23,000	\$184	0	0	0	0	0	0	0
3. \$23,001- \$27,000	\$313	\$219	0	0	0	0	0	0
4. \$27,001- \$31,000	\$471	\$363	0	0	0	0	0	0
5. \$31,001 - \$35,000	\$660	\$536	\$289	0	0	0	0	0
6. \$35,001- \$39,000	\$879	\$740	\$463	\$324	0	0	0	0
7. \$39,001- \$43,000	\$1,128	\$974	\$666	\$513	\$	0	0	0
8. \$43,001- \$47,000	\$1,406	\$1,238	\$900	\$731	\$394	0	0	0
9. \$47,001- \$51,000	\$1,715	\$1,575	\$1,164	\$980	\$613	\$417	0	0
10. \$51,001- \$55,000	\$2,054	\$1,855	\$1,458	\$1,259	\$861	\$663	0	0
11. \$55,001 - \$59,000	\$2,423	\$2,209	\$1,781	\$1,568	\$1,140	\$926	\$499	
12. \$59,001- \$63,000	\$2,821	\$2,592	\$2,135	\$1,906	\$1,449	\$1,220	\$762	0
13. \$63,001- \$67,000	\$3,250	\$3,006	\$2,519	\$2,275	\$1,788	\$1,544	\$1,056	\$569
14. \$67,001- \$71,000	\$3,709	\$3,450	\$2,933	\$2,674	\$2,156	\$1,898	\$1,380	\$86
15. \$71,001 - \$75,000	\$4,198	\$3,924	\$3,376	\$3,103	\$2,555	\$2,281	\$1,734	\$1,18
16. \$75,001- \$79,000	\$4,716	\$4,428	\$3,850	\$3,561	\$2,984	\$2,695	\$2,118	\$1,540
17. \$79,001-\$83,000	\$5,265	\$4,961	\$4,354	\$4,050	\$3,443	\$3,139	\$2,531	\$1,924
18. \$83,001 and above	6.5%	6.125%	5.375%	5%	4.25%	3.875%	3.125%	2.375%

124.13 The amount of individual or family participation when the available income is above eighty three thousand dollars (\$83,000) per year, is determined by multiplying the available income by the percentage shown in the appropriate column.

124.14 The financial resources of an individual, or the family of a dependent individual, means the financial resources that are readily available for the support of the individual. Resources that are readily available during the period of time that the individual has an approved IPE or ILP in effect, include, but are not limited to:

- (a) Wages;

- (b) Pension, compensation, or insurance income;
- (c) Income from investments;
- (d) Income from entrepreneurial activities;
- (e) Assets that can be liquidated within one year from the time the client's vocational rehabilitation program begins such as:
 - (1) Savings accounts;
 - (2) Stocks;
 - (3) Bonds;
 - (4) Certificates of deposit; and
 - (5) Other income available to the client;
- (f) Resources invested in IRA, Keogh, and deferred compensation plans, if those resources can be accessed, without penalty, while the IPE or ILP is in effect; and
- (g) Income from other sources.

124.15 If the individual's required financial contribution pursuant to § 124.12 is equal to or greater than the entire cost of services, the individual is financially responsible for the entire cost of services that are subject to the financial need test pursuant to §§ 124.5 and 124.6.

124.16 When an eligible individual, or any other person, who is required to participate in the financial need test chooses not to participate in the determination of financial need, submit supporting documentation, or contribute financially as required, the Rehabilitation Services Administration shall provide only services that do not require financial participation.

124.17 An individual who is receiving services under an IPE or ILP before the effective date of this section shall continue to be served in accordance with their IPE or ILP, and shall not be subject to the financial needs test until:

- (a) The vocational goal identified in the IPE, or the independent living goal identified in the ILP, is achieved;
- (b) The individual's record of service is closed; or

- (c) The individual's IPE or ILP is amended.

125 OWNERSHIP OF GOODS

125.1 The District of Columbia shall retain legal title to tools, equipment, and supplies provided as part of an individual's rehabilitation program, except as provided in § 125.3.

125.2 An individual shall return goods provided by the Rehabilitation Services Administration if:

- (a) Requested by the Rehabilitation Services Administration;
- (b) The goods are no longer needed for the individual's vocational rehabilitation program or independent living program; or
- (c) The individual is no longer participating in the vocational rehabilitation or independent living program, as agreed to and specified in the individual's signed loaner equipment agreement, Individualized Plan for Employment (IPE), or Independent Living Plan (ILP).

125.3 The Rehabilitation Services Administration may assign the eligible individual title to the following:

- (a) Medical appliances not transferable to or useable by another person;
- (b) Goods provided as part of a business plan that was approved with the understanding that the goods would be used as collateral to leverage funds for the business; and
- (c) Devices or technologies that are associated with the client's disability or are required for the client to maintain the employment outcome.

126 ORDER OF SELECTION OF SERVICES

126.1 The Rehabilitation Services Administration shall provide vocational rehabilitation services based on the availability of funds.

126.2 If sufficient funds are not available to provide vocational rehabilitation services to all eligible individuals, the Rehabilitation Services Administration shall institute an order of selection for services, providing services on a priority basis to eligible individuals with the most significant to the least significant disability, at the time of rendering services, as follows:

- (a) Category I: Individual with a most significant disability.
An individual with a most significant disability is an individual:

- (1) Who first meets the definition of an individual with a significant disability pursuant to § 199 and paragraph (b) of this subsection;
 - (2) Who has a severe physical or mental impairment that seriously limits three or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills in terms of an employment outcome; and
 - (3) Whose vocational rehabilitation can be expected to require multiple, highly specialized vocational rehabilitation services over an extended period of time;
- (b) **Category II: Individual with a significant disability.**
An individual with a significant disability is an individual:
- (1) Who first meets the definition of an individual with a significant disability pursuant to § 199;
 - (2) Who has a severe physical or mental impairment that seriously limits one or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills in terms of an employment outcome;
 - (3) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
 - (4) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation;
- (c) **Category III: Individual with a disability.**
An individual with a disability is an individual:
- (1) Who has a physical or mental impairment that does not meet the criteria set forth in paragraphs (a) and (b) of this subsection;

- (2) Whose impairment constitutes or results in a substantial impediment to employment; and
- (3) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

126.3 If an order of selection is implemented, the Rehabilitation Services Administration shall:

- (a) Notify all eligible individuals of the priority categories in the order of selection, their assignment to a particular category, and their right to appeal their category assignment;
- (b) Provide services to each individual in a higher category before serving any individual in a lower category;
- (c) Maintain a waiting list of each eligible individual that cannot be served;
- (d) Notify each individual as funding becomes available and the individual becomes next in line for services, based on the priority established by the order of selection and the waiting list; and
- (e) Provide each eligible individual who cannot be served with information and referrals to other federal and District of Columbia programs which may be able to meet their employment needs.

126.4 The order of selection shall not apply to:

- (a) An individual applying for or receiving Independent Living Services under Title VII of the Rehabilitation Act; or
- (b) An individual who has begun to receive services under an Individualized Plan for Employment (IPE) before the effective date of the order of selection.

127 TRANSITION SERVICES FOR SECONDARY SCHOOL STUDENTS

127.1 The Rehabilitation Services Administration shall provide students with disabilities, as defined by these regulations, transition services that plan for the student's employment outcome or independent living after the student leaves secondary education.

127.2 The Rehabilitation Services Administration shall provide transition services two years before the student's anticipated exit from secondary education. Transition services shall include the following:

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- (a) Outreach through technical assistance and general information to secondary school staff, students and families on the vocational rehabilitation program and independent living program, including information on eligibility requirements, the application process, scope of services, and linkages with other agencies and organizations to enable the student to move smoothly from secondary education to vocational activities leading to an employment outcome, or an independent living program leading to self-sufficiency;
- (b) Consultation and technical assistance to students referred to or requesting transition services in development of vocational or independent living goals that will be identified in their Individualized Plan for Employment (IPE) or Independent Living Plan (ILP), based on the student's needs, taking into account the student's preferences and interests; and
- (c) During the student's final academic year of secondary education, the Rehabilitation Services Administration shall:
 - (1) Assist the student with completing and submitting an application for vocational or independent living services;
 - (2) Determine the student's eligibility for services; and
 - (3) Develop and approve an IPE or Independent Living Plan (ILP) for each eligible student consistent with §§ 110 and 111, to be implemented upon the student's exiting the secondary educational institution.

127.3 The Rehabilitation Services Administration shall implement an eligible student's IPE or ILP after the student exits the secondary educational institution. If the Rehabilitation Services Administration is operating under an order of selection, the Rehabilitation Services Administration shall implement an eligible student's IPE or ILP for each student who is eligible to be served under the order of selection, after the student leaves the school setting.

127.4 The Rehabilitation Services Administration shall enter into a formal interagency agreement with the state education agency for collaboration in the provision of transition services that includes:

- (a) Consultation and technical assistance to educational agencies in planning for the transition of students with disabilities from school to post school activities, including vocational rehabilitation and independent living services;

- (b) Joint transition planning that facilitates the development, completion and approval of the student's Individualized Education Plan (IEP), IPE, and ILP;
- (c) The roles and responsibilities, including financial responsibilities, of each agency; and
- (d) Procedures for outreach to and identification of students with disabilities who are in need of transition services.

Title 29 DCMR, Chapter 1 Section 199 is amended by deleting the present language of Section 199 and replacing it with the following:

199. DEFINITIONS

199.1 For purposes of this chapter, the following terms and phrases shall have the meanings ascribed below:

Act - the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 701 et seq.).

Applicant - an individual who submits an application for vocational rehabilitation services.

Appropriate modes of communication - specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

Assistive technology device - any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

C.F.R. - the Code of Federal Regulations.

Client - an applicant for vocational rehabilitation services who meets the eligibility requirements.

Client Assistance Program or CAP - the program established pursuant to 34 C.F.R. Part 370 for the purpose of advising, informing, assisting and advocating for applicants and eligible individuals regarding all services and benefits available pursuant to this chapter.

Client Services Division - a division within the Rehabilitation Services Administration, Department of Human Services.

Comparable services and benefits - are:

- (a) Services and benefits that are:
 - (1) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
 - (2) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment in accordance with section 111; and
 - (3) Commensurate to the services that the individual would otherwise receive from the Rehabilitation Services Administration.
- (b) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

Competitive employment - work that is:

- (a) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
- (b) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who do not have a disability.

Department of Human Services - a department within the government of the District of Columbia.

Determination - an official written decision made or an action taken by a representative of the District of Columbia, Department of Human Services, Rehabilitation Services Administration, affecting eligibility or the provision of services.

Eligible individual - an applicant for vocational rehabilitation services who meets the eligibility requirements of subsection 103.1.

Employment outcome - with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined above, in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Extended employment - work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (29 U.S.C § 214(c)).

Extended services - ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a District of Columbia agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under 34 C.F.R. Part 361 and 34 C.F.R. Part 363 after an individual with a most significant disability has made the transition from support provided by the Client Services Division.

Extreme medical risk - a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

Fair Labor Standards Act - the United States Fair Labor Standards Act of 1938, as amended, and codified at 29 U.S.C. §§ 201 *et seq.*

Family member (for purposes of receiving vocational rehabilitation services in accordance with subsection 113.2(i)) - an individual:

- (a) Who either:
 - (1) Is a relative or guardian of an applicant or eligible individual; or
 - (2) Lives in the same household as an applicant or eligible individual;
- (b) Who has a substantial interest in the well-being of that individual; and
- (c) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

Good cause - a substantial reason, a legitimate justification for acting or failing to act.

Impartial hearing officer - the individual appointed by the Director that is selected to carry out the responsibilities associated with sections 135 through 169.

Independent Living Plan (ILP) - a plan that describes the established goals or objectives, the services to be provided and the anticipated duration of the services program necessary to enable an individual with a significant disability to become self-sufficient.

Individual with a disability (except as defined in the subsection that immediately follows) - is individual:

- (a) Who has a physical or mental impairment;
- (b) Whose impairment constitutes or results in a substantial impediment to employment; and
- (c) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

Individual with a disability for purposes of 34 C.F.R §§ 361.5(b)(14), 361.13(a), 361.13(b)(1), 361.17(a), (b), (c), and (j), 361.18(b), 361.19, 361.20, 361.23(b)(2), 361.29(a) and (d)(5), and 361.51(b) - means an individual who:

- (a) Has a physical or mental impairment that substantially limits one or more major life activities;
- (b) Has a record of a physical or mental impairment that substantially limits one or more major life activities; or
- (c) Is regarded as having an impairment that limits one or more major life activities.

Individual with a most significant disability - means an individual with a significant disability who is provided priority vocational services in those states that have implemented order of selection procedures pursuant to 34 C.F.R. § 361.36.

Individual with a significant disability - an individual with a disability:

- (a) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
- (b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- (c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Individual's representative - any representative chosen in writing by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

Individualized Plan for Employment (IPE) - a plan prepared pursuant to sections 110 and 111 of this chapter.

Integrated setting -

- (a) With respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals;
- (b) With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

Maintenance - monetary support provided to an individual for expenses that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

Mediation - the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

Natural Supports - supports that are typically available to all workers in the workplace. Workplace supports may include, but are not limited to, such things as a coworker mentor who assists an employee in learning the job, a supervisor who monitors work performance, a coworker who assists the client in developing social relationships, orientation training or other company sponsored training events, an employee assistance program and other supports that may be available.

One-Stop Center or One-Stop service delivery system - a service delivery system that is structured pursuant to Title I of the Workforce Investment Act of 1998, in accordance with 20 C.F.R. Part 662.

Personal assistance services - a range of services provided by one (1) or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services shall be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

Physical or mental impairment -

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or
- (b) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Post-employment services - one (1) or more of the services identified in section 113 of this chapter that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Note to Post-employment services- Post-employment services are intended to ensure that the employment outcome remains consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The provision of post-employment services is subject to the same requirements as the provision of any other vocational rehabilitation service. Post-employment services are available to assist an individual to maintain employment, e.g., the individual's employment is jeopardized because of conflicts with supervisors or coworkers, and the individual needs mental health services and counseling to maintain the employment; to regain employment, e.g., the individual's job is eliminated through reorganization and new placement services are needed; and to advance in employment, e.g., the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Post-secondary education - community/junior colleges, proprietary/private career schools, technical institutes, hospital schools of nursing, colleges, universities, and other post-secondary training.

Psycho-educational Assessment - an evaluation of an individual's intellectual and educational functioning, limitations, achievement, and potential, and may also include identification of a secondary emotional disorder.

Rehabilitation Services Administration - an administration within the Department of Human Services, District of Columbia.

Rehabilitation technology - the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

Sheltered setting - a non-integrated work environment designed for applicants and eligible individuals that are closely supervised by other individuals who provide the necessary vocational services and supports.

State - one (1) of the United States of America to include the District of Columbia, Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam American Samoa and the Commonwealth of the Northern Mariane Islands.

State Director - the Administrator of the Rehabilitation Services Administration.

Statewide workforce investment system - a system described in section 111(d)(2) of the Workforce Investment Act of 1998 (29 U.S.C. § 2821(d)(2)).

State plan - the State plan submitted by the District of Columbia for vocational rehabilitation services submitted pursuant to 34 C.F.R. § 361.10.

State Rehabilitation Council - the council established within the District of Columbia pursuant to 34 C.F.R. §§ 361.16 and 17 for the purpose of assisting the Client Services Division with the development, implementation, and revision of policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services.

Students with disabilities – a student who:

- (a) Who has a physical or mental impairment;
- (b) Whose impairment constitutes or results in a substantial impediment to employment;
- (c) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services or who are candidates for independent living services to enable them to become self-sufficient; and
- (d) Who is in the last two years of secondary education in a D.C. Public School, D.C. Public Charter School, or Board of Education Public Charter School or who are D.C. Public School students attending a private secondary school.

Substantial impediment to employment - that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

Supported employment -

- (a) Competitive employment in an integrated setting, or employment in integrated work settings in which individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals with ongoing support services for individuals with the most significant disabilities:
 - (1) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and
 - (2) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after transition to perform this work; or
- (b) Transitional employment for individuals with the most significant disabilities due to mental illness.

Supported employment services - ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment that are:

- (a) For a period of time not to exceed eighteen (18) months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and
- (b) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

Transition services - a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services shall promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment.

Transitional employment (as used in the definition of "supported employment") - a series of temporary job placements in competitive work in integrated settings with ongoing support

services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services shall include continuing sequential job placements until job permanency is achieved.

Transportation - travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation, vehicles and systems.

U.S.C. - United States Code.

Vocational Rehabilitation services - those services listed within section 113.2 of this chapter that are necessary to determine an applicant's eligibility or that are necessary for an eligible individual to prepare for, secure, retain, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Washington, D.C. Metropolitan Area - areas in the District of Columbia, Maryland and Virginia that can be accessed by public transportation.

Workforce Investment Act - Title I of the Workforce Investment Act of 1998, which is codified generally at 29 U.S.C. §§ 2801 et seq.

Persons who wish to comment on these proposed rules may do so in writing no later than sixty (60) days after the publication of this notice in the D.C. Register. Comments should be forwarded to the Administrator of the Rehabilitation Services Rehabilitation Services Administration, 810 First Street, N.E. 10th floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Rehabilitation Services Rehabilitation Services Administration at the address stated above.

EXECUTIVE OFFICE OF THE MAYOR
Serve DC

PUBLIC NOTICE

NOTICE OF FUNDING AVAILABILITY

DISTRICT OF COLUMBIA
COMMISSION ON NATIONAL AND COMMUNITY SERVICE

K-12 Learn and Serve America School-Based Grants

Notice: ATTENDANCE AT A TECHNICAL ASSISTANCE SESSION IS REQUIRED IN ORDER TO BE ELIGIBLE TO APPLY FOR THIS GRANT. SESSIONS ARE SCHEDULED FOR OCTOBER 24, 2006 FROM 5:00PM TO 7:00PM AND NOVEMBER 8, 2006 FROM 5:00PM TO 7:00PM AT ONE JUDICIARY SQUARE, 441 4TH STREET NW, WASHINGTON, DC, CONFERENCE ROOM NUMBER 1114.

Summary: Serve DC, the DC Commission on National and Community Service, announces the availability of K-12 Learn and Serve America School-Based funds for **grants up to \$16,000**. Learn and Serve America is a program of the Corporation for National and Community Service that creates opportunities for youth to participate in service-learning initiatives. Service-learning activities engage young people in their communities through volunteerism while increasing their academic achievement in one or more academic subjects.

Awards will be made to K-12 public schools in the District of Columbia to incorporate service-learning as an educational strategy in the classroom. This initiative will support a wide range of program activities that emphasize authentic youth engagement in their communities. These activities will enable youth to meet local environmental, educational, public safety, homeland security, or other community needs. Additionally, applicants must propose to implement service-learning projects that connect to one or more core curriculum standards.

Criteria for eligible applicants: Eligible applicants are K-12 public schools including public charter schools in partnership with at least one additional organization. Public school partners may include private/independent schools, for-profit businesses, institutions of higher education and other non-profits including faith-based organizations. Schools and partnership organizations are responsible for implementation, replication, and/or expansion of service-learning activities in the school and local community. All projects must operate a service-learning program within the District of Columbia. Projects that operate in "Hot Spots" designated by the DC Metropolitan Police Department will receive extra points. For Hot Spot locations, please visit the Serve DC website at www.serve.dc.gov.

An organization described in Section 501 (c) (4) of the Internal Revenue Code, 26 U.S.C. 501 (c) (4), that engages in lobbying activities is not eligible to apply, serve as a host site

for members, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

All eligible applicants must meet all of the applicable requirements contained in the application guidelines and instructions. The Request for Application (RFA) will be released on October 13, 2006 at 9:00 a.m. **The deadline for submission to Serve DC is November 17, 2006 at 12:00 p.m.**

The schedule for technical assistance sessions is as follows: One Judiciary Square, 441 4th Street NW, Room 1114, October 24, 2006 from 5:00pm-7:00pm and November 8, 2006 from 5:00pm-7:00pm. **All interested applicants must register and attend one technical assistance session in order to apply for funds.** Please prepare by reading the RFA carefully. To RSVP for a training session, contact Kristen Henry, Serve DC Learn and Serve Coordinator, at (202)-727-8003 or kristen.henry@dc.gov.

Serve DC anticipates awarding grants of up to \$16,000 for Learn and Serve School-Based grants. Applicants must provide a total of 30% match in cash or in-kind Federal or non-Federal sources. The actual number and dollar amount of the awards will depend upon the number of approved applications received.

Applications can be obtained starting at 9:00 AM on October 13, 2006 from the Serve DC office at 441 4th Street NW, Suite 1140N, Washington, DC 20001 or downloaded and printed from the Serve DC website at www.serve.dc.gov. For additional information please call Kristen Henry, Learn and Serve Coordinator at (202) 727-8003.

James E. Cooper, Jr., MPA

James E. Cooper, Jr., MPA
Executive Director
Serve DC

Office of the Secretary of the
District of Columbia

September 22, 2006

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after October 15, 2006.

Abramovitz, Louis C.	New	Wilkinson Barker Knauer 2300 N St, NW#700 20037
Adia, Maribel M.	New	Capital Reporting 1000 Conn Ave, NW#505 20006
Al-Salaita, Tareq S.	New	PNC Bank 1331 Pa Ave, NW 20004
Baskerville, Tanya	New	PNC Bank 1331 Pa Ave, NW 20004
Bayle, Linda M.	Rpt	Bingham McCutchen 2020 K St, NW 20006
Benz, Kim M.	Rpt	Morgan Lewis Bockius 1111 Pa Ave, NW 20004
Biggs, Jacqueline H.	Rpt	The Livingston Group 499 S Cap St, SW#600 20003
Binstock, Shelton M.	Rpt	Attorney At Law 4611 Western Ave, NW#33 20016
Blackwell, Barbara A.	Rpt	Natl Labor Relations Bd 1099 14 th St, NW 20570
Booth, Heather B.	New	Arent Fox 1050 Conn Ave, NW 20036
Borges-Johnson, Catherine	Rpt	Blank Rome 600 N H Ave, NW 20037

Brewer, Katherine	New	Monarch Title 210 7 th St, SE#100 20003
Bridges, Heidi J.	New	C N N 820 First St, NE 20002
Brown, Wenona F.	Rpt	Baker Botts 1299 Pa Ave, NW 20004
Butts, Janice N.	Rpt	D.C. Courts/Budget Div 616 H St, NW 20001
Camara, Mafoudia	New	CitiBank 600 Pa Ave, SE 20003
Campbell, Biera	New	Chaikin & Sherman 1232 7 th St, NW 20036
Carson, Angela M.	New	Ross Dixon & Bell 2001 K St, NW 20006
Casu, Giuliana	New	Wachovia Bank 1700 Pa Ave, NW 20006
Ceasar, Jacqueline A.	New	D.C. Public Library 901 G St, NW#423 20001
Chase, Keyauna	New	Heideman Nudelman Kalik 1146 19 th St, NW 5th Fl 20036
Coleman, Terrie S.	Rpt	Sutherland Asbill Brennan 1275 Pa Ave, NW 20004
Comstock, Kim	New	K C Home Improvement 1202 H St, NE 20002
Constantine, Carol A.	Rpt	Amer Assoc of Museums 1575 I St, NW 20005
Crawford, Gregory M.	New	Potomac Job Corps M T C 1 DC Village Lane, SW 20032
Crawford, Ja'Nine M.	Rpt	G W University Law School 2000 H St, NW#200 20052

Cubbage, Deborah S.	Rpt	DSC Reporting 700 E St, SE 20003
Daniels, Carolyn W.	New	McKee Nelson 1919 M St, NW#200 20036
Daniels, Laurence C.	New	Session Title Services 1150 Conn Ave, NW#900 20036
Dasai, Bridgette	New	D.C. Public Library 901 G St, NW#444 20001
Dass, Diana M.	New	Skadden Arps et al 1440 N Y Ave, NW 20005
Dennis, Jr., Wallace L.	New	Natl Registered Agents 1090 Vt Ave, NW#910 20005
Desjardins, Peter E.	New	PNC Bank 1331 Pa Ave, NW 20004
Dickson, Valarie E. A.	Rpt	D O J/Civil Div 1331 Pa Ave, NW 20530
Featherstone, Kerslyn D.	Rpt	3500 Barney Dr, NE #303 20018
Ferguson, Audrey D.	New	DATA Foundation 1400 I St, NW#1125 20005
Finkle, Susan	Rpt	Emily's List 1120 Conn Ave, NW#1100 20036
Gamboa, Irma B.	Rpt	Kile Goekkjian et al 1200 N H Ave, NW#570 20036
Gault, Jeanne S.	Rpt	Law Office/John Shelton 605 Raleigh Pl, SE 20032
Girma, Mulwork	Rpt	Wachovia Bank 1100 Conn Ave, NW 20036
Goodwin, Thelma D.	Rpt	Wash Lawyers' Committee 11 Dupt Cir, NW#400 20036

Gordon, Tiffani R.	New	The Talon Group 1120 20 th St, NW#725S 20036
Guerrero, Socorro	New	I K Enterprises 3238 Prospect St, NW 20007
Harvey, Dawn	New	CitiBank 1225 Conn Ave, NW 20007
Hawks, Thelma L.	New	D.C. Public Library 901 G St, NW#436 20001
Henson, Devita J.	New	Monarch Title 210 7 th St, SE#100 20003
Hoard, Zhanay N.	New	Lord Bissell & Brook 1717 Pa Ave, NW#500 20006
Holley, Fauntroy	Rpt	1109 Montello Ave, NE 20002
Hood, Charles	Rpt	Church of the Living God 1206 4 th St, NW 20001
Howarth, Kristin	New	Arent Fox 1050 Conn Ave, NW 20036
Hunter, Tina R.	New	Arent Fox 1050 Conn Ave, NW 20036
Jackson, Katy	New	Esquire Deposition Serv 1020 19 th St, NW 20036
Jackson, Paul A.	New	825 Alison St, NW 20011
Jackson, Sylvia	New	2125 4 th St, NW#518 20001
Johnson, Kandace	New	Arent Fox 1050 Conn Ave, NW 20036
Johnson, Lisa A.	Rpt	NRT/Caldwell Banker 605 Pa Ave, SE 20003

Johnson, Lisa Renee	Rpt	D.C. Superior Court 500 Indiana Ave, NW 20001
Johnson, Phyllis	Rpt	3543 18 th St, SE 20020
Jones, Phyllis T.	New	Wilson Elser et al 1341 G St, NW 5th Fl 20005
Joselow, Robert B.	Rpt	Pepper Hamilton 600 14 th St, NW 20005
Kahn, Paula R.	Rpt	Liotta Dranitzke Engel 1666 Conn Ave, NW#250 20009
Kanahele, Jr., Joseph	New	Capital Reporting 1000 Conn Ave, NW#505 20006
Kidd, Tiffany L.	Rpt	2730 Wis Ave, NW#31 20007
Kittka, Christiane M.	New	Arent Fox 1050 Conn Ave, NW 20036
Leslie, Tosheka L.	Rpt	Church of Jesus Christ 3456 Pa Ave, SE 20020
Lewis, Bryan L. G.	New	Travel Industry Assoc 1100 N Y Ave, NW#450 20005
Linn, Sheila B.	New	Arent Fox 1050 Conn Ave, NW 20036
Mann, Linda	New	Bernstein Companies 3299 K St, NW#700 20007
Marable, Enola M.	New	N I H Fed Credit Union 2100 Pa Ave, NW 20037
Marino, Donna D.	Rpt	Quinn Gillespie & Assoc 1133 Conn Ave, NW 5th Fl 20036
Merselis, Jill	New	National Public Radio 635 Mass Ave, NW 20001

Miskovic, Renata R.	New	Wachovia Bank 1850 M St, NW 20036
Morales, Lucy Scott	Rpt	5112 Conn Ave, NW 20008
Morson, Nia T.	New	Chaikin & Sherman 1232 17 th St, NW 20036
Moyer, Janice M.	New	Steptoe & Johnson 1330 Conn Ave, NW 20036
Mueller, Katrice G.	New	U S Department of State 2201 C St, NW 20520
Nalls, Heather W.	New	Arent, Fox 1050 Conn Ave, NW 20036
Nattans, Geoffry	New	Wachovia Bank 3700 Calvert St, NW 20007
Newman, John Scott	New	Capital Reporting 1000 Conn Ave, NW#505 20006
Olsen, Janyce A.	New	DRI Development Services 1808 I St, NW#300 20006
Parker, Jr., Thomas	New	H U/Campus Police Dept 2244 10 th St, NW 20059
Pfister, Tracey	New	PNC Bank 1779 Columbia Rd, NW 20009
Phung, Naitoan Michael	Rpt	Bank of America 730 15 th St, NW 5th Fl 20005
Ramsey, Charla Y.	Rpt	B & D Consulting 805 15 th St, NW 20005
Reiter, Denise	New	Capital Reporting 1000 Conn Ave, NW#505 20006
Romero, Edna Y.	Rpt	Emily's List 1120 Conn Ave, NW#1100 20036

Rooks-Dimps, Linda D.	New	D.C. Public Library 901 G St, NW#400 20001
Rosenthal, Stacy M.	New	The Carlyle Group 1001 Pa Ave, NW 20004
Rynes, Janelle E.	New	Arent Fox 1050 Conn Ave, NW 20036
Sawyer, Jacquelyn T.	New	N I H Fed Credit Union 2100 Pa Ave, NW 20037
Scotece, April	New	Arent Fox 1050 Conn Ave, NW 20036
Skinner, Jennifer C.	Rpt	Dept of Treasury 1111 Const Ave, NW 20224
Smith, Diane Pope Waller	New	3921 13 th St, NW 20011
Talbert, Brooke	New	Boston Properties 901 N Y Ave, NW#400 20001
Taylor, Amy	New	Capital Reporting 1000 Conn Ave, NW#505 20006
Terwilliger, Leanne	New	DRI Development Services 1808 I St, NW#300 20006
Torchinsky, David B.	Rpt	Attorney at Law 4611 Western Ave, NW#33 20016
Truesdale, Robin D.	Rpt	Baker & McKenzie 815 Conn Ave, NW 20006
Tucker, Garrett Lee	Rpt	SunTrust Bank 3440 Wis Ave, NW 20016
Vannall, Bridgette	Rpt	R F K Memorial 1367 Conn Ave, NW#200 20036
Vidal, Nils O.	New	Wachovia Bank 3700 Calvert St, NW 20007

White, Hermelinda O.	Rpt	Sanders Schnabel et al 900 17 th St, NW#900 20006
Wikert, Tricia J.	New	Miller Development 1225 13 th St, NW 20005
Williams, Denise Lori	New	Chaikin & Sherman 1232 17 th St, NW 20036
Williams, Jua	New	CitiBank 1225 Conn Ave, NW 20036
Williams, Kaari	Rpt	Preferred Business Prodts 4406 Gault Pl, NE 20019
Willis, Lillian V.	New	We Care Physicians 1201 Franklin St, NE#106 20017
Workman, Brenda	Rpt	Bassman Mitchell Alfano 1707 L St, NW#560 20036
Zimmerman, Christopher	New	Stradley Ronon et al 1220 19 th St, NW#600 20036

SERVE DC

*****GRANT REVIEW OPPORTUNITY*****

**Serve DC Seeks Grant Reviewers
for 2007 Learn and Serve America School-Based Funding Competition**

Serve DC is seeking individuals to review grant proposals for the 2007 Learn and Serve America funding competition. This is an excellent opportunity to network with colleagues in the national service and education fields, learn more about the grant-making process, develop your own grant-writing skills, learn about exciting initiatives happening in local schools, and contribute your knowledge and experience to Serve DC's efforts to select high-quality service-learning programs for Learn and Serve America funding.

What does a grant reviewer do? Grant reviewers will help to evaluate funding applications for the 2007 Learn and Serve America School-Based grant competition. Reviewers read, score and evaluate proposals, and discuss their findings with a small group of fellow reviewers and a facilitator. The panel then comes to consensus to rank the proposals according to quality and recommend them for the next level of review.

What qualifications should reviewers have? Serve DC is looking for a diverse group of reviewers--males and females of all ages, races and ethnicities--that have experience with national service, education, or community-based programs, and grant writing. Serve DC would like to recruit reviewers experienced with service-learning, education, youth development, or national service. For example, reviewers may be community service practitioners, educators, students, youth participants, national service alumni, people working in foundations, or individuals working on public policy issues.

Reviewers must be comfortable reading a large volume of material in a short period of time and providing analysis in a small group.

Can members currently serving in AmeriCorps or any other streams of service serve as reviewers? No, you must have completed your AmeriCorps service before being selected as a reviewer. Alumni of the AmeriCorps programs are strongly encouraged to apply to serve as reviewers. AmeriCorps members must have completed service by September 1, 2006.

Can people who work for a Corporation for National and Community Service-funded program serve as a reviewer? Yes, people who work for organizations affiliated with other Learn and Serve America, AmeriCorps or national service programs may serve as reviewers. For instance, an individual who works for an organization that hosts a VISTA volunteer may review AmeriCorps applications. However, people cannot serve as a reviewer for the AmeriCorps programs if they work for an organization that is being considered for funding in this competition.

What is the time commitment? Reviewers must be available on **November 30, 2006 (5:00pm-7:00pm)** and **December 4, 2006 (full day as needed)**. Reviewers will participate in a two hour evening training session on November 30, 2006, and a consensus review session on December 4, 2006. The period between training and consensus session will be dedicated to reviewing and scoring the proposals.

What are the benefits to reviewers? The grant review experience is an excellent opportunity to meet and network with colleagues in the national service and service-learning fields; find out about exciting programming and trends in service-learning and youth programs; develop a deeper understanding of the grant-writing and grant-making processes; and contribute experience to the selection of high-quality programs for the District of Columbia. **Reviewers will receive a stipend of \$150.**

*Serve Your Country, Serve Your Community, Serve DC
One Judiciary Square 441 4th Street, N.W. Suite 1140 N Washington, DC 20001 (202) 727-7925*

How does one apply to become a reviewer? To apply, please forward your resume to: Kristen Henry, Learn and Serve Coordinator, Serve DC, 441 4th Street, Suite 1140N, Washington, DC 20001 or e-mail kristen.henry@dc.gov, 202-727-8003. Please share this announcement with others who are qualified reviewers.

Is there a deadline to apply? We will begin reviewing resumes and contacting potential reviewers as the resumes arrive. Please submit resumes as soon as possible, but no later than **October 13, 2006** for consideration.

What are the next steps after submitting a resume? Serve DC will review resumes and begin contacting qualified applicants. We will check for conflicts of interest and confirm availability at that time.

Thank you for your interest in serving as a reviewer and for sharing this announcement with others who may be interested. This is a very important part of our review process and our efforts to recommend high quality programs for funding.

SERVE DC

*****GRANT REVIEW OPPORTUNITY*****

**Serve DC Seeks Grant Reviewers
for 2007 AmeriCorps*State Funding Competition**

Serve DC is seeking individuals to review grant proposals for available AmeriCorps*State funds. This is an excellent opportunity to network with colleagues in the national service world, learn more about the grant-making process, develop your own grant-writing skills, learn about exciting things happening in national service programs, and contribute your knowledge and experience to our efforts to select high-quality programs for funding.

What does a grant reviewer do? A grant reviewer helps to evaluate funding applications for AmeriCorps programs in the 2007-2008 program year. Reviewers read, score and evaluate proposals, discuss their findings with a small group of fellow reviewers and a facilitator. The panel then comes to consensus to rank the proposals according to quality and recommend them for the next level of review.

What qualifications should reviewers have? We are looking for a diverse group of reviewers--male and female of all ages, races and ethnicities--that have experience in management of high quality national service or community based programs, and grant writing. For example, they may be community service practitioners, educators, students, youth participants, national service alumni, people working in foundations, or those working on public policy issues.

We hope to recruit some reviewers with prior experience working with AmeriCorps programs. However, we are generally seeking people with a variety of experience who can review national service grant applications and determine quality.

Reviewers must be comfortable reading a large volume of material in a short period of time and providing analysis in a small group.

Can members currently serving in AmeriCorps or any other streams of service serve as reviewers? No, you must have completed service before being selected as a reviewer. Alumni of the AmeriCorps programs are strongly encouraged to apply to serve as reviewers. We are looking for AmeriCorps members who have completed service by September 1, 2006.

Can people who work for a Corporation for National and Community Service-funded program serve as a reviewer? Yes, people who work for organizations affiliated with other Learn and Serve, AmeriCorps or national service programs may serve as reviewers. For instance, an individual who works for an organization that hosts a VISTA volunteer may review AmeriCorps applications. However, people cannot serve as a reviewer for the AmeriCorps programs if they work for an organization that is being considered for funding in this competition.

What is the time commitment? Reviewers must be available on, Tuesday, December 5, 2006, from 5:00 PM to 7:00 PM and Tuesday, December 12, 2006, 10:00 am -5:00 pm. Reviewers will participate in a two hour training session on December 5, 2006, and a consensus review session on Tuesday, December 12, 2006. The period between training and consensus session will be dedicated to reviewing and scoring the proposals.

What are the benefits to reviewers? The grant review experience is an excellent opportunity to meet and network with colleagues in the National Service field; find out about exciting programming and trends in

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national service-learning and youth programs; develop a deeper understanding of the grant-writing and grant-making processes; and to contribute your experience to the selection of high-quality programs for the District. **Reviewers may receive a small stipend if funding is available.**

How does one apply to become a reviewer? To apply, please forward your resume to: John Savage, AmeriCorps Program Officer, Serve DC, 441 4th Street, Suite 1140N, Washington, DC 20001 or e-mail him at servedc1@dc.gov or call 202-727-7925. Please share this announcement with others who are qualified reviewers.

Is there a deadline to apply? We will begin reviewing resumes and contacting potential reviewers as the resumes arrive, so the earlier one applies, the more likely they are to be contacted and selected. Please submit resumes as soon as possible, but no later than 5pm on **October 20, 2006**, for consideration.

What are the next steps after submitting a resume? Serve DC will review resumes and begin contacting qualified applicants. We will check for conflicts of interest and confirm availability at that time.

Thank you for your interest in serving as a reviewer and for sharing this announcement with others who may be interested. This is a very important part of our review process and our efforts to recommend high quality programs for funding.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17422 of Avram Fechter, pursuant to 11 DCMR § 3103.2, for a variance from the lot width requirement under § 401 to allow the construction of two single-family semi-detached dwellings in the R-2 zone district at premises 5930 and 5932 3rd Street, N.W. (Square 3290, Lot 63).

HEARING DATE: February 14, 2006

DECISION DATE: February 14, 2006

DECISION AND ORDER

This application was submitted August 26, 2005 by Avram Fechter ("Applicant"), the owner of the property that is the subject of the application. By memorandum dated June 10, 2005, the Office of the Zoning Administrator indicated that the Applicant's plans to construct two semi-detached dwellings at the subject property required variance relief from § 401.3 to allow lots of less than the minimum required width and from § 406.1 to allow open courts for each dwelling at less than the minimum required width.¹ Following a hearing on February 14, 2006, the Board voted 5-0-0 to deny the application.

PRELIMINARY MATTERS:

Notice of Application and Notice of Hearing. By memoranda dated August 29, 2005, the Office of Zoning provided notice of the application to the Office of Planning, the District Department of Transportation, the Councilmember for Ward 4, Advisory Neighborhood Commission ("ANC") 4B, and Single Member District/ANC 4B06. Pursuant to 11 DCMR § 3113.13, on November 30, 2005 the Office of Zoning mailed letters or memoranda providing notice of the hearing to the Applicant, ANC 4B, Single Member District/ANC 4B06, the Councilmember for Ward 4, and owners of property within 200 feet of the subject property.

Party Status. In addition to the Applicant, ANC 4B was automatically a party in this proceeding. There were no additional requests for party status.

¹ No open courts were at issue in the Board proceeding; therefore, the need for variance relief from § 406.1 was not considered.

Applicant's Case. The Applicant presented evidence and testimony describing plans to construct two single-family semi-detached dwellings on the subject property, and indicated that the requested variance was necessary because the property could not otherwise be developed with semi-detached dwellings. According to the Applicant, the strict application of the Zoning Regulations to the subject property would limit the type of dwelling that could be constructed to single-family detached, but the intent of the Zoning Regulations was not to restrict the use or building type that could be constructed within the R-2 zone. The Applicant also contended that the subject property was unique in that it was a long-time vacant lot where infill development could occur, and that the subject property could not be profitably developed with a single-family detached dwelling.

Government Reports. By memorandum dated January 31, 2006, the Office of Planning ("OP") declined to recommend approval of the variance request to reduce the minimum lot width so as to allow the development of two semi-detached single-family dwellings. According to OP, the subject property was not unique and no practical difficulty would hinder the development of a matter-of-right single-family dwelling there.

ANC Report. Advisory Neighborhood Commission 4B did not submit a report.

Person in Support of the Application. One person, a resident of property adjoining the subject property, testified in favor of the application, citing the benefits of development at the subject property, currently a poorly maintained vacant parcel, but also indicating that a single-family detached dwelling would fit in with the neighborhood better than the proposed semi-detached dwellings.

Person in Opposition to the Application. The Board received one letter in opposition to the application from a resident living across the street from the subject property. The letter asserted that construction of "two single-family semi-detached dwellings would change the characteristics of the neighborhood."

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The subject property is located at 5930 and 5932 3rd Street, N.W., on the west side of 3rd Street between Oglethorpe and Peabody Streets, N.W. (Square 3290, Lot 63).
2. The subject property is a rectangular lot bounded by 3rd Street on the east, a 15-foot-wide public alley on the west, and single-family dwellings on the north and south. The lot is 43 feet wide and 140.45 feet long, and has an area of 6,050 square feet.
3. The subject property is currently unimproved but previously contained a single-family one-story dwelling that was demolished at some point in the 1990's.

4. Properties in the vicinity of the subject property are primarily small single-family detached dwellings and semi-detached dwellings. The east side of Square 3290, fronting on 3rd Street, contains eight single-family detached dwellings (on lots ranging from 41 to 50 feet wide) and two semi-detached dwellings (each on a lot 25 feet wide), in addition to the subject property. The properties in Square 3290 fronting on Oglethorpe, 4th, and Peabody Streets contain predominately semi-detached dwellings (on lots an average of 27 feet wide), as well as two detached dwellings and one row dwelling.

Applicant's Project

5. The Applicant proposed to build two single-family semi-detached dwellings at the subject property, which would be subdivided into two lots. Each dwelling would be a two-story brick building 13 feet, six inches wide, set back 15 feet from 3rd Street and extending 77 feet, six inches. Each dwelling would have an eight-foot side yard and a rear yard almost 48 feet long. Each rear yard would contain a concrete parking slab accessible from the public alley that would provide one parking space for each dwelling.

Requested Variance

6. Zoning requirements for a semi-detached dwelling in the R-2 zone include a minimum lot width of 30 feet and a minimum lot area of 3,000 square feet. 11 DCMR § 401.3. The Applicant proposed to build two semi-detached dwellings, each located on a lot that would be 21 feet, 6 inches wide. The proposed subdivided lots would each satisfy the minimum lot area requirement but would deviate from the required minimum lot width by eight and a half feet (30 percent).

7. For structures other than semi-detached dwellings in the R-2 zone, the Zoning Regulations require a minimum lot width of 40 feet and a minimum lot area of 4,000 square feet. 11 DCMR § 401.3.

8. The Board credits the testimony of the Office of Planning that the subject property does not have any unique features due to any exceptional narrowness, shallowness, or shape at the time of the original adoption of the regulations. The Board also finds that the subject property – a flat, rectangular parcel previously developed with a single-family detached dwelling – does not face any exceptional topographical conditions or other extraordinary or exceptional situation or condition.

9. The Applicant did not demonstrate that any practical difficulties would be caused by the strict application of the Zoning Regulations to the subject property, which could be developed with a single-family detached dwelling as a matter of right.

Harmony with Zone Plan

10. The R-2 district “consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by

denser types of residential development. It shall be expected that these areas will continue to contain some small one-family detached dwellings." 11 DCMR § 300.1.

11. The Board credits the testimony of the Office of Planning that, while semi-detached dwellings are permitted in the R-2 zone, not all lots within the R-2 zone are suitable for semi-detached dwellings. Prior use of the subject property for a single-family detached dwelling, and the continued use of adjoining lots for detached dwellings, suggests that the subject property was created for a detached dwelling, consistent with the retention of small detached dwellings in the R-2 zone.

CONCLUSIONS OF LAW

The Applicant seeks variance relief from the lot width requirement under § 401 to allow the construction of two single-family semi-detached dwellings in the R-2 zone district at premises 5930 and 5932 3rd Street, N.W. (Square 3290, Lot 63). The Board is authorized to grant a variance from the strict application of the Zoning Regulations where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and map. D.C. Official Code § 6-641.07(g)(3) (2001); 11 DCMR § 3103.2.

Based on the above findings of fact, and having given great weight to the recommendation of the Office of Planning,² the Board concludes that the Applicant has not satisfied the burden of proof with respect to the requested variance from the lot width requirement under § 401.

The Board was not persuaded that the subject property has any unique or exceptional features such that the strict application of the Zoning Regulations would result in practical difficulties to the Applicant as the owner of the property. As set forth above, the property is neither unique with respect to its topography nor is it impaired by any exceptional condition or circumstance. The property presents no difficulty for the owner to construct a single family dwelling as allowed by the Zoning Regulations. In fact, the evidence indicates that a single family dwelling previously existed on the property. (Finding of Fact #3)

Because the Applicant must meet all three prongs of the variance test, and in this case does not meet the first two, the Board need not reach the third prong - whether the relief

² The affected Advisory Neighborhood Commission did not participate in this proceeding.

could be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan. However, the Board notes that it concurs with the Office of Planning that the requested variance could not be granted without substantially impairing the intent, purpose, and integrity of the zone plan. The area in the immediate vicinity of the subject property is developed primarily with single-family detached dwellings on lots similar in size to the subject property. The proposed subdivision would create two new non-conforming lots substantially less in width than prescribed. Other lots in the same square that are developed with semi-detached dwellings are all significantly wider than the Applicant's proposed subdivided lots. The subject property is only three feet wider than the minimum width necessary for a single-family detached dwelling in the R-2 zone, while the Applicant's proposed subdivided lots would each be almost thirty percent narrower than the minimum lot width required for semi-detached dwellings.

Accordingly, this application fails all three prongs of the variance test, and it is therefore **ORDERED** that the application is **DENIED**.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., John A. Mann II and Gregory N. Jeffries to deny the application).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member approved the issuance of this order.

FINAL DATE OF ORDER: SEP 28 2006

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 17430 of Rodut Associates of DC, LP pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Department of Consumer and Regulatory Affairs (DCRA) in the issuance of Certificate of Occupancy No. 100692 for property located at 1150 K Street, NW, for allowing more than one principal structure on a lot, in violation of § 3202.3 of the Zoning Regulations.

HEARING DATE: March 21, 2006

DECISION DATE: March 21, 2006

DECISION AND ORDER

This appeal was filed with the Board of Zoning Adjustment (the Board) on September 9, 2005, challenging DCRA's decision to approve a certificate of occupancy (C of O) on July 5, 2005, for a "Condominium [of] 121 Units and [a] Parking Garage" at 1150 K Street, NW (the subject property). The property owner to whom the C of O was issued moved to dismiss the appeal, and the Board conducted a public hearing. At the hearing the Board heard from the property owner, DCRA (who also moved to dismiss), the appellant and the affected ANC. The Board ruled that it lacked jurisdiction over the appeal because the appeal was untimely filed and because the Appellant was not an aggrieved party under the Zoning Act or the Zoning Regulations. A full discussion of the facts and law that support this conclusion follows.

PRELIMINARY MATTERS

Notice of Public Hearing

The Office of Zoning scheduled a hearing on March 21, 2006. In accordance with 11 DCMR §§ 3112.13 and 3112.14, the Office of Zoning mailed notice of the hearing to the appellant, ANC 2F (the ANC in which the subject property is located), the property owner, and DCRA.

Parties

The appellant in this case is Rodut Associates of DC, LP (Rodut or the appellant). Appellant is the owner of 1108 K Street, NW ("1108 K"), a three-story commercial building. Appellant authorized the law firm of Greenstein DeLorme & Luchs, PC, John Patrick Brown, Jr., Esq. and Stephanie A. Baldwin, Esq., to represent him in the appeal (Exhibit 4).

The subject property is improved with a condominium apartment house that was developed by 1150 Investors, Inc. (the owner¹), and is located at 1150 K Street, NW ("1150 K"). The owner is represented by the law firm of Holland & Knight, Norman Glasgow, Esq., and Dennis Hughes, Esq. As the owner of the subject property, 1150 Investors, Inc. is automatically a party under 11 DCMR § 3199.1 and will hereafter be referred to as the owner.

ANC 2F, as the affected ANC, was automatically a party in this appeal. In a resolution dated March 6, 2005, the ANC voted to support dismissal of the appeal if the building at 1150 K Street was constructed on a single record lot (Exhibit 22).

DCRA appeared during the proceedings and was represented by Dennis Taylor, Esq.

FINDINGS OF FACT

The Property

1. The subject property is a newly constructed condominium building, consisting of 121 apartment units and a parking garage.
2. The condominium building is located at 1150 K Street, NW. at Square 317, Lot 27. Adjacent to it is the 1108 K property, which is improved with a three-story commercial building (the commercial building) at Square 317, Lot 25.

Background

3. The condominium building is located on land that was once part of Lot 25, the same record lot on which the commercial building is located. However, as a result of two subdivision recordations (detailed below), the condominium building is now located on land that is part of record Lot 27.
4. Both properties are zoned DD/C-3-C and located in Housing Priority Area B. As such, each property must provide at least 3.5 FAR of residential uses on site, but may account for such uses off-site through a combined lot development. The condominium had enough residential uses on-site to satisfy its residential requirement as well as the requirement of the commercial development. Rather than engaging in a combined lot

¹ 1150 Investors, Inc. was the record owner of the property at the time the C of O was issued on July 5, 2005, and is the current owner of a number of condominium units within the building.

development, the appellant maintains that the two properties were to be combined into a single building through the construction of an above grade connection².

5. DCRA issued Building Permit No. B452618 (the building permit) to the owner's predecessor-in-interest, JJR Residential, LLC (JJR) for the construction of a 14-story apartment house that was to be located on a portion of Lot 25 in Square 317 (Exhibit 23, Tab B, Exhibit 20, Tab C). The plans submitted for permit approval depict a proposed above-grade connection between the condominium and the commercial building (Exhibit 23, p. 2).

6. The owner constructed an above-grade connection on the interior of the east elevation of the condominium, but the connection was never built with the commercial building (Exhibit 23, p. 2). The two buildings are side by side, but without internal communication (Tr. p. 161). As a result, each portion of the structure is a separate building and the commercial development must find another residential property within Housing Priority Area B to meet its residential requirement. The consequence of these events is the subject of a lawsuit brought by the owner in Superior Court.

C of O

7. Because the occupancy of the condominium units was phased, separate C of Os were issued for groups of units within the building.

8. The application submitted in connection with C of O No. 100692 for 121 units (the challenged C of O) was dated June 30, 2005, and identified the subject property as "1150 K Street, NW", at "Lot 25, Square 317" (Exhibit 20, Tab F). The C of O itself was issued on July 5, 2005 (Exhibit 20, Tab A). It did not identify the lot or square for the premises, only the premise's address at "1150 K St., NW".

9. A separate undated application was submitted in connection with a C of O for an additional 8 units at the building (C of O No. 102814). This application identified the subject property as "1150 K Street, NW", at "Lot 27, Square 317" (Exhibit 25, Attachment B).

The Appeal

10. The appeal was filed on September 9, 2005, 66 days after the C of O was issued on July 5, 2005 (Exhibit 1).

² The definition of "building" provides that the existence of communication below the main floor does not make two portions of a structure into a building. 11 DCMR § 199.1. Conversely, the existence of communication at or above the main floor does allow the portions to be deemed a single building.

11. Appellant filed a "Statement in Support of Appeal" detailing the basis of his claim (Exhibit 5). In it he alleges that the absence of an above-grade connection between the two buildings resulted in each structure being deemed a single building. As a result, he claims, the C of O allegedly issued for a single lot violates 11 DCMR 3202.3's requirement that only one principal structure be located on a single record lot (Exhibit 5)³.

12. Appellant filed a "Pre-Hearing Statement" arguing that, despite the subdivisions which created Lot 27 at the 1150 property, the C of O was issued for Lot 25, and not for Lot 27. This reasoning is based, in part, upon the application reference to Lot 25.

13. DCRA confirmed the owner's position that the two buildings were on separate lots at the time the owner applied for the C of O (June, 2005) and at the time the C of O was issued (July 5, 2005) (Exhibit 21). The subdivision history is as follows:

(a) Record Lot 25 was recorded in Book 194, Page, 104 of the Office of the Surveyor on February 28, 2001 (See, Subdivision Square 317, Exhibit 21, Tab 1).

(b) For purposes of assessment and taxation only, Record Lot 25 was apportioned into Tax Lots 834, 835, and 836 on May 6, 2003. While the creation of the tax lots did not affect the record lot designation, Tax Lots 834 and 836 are now occupied by the 1150 property, and Tax Lot 835 is now occupied by the 1108 property. (See Assessment and Taxation Plat 3810-H, Exhibit 21, Tab 2).

(c) Record Lot 25 was subdivided on January 24, 2005. With the recordation of that subdivision, the portions of record Lot 25 comprising Tax Lots 834 and 836 were separated from the remainder of record Lot 25, and designated as record Lot 26 (See, Subdivision Square 317, Exhibit 21, Tab 3).

(d) On May 6, 2005, record Lot 26 was combined with other property within Square 317 to form record Lot 27 (See, Subdivision Square 317, Exhibit 21, Tab 5).

³ Subsection 3202.3 provides in part that "a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure... , unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record ... However 11 DCMR § 2517 "permit[s] two (2) or more principal buildings or structures to be erected as a matter of right on a single subdivided lot that is not located in, or within twenty-five feet (25 ft.) of, a Residence District." Since the Board found that each building sits on a single record lot, it did not address the relevancy of these provisions.

Motion to Dismiss and Motions for Summary Judgment

14. The owner filed a motion to dismiss the appeal on March 16, 2005, on several grounds as set forth below (Exhibit 23). The owner also submitted supplemental information on March 20, 2005. This submittal contained three "updated" C of Os for the condominium building. Each of the C of Os referenced Lot 27, Square 25 (Exhibit 25).

15. DCRA filed a motion for summary judgment on March 13, 2006, arguing that official records of the District prove that the two buildings are located on separate record lots (Exhibit 21).

16. Appellant filed its own "cross-motion for summary judgment" arguing that the C of O is "invalid on its face" and "not in compliance with the Zoning Regulations" (Exhibit 26).

CONCLUSIONS OF LAW

The Administrative Decision Complained of is the Issuance of the C of O

Pursuant to the Zoning Act, the Board has jurisdiction to hear appeals alleging "error in any order, requirement, decision, determination, or refusal made by ... any [District] administrative officer or body in the carrying out or enforcement of" the Zoning Regulations. D.C. Official Code § 6-641.07(g) (1) (2001). Therefore, the threshold question is to identify the administrative decision being complained of. The appeal in this case relates to DCRA's issuance of the C of O. It does not relate to the building permit, the contractual agreement for a single lot development, or the subdivision of Lot 25.

Motion to Dismiss

The owner filed a motion to dismiss the appeal on the following grounds (1) that the appeal was not timely filed; (2) that appellant is not an aggrieved person under the Zoning Act and Zoning Regulations; (3) that appellant failed to establish a violation of the Zoning Act or Zoning Regulations; and (4) that the appeal was barred under the equitable doctrine of estoppel. For the reasons set forth below, the Board finds that it lacks jurisdiction over this matter because the appeal was untimely filed and because appellant is not an aggrieved person under the Zoning Act and Zoning Regulations. Because the Board finds that it lacks jurisdiction to hear the appeal on these grounds, it need not, and does not, reach the other two grounds for dismissal.

Timeliness

The District of Columbia Court of Appeals has held that “[t]he timely filing of an appeal with the Board is mandatory and jurisdictional.” *Mendelson v. District of Columbia Board of Zoning Adjustment*, 645 A.2d 1090, 1093 (D.C. 1994).

The rules governing the timely filing of an appeal before the Board are set forth in 11 DCMR § 3112.2. Subsection 3112.2(a) provides that an appeal must be filed within sixty (60) days from the date the person filing the appeal had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge, whichever is earlier. In this case, that 60-day period must be measured from the issuance of the C of O. Under § 3112.2(d) of the Regulations, the Board may extend the 60-day time limit only if the appellant demonstrates that: (1) there are exceptional circumstances that are outside the appellant’s control and could not have been reasonably anticipated that substantially impaired the appellant’s ability to file an appeal to the Board; and (2) the extension of time will not prejudice the parties to the appeal.

The 60th day fell on Saturday, September 3, 2005, followed by Sunday, September 4, 2005 and Monday, September 5, 2005, the Labor Day holiday. Because the 60th day fell on a Saturday, followed by a Sunday and a holiday, the 60-day time period must be computed to end on Tuesday, September 6, 2005. *See*, 11 DCMR 3110.2. Therefore, the latest appellant could have filed a timely appeal was September 6, 2005. The appeal filed on September 9, 2005, was three days late.

Appellant failed to identify any exceptional circumstances which impaired his ability to file a timely appeal. By his own admission, appellant received a copy of the C of O in late August, 2005, during the Superior Court litigation, and waited almost two weeks from that time to file his appeal.

As explained in the Findings of Fact, appellant’s chief concern was the disputed single-lot development. Appellant attempted to address this concern through litigation in the Superior Court. However, a party who chooses to engage in negotiations or other ways to resolve a dispute does not thereby extend its time for filing an appeal. *See*, *Waste Management v. District of Columbia Board of Zoning Adjustment*, 775 A.2d 1117 (D.C. 2001); *Woodley Park Community Ass’n v. District of Columbia Board of Zoning Adjustment*, 490 A.2d 628 (D.C. 1985). The Board need “not countenance delay in taking an appeal when it is merely convenient for an appellant to defer in making that decision.” *Waste Management, supra*. Accordingly, the Board lacks jurisdiction to hear the appeal because it was untimely filed.

Standing

In order to pursue an appeal before the BZA, an appellant must allege that an error by an administrative officer or body in carrying out or enforcing the Zoning Regulations has caused him particular damage. *See* D.C. Official Code § 6-641.07(g) (1) (2001), *supra*, and 11 DCMR 3112.2. Title 11 DCMR 3112.2 provides that “[a]ny person aggrieved by an order, requirement, decision, determination, or refusal made by an administrative officer or body, including the Mayor of the District of Columbia, may file a timely appeal with the Board.” (Emphasis added.)

While appellant alleges that he was aggrieved by actions of the owner relating to appellant’s and owner’s properties, appellant failed to allege a direct connection between any error on the part of DCRA in issuing the certificate of occupancy and any particular damage to appellant as a result. Rather, appellant’s grievance appears to be not from any error on the part of DCRA, but from a contractual dispute between the parties. That dispute is one for another forum to decide, and is, in fact, pending before the Superior Court of the District of Columbia. (See Finding of Fact 6.) Accordingly, because appellant is not an aggrieved person under the Zoning Act or the Zoning Regulations, appellant lacks standing to bring this appeal and this Board is without jurisdiction to hear it.

ANC

The Board is required under § 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21), as amended; D.C. Official Code § 1-9.10(d)(3)(A)), to give “great weight” to the issues and concerns raised in the affected ANC’s recommendations. Great weight means acknowledgement of the issues and concerns and an explanation of why the Board did or did not find their views persuasive. ANC 3D voted unanimously to advise the Board to dismiss the appeal if the apartment building at 1150 K Street was constructed on a single record lot and expressed concern that the quiet and peaceful enjoyment of the condominium dwellers would be disturbed. The Board notes the ANC’s concerns, and has decided to dismiss the appeal, albeit on other grounds.

DCRA’s Motion for Summary Judgment and Appellant’s Cross-Motion for Summary Judgment

Because the Board dismisses the appeal for lack of jurisdiction, it does not address the merits of the case as set forth in DCRA’s and appellant’s motions for summary judgment.

For reasons set forth above, it is hereby **ORDERED** that the motion to dismiss the appeal is **GRANTED**.

Vote taken on March 21, 2006

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr., John A. Mann II and Anthony J. Hood in support of the motion)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: SEP 29 2006

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17442 of Maria R. Creighton-Cabezas, pursuant to 11 DCMR § 3104.1, for a special exception to allow a three-story rear addition to an existing single-family detached dwelling under § 223 of the Zoning Regulations, not meeting the lot occupancy requirements (§ 403), rear yard requirements (§ 404) and side yard requirements (§ 405) in the R-1-B District at premises 4508 Van Ness Street, NW (Square 1560, Lot 28).

HEARING DATE: March 7, 2006

DECISION DATE: May 2, 2006

DECISION AND ORDER

Maria R. Creighton-Cabezas, the property owner (the owner or the applicant) of the subject premises, filed an application with the Board of Zoning Adjustment (Board) on September 25, 2005 for a special exception under § 223 to construct an addition to her residence, where the addition will not conform to area requirements of the Zoning Regulations. The Board held a public hearing on March 7, 2006, and deliberated at a public meeting on May 2, 2006. After deliberations, the Board voted to approve the application, as revised.

Preliminary Matters

Zoning Referral On or about October 3, 2005, the DC Department of Consumer and Regulatory Affairs (DCRA) referred the applicant to this Board to obtain zoning relief (Exhibit 2).

Notice of Public Hearing Pursuant to 11 DCMR 3113.13, notice of the hearing was sent to the applicant, all owners of property within 200 feet of the subject site, the Advisory Neighborhood Commission (ANC) 3E, and the District of Columbia Office of Planning (OP). The applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect (Exhibit 29).

ANC Report In its report dated February 12, 2006, ANC 3E indicated that, at a regularly scheduled monthly meeting with a quorum present, the ANC voted not to oppose the special exception (Exhibit 21).

Request for Party Status ANC 3E was automatically a party to this proceeding. The Board received a request for party status from Paul and Helen Steinberg (the Neighbors),

the owners and residents of adjacent property at 4512 Van Ness Street, NW (Exhibit 22). Dr. Steinberg is a psychiatrist who treats patients in his home. The request for party status was granted without opposition from the applicant, and the Neighbors opposed the application at the public hearing. They asserted, among other things, that the addition would adversely impact upon their privacy and light and air, and submitted photographs of the morning light at the two properties (Exhibit 31). Dr. Steinberg also asserted that the addition would negatively impact the privacy and light and air of his home occupation use.

Other Persons in Support/Opposition The Board received several letters in support of the application (Exhibit 20). It also received a petition (signed by three neighbors) on Dr. Steinberg's letterhead "objecting" to the application (Exhibit 27), and a letter in opposition from neighboring property owners Colman and Mavourneen McCarthy (Exhibit 23 and attachment to Exhibit 22). The Board also received statements from nearby property owners indicating their "neutrality" regarding the application (Exhibits 20, 24, 26). Mr. McCarthy testified in opposition to the application and stated, among other things, that his view of the park would be diminished.

Government Reports

OP Report OP prepared a written report requesting more information and recommending a design change (Exhibit 28). In its report, OP stated that the proposed attic level would cause the addition to appear as a four-story structure which would be out of character with nearby homes. While OP suggested that the attic level be eliminated or modified, it also concluded that the addition would not unduly affect light and air or unduly compromise the use and enjoyment of neighboring properties. Steve Rice, the OP representative who prepared the report, testified at the hearing. He concluded that the revised design would lower the attic and maintain the character of the neighborhood.

Post-Hearing Submissions

The Board held the record open to accept the following submissions: (1) the applicant's revised plans eliminating the attic level, including an elevation drawing identifying the western portion of the proposed addition and the existing building, and a site plan identifying the proposed bay window, and the relationship of the addition to the Neighbors' property (Exhibit 35); a statement in opposition to the revised plans from the Neighbors and their architect, Don Hawkins (Exhibit 37), and a response from the applicant (Exhibit 36). In her response, the applicant also requested that the architect's statement be struck from the record. The Board declined to do so, finding that the architect's statement was filed on behalf of a party in opposition.

FINDINGS OF FACT

The Site and Surrounding Area

1. The subject property is located at 4508 Van Ness Street, NW, Square 1560, Lot 29 in the R-1-B zone. Lot 29 is a triangular shaped lot and is nonconforming, in that it is approximately 2,425 square feet in area; the minimum required lot size in the zone is 5,000 square feet, *See*, 11 DCMR 401.3 (Exhibits 25, 28).
2. The lot is improved with a three-story detached, single-family dwelling that is surrounded by similar dwellings. The subject dwelling is a three-story, two-bedroom house with an unfinished attic, and is the smallest dwelling on the block (Exhibits 5, 28).
3. The property is bounded by Van Ness Street to the north, 45th Street to the west, Friendship Park to the south and the east, and the Neighbors' property to the west (Exhibit 28).

The Proposal

4. The applicant originally proposed to construct a three-story rear addition, including a dining room, two bedrooms, and home office space in the attic (Exhibits 5, 28).
5. The revised proposal eliminated the attic extension and replaced the bay window on the first floor with a standard window (Exhibits 35, 36).
6. The applicant submitted an original and revised set of plans and elevations, a survey plat, and photographs of the property (Exhibits 3, 6, 7, 8, and 35).

Zoning Relief

7. Section 403 of the Zoning Regulations permits a maximum lot occupancy of 40% in the zone. The dwelling with addition will have a lot occupancy of 41%.
8. Section 404 of the Zoning Regulations requires a minimum rear yard of 25 feet in the zone. The dwelling with addition will have a rear yard with an average size of 11 feet.
9. Section 405 of the Zoning Regulations requires a minimum side yard of eight feet in the zone. The dwelling with addition will have one side yard of five feet and the other will be one foot wide.
10. As specified above, the dwelling and proposed addition will not comply with applicable area requirements under §§ 403, 404, and 405 of the Zoning Regulations.

The Impact of the Addition

11. The elevation plans, photographs, and site plan show the relationship of the addition to adjacent buildings, and also show views from the public rights-of-ways (Exhibits 3, 6, 7, 8, and 35).

12. The proposed addition will be visible from the rear and western side, but the design, materials, and colors will be compatible with the neighborhood (Exhibit 5).

13. The Board credits and adopts OP's finding that, as originally proposed, the three-story addition would have appeared as four stories when viewed from Friendship Park, the Neighbors' property and the Van Ness Street public right-of-way. Due to the slope of the land, the attic level would have appeared as a visible fourth level that would not have been in character with the neighborhood (Exhibit 28).

14. The Board finds that the proposed addition, as revised, will not be out of character with the neighborhood. By eliminating the attic level, the dwelling will not give the appearance of having a fourth story. The Board also credits OP's testimony to this effect (Tr. at 120-122).

15. The Board credits and adopts OP's finding that the proposed addition will have some effect on the Neighbor's views from its eastside windows, and may decrease the amount of direct sun to these windows. However, the proposed addition will not unduly affect light and air availability (Exhibit 28).

16. The proposed addition is approximately half the length of the Neighbors' adjacent dwelling, which includes an addition and deck. Because the length of the proposed addition is substantially shorter than the Neighbors' addition and deck, the proposed addition will not diminish the Neighbors' views from their deck or negatively impact upon their privacy (Exhibit 5).

17. The proposed addition will have no adverse impacts on Friendship Park or on homes to the north, which are across the street from the applicant's property (Exhibit 5).

18. Although the Neighbors claim the addition will impact Dr. Steinberg's home office use as a result of a diminution of light and air, the Board did not find the evidence supporting this claim persuasive.

19. The impact of the proposed addition on the adjacent property's light and air would be minimal due to the travel patterns of the sun.

CONCLUSIONS OF LAW**The Special Exception**

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799, as amended; D.C. Official Code § 6-641.07(g)(2) (2001)), to grant special exceptions as provided in the Zoning Regulations. The applicant is seeking a special exception pursuant to 11 DCMR §§ 223 and 3104.1 to construct an addition to a one-family dwelling in an R-1-B District, where the addition will not comply with the lot occupancy requirements of § 403, the rear yard requirements of § 404 or the side yard requirements of § 405.

The Board may grant a special exception where, in its judgment, two general tests are met, and, the special conditions for the particular exception are granted.

The general tests. First, the requested special exception must “be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” 11 DCMR § 3104.1. Second, it must “not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map” 11 DCMR § 3104.1. As to the first test, the proposed addition will not change the residential use of the dwelling and will be in harmony with the existing residential neighborhood.

Since the second test is nearly identical to the criteria for the special conditions under § 223, it will be discussed in the section below entitled “The ‘special conditions’ for an addition under § 223.1”.

The “special conditions” for an addition under § 223.1. Under Section 223.1 of the Zoning Regulations, the Board may permit an addition to a single family dwelling where it does not comply with applicable area requirements, subject to its not having a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

223.2(a) The light and air available to neighboring properties shall not be unduly affected. Light and air to neighboring properties will not be unduly affected. Although the proposed addition will have some effect on available light and air, it will not significantly affect the light and air to neighboring properties (See, Findings of Fact 15-18).

223.2(b). The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. Nor will the privacy of use and enjoyment of neighboring properties be significantly affected by the proposed addition. Only the Neighbors’ property is adjacent to the proposed rear addition. Based upon the evidence of record, including the shorter length of the proposed addition than the Neighbor’s

and the travel patterns of the sun, the Board is not persuaded that the Neighbors' privacy will be diminished in any significant way. (Findings of Fact 16, 17, and 18).

223.2(c). The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. The proposed addition will cause no visual intrusion as viewed from the street. As viewed from the street or alley, the addition, as revised, will not visually intrude upon the character, scale or pattern of homes along the street frontage (Findings of Fact 11, 12, and 14).

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts. The subject property is in the R-1-B zone (Finding of Fact 1). The proposed addition, will increase the lot occupancy from 40% to 41% (Finding of Fact 7). Therefore, this condition will be met.

The Board is required under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21), as amended; D.C. Official Code § 1-9.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. The ANC advised that the addition would not adversely impact the neighborhood and voted not to oppose the application. For the reasons stated in this Decision and Order, the Board finds the ANC's advice to be persuasive.

In reviewing a special exception application, the Board is also required under D.C. Official Code § 6-623.04(2001) to give "great weight" to OP recommendations. For the reasons stated in this Decision and Order, the Board also finds OP's advice to be persuasive.

For the reasons stated above, the Board concludes that the applicant has satisfied the burden of proof with respect to the application for a special exception under § 223 to allow the construction of an addition that does not comply with the requirements of the R-1-B zone.

Therefore, it is hereby **ORDERED** that the application for a special exception is **GRANTED**.

VOTE: **3-0-2** (Geoffrey H. Griffis, Ruthanne G. Miller, and John A. Mann II in favor of the motion to grant; Curtis L. Etherly, Jr. being necessarily absent; and no Zoning Commission member having participated in the application)

OCT 06 2006

Vote taken on May 2, 2006

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: SEP 29 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY

DISTRICT OF COLUMBIA REGISTER

BZA APPLICATION NO. 17442

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OCT 06 2006

**BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT
TO THIS ORDER.**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17516 of Jeffrey Sneider, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), in the R-3 District at premises 3265 N Street, N.W. (Square 1230, Lot 821).

HEARING DATE: September 26, 2006
DECISION DATE: September 26, 2006 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E submitted a report stating no objection to the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 4-0-1 (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, and Michael G. Turnbull to approve; Curtis L. Etherly, Jr. not present not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: September 27, 2006

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION,

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DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS

ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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