

**DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL
DISABILITIES AND TENURE**

**Judicial Tenure Commission Begins Review
Of Judge Annice Wagner**

This is to notify members of the bar and the general public that the Commission is reviewing the qualifications of Judge Annice Wagner of the District of Columbia Court of Appeals who has retired as an Associate Judge and has requested a recommendation for appointment as a Senior Judge.

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §13(1) provides in part as follows:

"...A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendation and findings to the appropriate chief judge of the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final."

The Commission hereby requests members of the bar, litigants, former jurors, interested organizations and members of the public to submit any information bearing on the qualifications of Judge Wagner which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials will be kept confidential unless expressly authorized by the person submitting the information.

All communications should be mailed, or faxed, by December 9, 2005, and addressed to:

District of Columbia Commission on Judicial
Disabilities and Tenure
Building A, Room 312
515 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 727-1363
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The members of the Commission are:

William P. Lightfoot, Esquire, Chairperson
Hon. Gladys Kessler, Vice Chairperson
Mary E. Baluss, Esquire
Gary C. Dennis, M.D.
Eric H. Holder, Jr., Esquire
Ronald Richardson

BY: /s/ William P. Lightfoot
Chairperson

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Human Services, pursuant to the authority set forth in section 2(i) of the District of Columbia Emergency Overnight Shelter Amendment Act of 1990, effective March 6, 1991 (D.C. Law 8-197; D.C. Official Code § 4-708), and Mayor's Order 91-71, dated May 8, 1991, hereby gives notice of its decision to withdraw the Notice of Emergency and Proposed Rulemaking, published in the D.C. Register on September 23, 2005 (vol. 52, No. 38 pp. 8651-8653), and which amended §2502, §2503, §2504, and §2599 of the "Temporary Housing for Families and Overnight Shelters for Individual Adults" rules to include guidelines for dedicated shelter space for employed persons in Chapter 25 of Title 29 of the District of Columbia Municipal Regulations (DCMR). These rules are being withdrawn as a result of their repeal of the District of Columbia Right to Overnight Shelter Initiative of 1984 and its progeny, by the enactment of the Homeless Services Reform Act of 2005 (Act), which became effective October 22, 2005. The Department of Human Services will no longer seek comments regarding the Work Bed Shelter program at Emery Shelter.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC INTEREST
REQUEST FOR COMMENTS ON STATE PLAN

The Director of the Department of Human Services (DHS) hereby gives notice regarding the District of Columbia State Plan for Administration of the Block Grant for Temporary Assistance for Needy Families (TANF). The effective date for this plan is October 1, 2005. The District of Columbia uses federal Temporary Assistance for Needy Families (TANF) funds to operate a cash assistance program for families with children known as the District's TANF program. The local legal authority for this program is the District of Columbia Public Assistance Act of 1982 (D.C. Law 4-101; D.C. Official Code Section 4-201.01 *et seq.*) as amended by D.C. Act 12-443. This program provides cash aid to needy families with children throughout the city and requires non-exempt adult recipients not already employed in unsubsidized employment to participate in work activities. (Teen parents meet the work participation requirement by attending school.) Non-exempt TANF applicants are also required to participate in job search and job readiness activities.

Applicant job search and job readiness activities are operated by the Department of Human Services (DHS). While some recipients participating in work activities participate in DHS-run programs, most recipients are assigned to private non-profit or for-profit entities (referred to in this document as "vendors") that have received contracts from the District government to operate work programs. Some recipients are also permitted to participate in self-initiated work-related activities.

The following applicants and recipients are exempt under District law from participation in work-related activities:

- a minor who is not the head of an assistance unit;
- a single custodial parent or caretaker who personally provides care for a child under six years of age, who cannot obtain needed appropriate childcare because it is unaffordable or not within reasonable distance of parent or caretaker's home or work activity;
- a single custodial parent with a child under 12 months of age;
- a recipient 60 years old or older;
- a parent or caretaker in a two-parent or caretaker household who is not a primary wage earner (if the household is eligible for TANF because of primary wage earner's unemployment) and who is personally taking care of a child under six years of age, if the parent or caretaker cannot obtain needed childcare because it is unaffordable or not within reasonable distance of parent or caretaker's home;

- a person who is ill, injured or incapacitated as determined by competent medical evidence (if the illness, injury or incapacity is expected to last longer than four weeks, the individual should be considered for an exemption);
- a person who is needed at home because another household member requires the individual's presence due to illness or injury;
- a woman who is verifiably expected to deliver within four months;
- a person in a one-parent household who is working for an average of 30 hours per week;
- persons in a two-parent household who are working for a combined total average of at least 35 hours per week; or persons in a two-parent household where the family receives federally-funded child care and no parent in the family is disabled, or caring for a child with a disability, who are working a combined total of at least 55 hours per week;
- a full-time VISTA or Americorps volunteer; and
- a person who is granted a domestic violence waiver because accepting the work requirement would put the applicant/recipient at further risk of violence.

Any applicant/recipient who is exempt from work participation may voluntarily participate. If he or she volunteers and then fails to participate without good cause and for a reason unrelated to his/her qualification for an exemption, the individual is subject to sanction.

In addition to funding basic cash assistance and work-related programs for TANF recipients, the District uses or intends to use federal TANF funds for the following activities:

- *Literacy Services* – The District uses or may use TANF funds to provide literacy services to low-income parents, including both TANF and non-TANF recipients. Programs may include, but are not limited to, programs that link adult education and vocational educational training; programs that provide fast-track GED classes to individuals capable of preparing for and passing the GED exam in 10 weeks or less; English as a Second Language programs; and family literacy programs.
- *Teen Pregnancy Prevention* – The District uses or may use TANF funds to support grants to support teen pregnancy prevention programs. These programs focus on girls and boys in 5th through 8th grades.
- *Preventing Repeat Pregnancies* – The District uses or may use TANF funds to pay for an intensive intervention program for low-income minor parents including both TANF and non-TANF recipients to reduce the incidence of second births to low-income teens.

- *Domestic Violence Services* – TANF funds are used or may be used to provide a grant(s) to a domestic service provider or providers. The grantee(s) provides counseling and other services to TANF applicants and recipients who indicate they have a history of domestic violence. These service providers assess the TANF applicant/recipient and develop a plan of service with the individuals.
- *Wraparound Family Services* – The District uses or may use TANF funds to provide services to address short term crises as well as long-term family issues that lead to long-term welfare dependency and inhibit self-sufficiency. The services will address the needs of the hardest to serve, target the well-being of the family unit, and serve to supplement financial and employment assistance.
- *Family Emergency Services* – The District of Columbia uses or may use TANF funds to provide services to families who are homeless or at risk of homelessness. Funds may be used for program enhancements including the provision of shelter and case management services for families in D.C. shelters and/or in support of energy assistance to families to help avoid homelessness.
- *Fatherhood Initiative* – The District uses or may use TANF funds as one of a complement of funding sources to provide a continuum of supportive services to fathers of children in low-income families. Specifically, TANF funds support life skills education, group peer instruction, mediation services, counseling, and instruction on effective parenting. Services may include those to assist ex-offenders with their re-entry transition.
- *Tuition Assistance Program Initiative for TANF (TAPIT)* – TANF funds are used or may be used to provide tuition assistance for TANF recipients pursuing post-secondary education. TAPIT participants generally combine school attendance with employment-related activities such as a work-study program. TAPIT is the funding source of last resort and recipients receive assistance pursuing alternative funding sources including Pell Grants and District supported tuition assistance.
- *Diversion Payment Program* – TANF applicants may qualify for diversion assistance in lieu of receiving on-going TANF assistance. Applicants who face a short-term financial need and who indicate that employment could be found quickly if the short-term financial need is met are eligible for the Diversion Payment Program. Diversion payments can pay for items such as auto insurance or car repair, rent and utilities, work clothes, and professional licenses or fees.
- *Transfers to CCDF and SSBG* – The District intends to utilize its full transfer authority to the CCDF and SSBG block grants. The funds transferred to CCDF will fund child care services to low-income working families that have expanded significantly in recent years. The funds will also help improve provider-reimbursement rates. The funds transferred to SSBG fund homeless programs for families with children.

- *Child Care* – The District of Columbia plans to use TANF funds in excess of the transfer authority to fund child care subsidies and/or other child care-related activities, including quality enhancements.
- *Family Preservation Services* – The District of Columbia uses or may use TANF funds to provide family preservation-related services to low-income families with children. These services may include short-term out-of-home placements when a child is removed due to a family crisis. Such services may not be supported for more than 180 days and must be provided in conjunction with an assessment or services geared toward family reunification.
- *Services to Teens in Foster Care* – The District of Columbia uses or may use TANF funds to provide an array of services to teens transitioning from foster care to independence. By assisting the teens make successful transitions and prepare for employment, these services will support the goal of reducing out-of-wedlock childbearing among this group.
- *Services for Teen Parents in Foster Care* – The District uses or may use TANF funds to provide services to parenting teens who live in foster care with their children to foster good parenting skills and self-sufficiency.
- *Community Mini-Grants* – The District of Columbia uses or may use TANF funds to provide small grants (typically less than \$40,000) to community based organizations who are providing services to needy families with children. The grantees will be organizations with overall budgets of less than \$150,000.
- *Children's Services* – The District of Columbia uses or may use TANF funds to support the Children and Youth Investment Trust Corporation, a non-profit organization established to identify unmet needs among the District's children and youth and to provide grants to community entities to meet those needs. Grants utilize a variety of population and neighborhood specific approaches designed to strengthen families and prevent and reduce out-of-wedlock births.
- *Home Visiting Services* – TANF funds are used or may be used to fund community-based grantees that conduct home visits with sanctioned and long-term TANF recipients. Home visitors conduct an in-depth assessment of customers' needs and barriers and assist the customers in reconnecting with or fully engaging in, work-related activities. Home visitors also make referrals to a wide array of supportive services to address identified barriers.

When implementing the Block Grant for Temporary Assistance for Needy Families (TANF), the District of Columbia will defer to any existing TANF provisions or subsequent changes in Federal law that may conflict with District law and regulations. It is not the intent of the District of Columbia that any provisions of its TANF plan be construed as an entitlement. This plan will

be amended, as necessary, to reflect future program changes required after the opportunity for further consideration by the Mayor and the Council of the District of Columbia.

SECTION 1. GENERAL PROVISIONS

- (1) *Provide Assistance to Needy Families:* The District of Columbia will use TANF funds to administer a cash assistance program for needy families with children. The eligibility rules, benefit levels, and work participation requirements and exemptions will be the same throughout the District of Columbia. In addition to providing cash assistance to needy families, the program will also provide job preparation, work, and support services to enable families to leave the program and become self-sufficient.
- (2) *Require Work after 24 Months:* The program will require non-exempt parents or caretakers receiving assistance to engage in work (as defined by the District) once the District determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier. Non-exempt recipients are referred to work programs, generally operated by vendors. Most non-exempt recipients are referred to work programs shortly after application approval and far before two years of benefit receipt (since TANF implementation). Exemption categories are listed above. Individuals who meet the exemption criteria will be deemed to be meeting the 24 month work requirement by caring for their families.
- (3) *Section 407 Work Requirements:* Parents and caretakers receiving assistance under the program shall be engaged in work activities in accordance with Section 407 of the Personal Responsibility and Work Opportunity Reconciliation Act. This will be achieved by requiring non-exempt (exemptions are based on District law and regulations) recipients to participate in employment-related programs such as those run by our vendors.
- (4) *Confidentiality:* Reasonable steps shall be taken to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the federal government. The District maintains a strict confidentiality policy that holds that information about TANF applicants or recipients may not be disclosed to third parties, without the consent of the applicant or recipient, except in specific cases, such as: information reported to the Child and Family Services Agency or law enforcement related to child abuse or neglect, information provided to law enforcement authorities when DHS has knowledge of the commission of a crime or when law enforcement requests information needed for criminal investigations or proceedings; and information reported to the Child Support Enforcement Division for the purposes of establishing paternity and collecting child support.
- (5) *Out-of-Wedlock Pregnancies:* IMA uses TANF funds to administer a wide range of teen pregnancy prevention efforts through partnerships with other government agencies and community-based organizations. The District's numeric goal for the reduction in the illegitimacy ratio is one percent for each fiscal year between 1996 and 2008. These

efforts have contributed to the District's success in reducing out-of-wedlock births. Our success has been recognized by the U.S. Department of Health and Human Services through the award of six out-of-wedlock birth reduction bonuses. The District received its sixth award of \$25 million in September 2004, making the District the only jurisdiction to receive the bonus in all six years it has been awarded.

- (6) *Statutory Rape:* IMA will disseminate information and materials about the issue of statutory rape to teen pregnancy prevention grantees through regular grantee meetings. In attendance at the meeting will be our teen pregnancy prevention partners, as well as invited officials from the appropriate law enforcement agencies. These efforts will ensure that teen pregnancy prevention programs as well as social service providers, educators, and law enforcement officials who come in contact with teens and teen parents understand the legal issues surrounding statutory rape, what can be done to deter statutory rape, and the steps that shall be taken if they suspect statutory rape. The intent of this information is to facilitate the on-going inclusion of men and boys in the District's teen pregnancy prevention efforts.

SECTION 2. SPECIAL PROVISIONS

- (1) *Treatment of New Entrants to the District of Columbia:* The District does not treat new entrants to the District of Columbia differently from other District residents.
- (2) *Treatment of Immigrants:* The District provides assistance to all qualified immigrants except those who entered on or after August 22, 1996 who have not been in the country and are not exempted from this five-year limitation by Federal law.
- (3) *Fair and Equitable Treatment:* While District law does not provide an entitlement to TANF-funded assistance, the TANF cash assistance programs provides equal treatment for all applicants/recipients. That is, families in similar situations are treated similarly.

The following are the basic TANF cash assistance program parameters:

- *Benefit Calculation:* For applicants, the District disregards the first \$160 of earnings for work expenses. Out-of-pocket dependent care costs are also deducted up to a maximum of \$200 per children under two years of age, or \$175 per child two years of age or older. If the applicant's remaining countable income exceeds the District's payment level, the applicant is ineligible for benefits. When determining the eligibility of on-going recipients and the level of benefits to which a family is eligible, a \$160 work expense deduction is applied and then an additional 2/3 of remaining earned income is deducted to compute countable earned income. Dependent care deductions also apply. A family is eligible for benefits equal to the difference between a family's countable income (comprised of countable earned and unearned income) and the payment standard.

The District has conformed its asset and resource limit to those utilized under the Food Stamp program. The District will disregard the entire value of all vehicles owned by or registered to the TANF applicant/recipient's household.

Customers must generally report all changes in circumstances within 10 days of the change. TANF customers with earned income are required to report changes in income every six months.

- *Work Requirements:* Non-exempt recipients are required to participate in work activities. (Exemption criteria are listed above.) Failing to participate in work activities without good cause leads to a pro-rata reduction in the family's TANF grant. Non-exempt recipients are required to develop and sign an Individual Responsibility Plan (Plan). The Plan may establish employment goals, outline the steps the recipient must take to achieve those goals – including the work activities the recipient must participate in – and describe the services the District will provide to assist the individual to attain self-sufficiency. The Individual Responsibility Plan is generally developed when a non-exempt recipient has been referred to a work program. Non-exempt applicants are required to participate in job search and preparation activities. Failure to participate in these activities may lead to sanction.

The District does not require an individual who is a single custodial parent caring for a child who has not attained 12 months of age to engage in work. For not more than 12 months, the District disregards the single custodial parent exempt from work due to caring for a child under the age of 12 months in determining the participation rates for work requirements.

- *Child Support Requirement:* TANF recipients must assign their child support rights to the District of Columbia and must cooperate with child support requirements. Failure to cooperate with child support requirements, without good cause, leads to a 25% reduction in the family's TANF grant. TANF applicants and recipients are informed of their right to claim good cause and the circumstances which would constitute good cause for failing to cooperate with child support requirements by both the TANF and child support agency. The child support agency makes the determination of whether good cause exists for failing to cooperate with child support requirements.
- *Time Limit:* District law limits the number of months assistance groups that include an adult who received assistance as the head of household or the spouse of the head of household can receive federally funded TANF assistance. Such groups are limited to 60 months of federal TANF receipt. The District intends to exempt from the 60-month limitation on the receipt of federally-funded TANF assistance families who demonstrate hardship circumstances but will not exempt more families than 20 percent of the average monthly number of families to whom assistance is provided.

- *Minor Child Absent from the Home:* The District continues cash assistance for a child absent from the home, but resident in the District of Columbia, for no more than 90 consecutive days.
- *Application Time-frames:* TANF applications must be approved or denied within 45 days of the date of application or within 15 days of the date a 30-day notice was sent which informed the applicant of the need to provide additional information to verify eligibility factors.
- *Notices of Adverse Action:* Prior to any adverse action being imposed, including a sanction, case closure, or benefit reduction, a notice of adverse action must be sent to the recipient. The notice must meet the adequate and timely standard. To be adequate, the notice must describe the action to be taken, the reason for the action, and the right to appeal the action. The notice must also include a statement of the legal authority for the action. To be timely, the notice must be sent at least 15 days prior to the effective date of the adverse action.
- *Administrative Review and Fair Hearing Rights:* TANF applicants/recipients who disagree with a proposed action taken can request an administrative review and/or a fair hearing. An administrative review is an informal process whereby DHS and the applicant/recipient attempt to resolve the issue. Individuals requesting administrative reviews may proceed to a fair hearing if they are not satisfied with the outcome of the administrative review. Recipients who request a fair hearing prior to the effective date of the adverse action may request that assistance continue at current levels pending the outcome of the fair hearing. A fair hearing can be requested after the effective date of the adverse action, but assistance cannot be continued pending the fair hearing decision.
- *Complaints:* Customers with complaints about service received by DHS may register those complaints with the Customer Service Department, the Office of Administrative Review, or the Income Maintenance Administrator's Office.
- *Two-Month Community Service Requirement:* The District intends to opt out of the option to require a parent or caretaker receiving assistance under the program, who after receiving such assistance for two months is not exempt from the work requirements and is not engaged in work, to participate in community-service employment.

SECTION 3. CERTIFICATION THAT THE DISTRICT OF COLUMBIA WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM

The District certifies that during the fiscal year, the District will operate a child support enforcement program under the State Plan approved under part D.

SECTION 4. CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM

The District certifies that during the fiscal year, the District will operate a foster care and adoption assistance program under the State Plan approved under part E, and the District will take such actions as necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State Plan under Title XIX.

SECTION 5. CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.

The District certifies that during the fiscal year, the District will provide each member of an Indian tribe, who is domiciled in the District and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

SECTION 6. CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM

The District certifies that the District's Department of Human Services is the District agency that will administer and supervise the program for the fiscal year.

The District also assures that the required 45-day comment period was allowed. On ?????, the draft TANF plan was published in the D.C. Register to allow for a 45-day comment period. The Department assures that comments were considered.

The Department assures that the District's TANF plan is available to the public upon request.

SECTION 7. CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE

The District certifies that the District has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the District program, kickbacks, and the use of political patronage.

SECTION 8: OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE

The District certifies that the District will screen and identify individuals receiving assistance with a history of domestic violence while maintaining the confidentiality of such individuals. The District will refer such individuals to counseling and supportive services.

Individuals with a history of domestic violence may be exempted from work participation requirements and child support requirements. However, such individuals may choose to participate in work activities or pursue child support.

Explanation*Screening and Assessment*

DHS caseworkers use the Preliminary Assessment of Employability Form to screen all TANF applicants at initial application, and at any point during a customer's TANF receipt as necessary, for various barriers to employment and work participation, including domestic violence. If current, or a history of, domestic violence is identified, a written referral for additional screening/assessment services will be provided to the applicant/recipient who should comply with the instructions. If an entity that operates a TANF work program discovers that a recipient has a domestic violence issue and may need services, that entity may contact DHS and a referral to the domestic violence service providers will be made.

Should further screening/assessment confirm an initial finding of domestic violence, a plan of service will be developed in conjunction with the applicant/recipient. When developing the plan of service, the possibility of requesting a waiver of work requirements and/or child support cooperation requirements and the duration of the waivers will be discussed. Good cause waivers of work requirements are granted when work participation requirements would make it more difficult for the applicant/recipient to escape family violence.

Decisions on Domestic Violence Waivers

Decisions on granting or denying a domestic violence waiver of work requirements will be made within 15 business days of such a waiver request. During that time, if the applicant/recipient is otherwise eligible for TANF, financial assistance shall not be delayed or denied. Since it may be necessary to waive work requirements to ensure the safety of the applicant/recipient, he or she will not be required to participate in work programs pending a decision on whether to grant a waiver.

When determining whether domestic violence occurred, the following evidence shall be used:

- police, government agency, or court records;
- documentation from a shelter, legal, clerical, medical, or other professional worker from whom the applicant/recipient has sought assistance;
- statements from other individuals with knowledge of the circumstances;
- physical evidence of domestic violence or any other evidence supporting the allegations; and
- in the absence of evidence as listed above, allegations that the victim makes under oath, including the applicant's petition for a Civil Protection Order, shall be sufficient to substantiate a claim.

If an applicant/recipient decides not to seek or declines services or a waiver of work requirements due to domestic violence, he or she will not be barred from seeking such services and waivers at a later date. An applicant/recipient may terminate an existing waiver at any time without penalty. No waiver will ever be implemented against the will of the applicant/recipient.

Once granted a waiver, any applicant/recipient who voluntarily chooses to participate in approved TANF activities shall be allowed to do so.

Child Support

At application and recertification, TANF customers are provided information about the good cause reasons for failing to cooperate with child support requirements which largely focus on domestic violence issues. This information is also provided directly by the Child Support Enforcement Division. Applicants/recipients can indicate to their TANF caseworker their intent to claim good cause for failing to cooperate with child support requirements that will alert the child support agency that the individual wishes to claim good cause. The applicant/recipient can also indicate intent to claim good cause with the child support agency directly. Ultimately, the Child Support Enforcement Division makes good cause determinations related to child support requirements.

Time Limits

A history of domestic violence as well as current domestic violence involvement will be considered when determining exemptions to the 60-month time limit.

SECTION 9. NON-DISCRIMINATION ASSURANCES

The District assures that the following provisions of law will apply to programs and activities funded under TANF:

The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*)

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*)

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*)

District of Columbia Human Rights Act (D.C. Official Code §§ 2-1401.01 *et seq.*)

ADDITIONAL INFORMATION

- (1) The District intends to use matches with quarterly Unemployment Insurance (UI) wage records and surveys of administrative records to produce statistically valid estimates of the performance of State programs funded under this part.

- (2) The District may administer and provide services through contracts with charitable, religious, or public and private organizations, and may provide beneficiaries of the services with vouchers, certificates, or forms of disbursement which are redeemable with such organizations, or used as a means of providing assistance.
- (3) The District has chosen not to adopt the following:
- the option to deny assistance to individuals convicted (under Federal or District law) of any offense which is classified as a felony by the law of the jurisdiction involved and which has an element the possession, use, or distribution of a controlled substance (DC Code §4-205.71 April 20, 1999);
 - the option to require a parent or caretaker receiving assistance under the program who, after receiving such assistance for two months is not exempt from work requirements and is not engaged in work, to participate in community service employment;
 - the option to use the grant to establish an individual development account by or on behalf of an individual eligible for assistance under the State program funded by this part for the purpose of enabling the individual to accumulate funds from earnings for post-secondary education, business capital, or first home purchase;
 - the option to sanction a family that includes an adult who is older than 20 years of age or younger than 51 years of age if such adult does not have, or is not working toward attaining, a secondary school diploma or its recognized equivalent unless certain exceptions are met;
 - the option to deny good cause reasons for a minor to be absent from the home for longer than 180 consecutive days; and
 - the option to test recipients of assistance for use of controlled substances or sanction recipients who test positive for controlled substances.

(4) *Income and Resource Standards of TANF-Funded Programs*

- TANF Cash Assistance Program/Diversion Payment Program

(Note: Domestic Violence services, TAPIT, and home visiting services- are funded with TANF and are only available to TANF recipients. Diversion assistance is only available to individuals otherwise eligible for TANF cash assistance.)

Net Income must be less than Payment Standard. Countable Resources must be less than Food Stamp Resource Limit.

Group Size	Payment Levels (effective January 1, 1999)
1	\$239
2	298
3	379
4	463
5	533
6	627
7	719
8	795
9	874
10	950
11	1,002
12	1,077
13	1,126
14	1,187
15	1,232
16	1,294
17	1,482

- Literacy Services

Gross Income must be below 200% of the Federal Poverty Level. No Resource Limit.

- Child Care

For the child care subsidy program, income must be below 300% of the Federal Poverty Level. No Resource Limit.

- Family Preservation Services

Gross income must be below 200% of the Federal Poverty Level. No Resource Limit.

- Services to Teens in Foster Care
No income or resource test is required.
- Services for Teen Parents in Foster Care
Gross income must be below 200% of the Federal Poverty Level. No Resource Limit.
- Community Mini Grants
These programs do not provide assistance directly to low-income families. Grantees were required to use the funds to assist families with children with incomes below 200% of the Federal Poverty Level.
- Fatherhood Initiative
Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.
- Family Emergency Services
Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.
- Wraparound Family Services
Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.
- Children's Services
Some of the programs funded by the Children and Youth Investment Trust Corporation (Corporation) will be for a purpose that falls within Section 401(a)(3) or Section 401(a)(4) of the Social Security Act. In these cases, no income test is required. For programs funded by the Corporation that do not fall within these purposes, the program must serve children, youth or families (with children) whose incomes are below 300% of the Federal Poverty Level.

- Preventing Repeat Pregnancies/Teen Pregnancy Prevention

These programs are not required to include a means test because they meet the third purpose of the TANF statute (“...prevent and reduce the incidence of out-of-wedlock pregnancies...”). However, programs are designed to serve low-income families that is, families with incomes below 200% of the federal poverty level.

(5) *Income and Resource Standards of MOE-Funded Programs*

- The Program on Work, Employment and Responsibility (POWER) is a wholly MOE-funded District program which provides cash assistance and appropriate treatment or rehabilitative services to parents who have physical or mental incapacities or substance abuse problems. The POWER program uses the same income and resource standards as the District’s standard TANF cash assistance program.

To be eligible for POWER, a TANF applicant or recipient must submit a medical evaluation form to the District’s Medical Review Team (MRT). The MRT determines whether the parent has a physical or mental incapacity, substance abuse problem, or learning disability that would severely limit the individual’s ability to participate in standard TANF work activities or employment. If a parent meets the criteria, the family will receive POWER benefits and no longer receive TANF. If the parent has a substance abuse problem, he or she will be referred to the Addiction Prevention and Recovery Administration (APRA). If the parent has a physical or mental incapacity or learning disability, he or she will be referred to the Rehabilitation Services Administration (RSA). Either APRA or RSA will formulate a services/treatment plan for the POWER recipient. Failure to comply with the plan result in the POWER case being closed and the family being reverted to the TANF program.

APRA and RSA receive MOE funds to provide services to POWER participants.

- Maintenance of effort funds are used to provide child care subsidies to low-income District children whose parents are working or participating in employment-related programs. These funds are used to provide subsidies to low-income working families and support quality enhancement initiatives. For the child care subsidy program, income must be below 300% of the Federal Poverty Level.
- MOE funds are used to support employment services for TANF recipients.
- MOE funds are commingled with Federal TANF funds to fund basic cash assistance to families in the TANF program.

DISTRICT OF COLUMBIA REGISTER

- MOE funds are used to finance some administrative and systems costs associated with the TANF program.

CERTIFICATION BY THE MAYOR OF
THE DISTRICT OF COLUMBIA
IN SUPPORT OF THE TANF DISTRICT OF COLUMBIA
STATE PLAN

The District of Columbia will operate a program to provide Temporary Assistance for Needy Families (TANF) so that the children may be cared for in their own homes or in homes of relatives or caregivers and to end dependence of needy able-bodied adults on government benefits by promoting job preparation, work, and self-sufficiency.

The plan includes all required assurances and provisions to be implemented by the District of Columbia Department of Human Services. The named District Government agency has been given the authority to administer and supervise the activities referenced in the state plan.

I hereby approve this TANF State Plan for the District of Columbia and submittal of this plan to the Secretary of the U.S. Department of Health and Human Services.

_____ Signed: _____
Date

Anthony Williams
Mayor

Written comments on the State Plan should be sent to Kate Jesberg, Administrator, Income Maintenance Administration, 645 H Street, N.E., 5th Floor, Washington, D.C. 20002, no later than forty-five (45) days from the date of this publication in the *D.C. Register*. Copies of the Plan may be obtained from the above address.

Office of the Secretary of the
District of Columbia

October 19, 2005

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 November 15, 2005.

Adams, Tonja W.	New	D I A/DAL-ID Bldg 6000 20340
Akalu, Liya	New	Advance 2205 14 th St,NW#301 20009
Alford, Shannon	New	Akin Gump et al 1333 N H Ave,NW 20036
Anderson, Christopher	New	Ctr/Sci..Public Interest 1875 Conn Ave,NW#300 20009
Andrews, Shannah	New	Williams & Connolly 725 12 th St,NW 20005
Avery, Gwendolyn L.	Rpt	O'Melveny & Myers 1625 I St,NW 20006
Bentley, A'sia L.	Rpt	O'Melveny & Myers 1625 I St,NW 20006
Best, Cheryl L.	New	Swidler Berlin 3000 K St,NW#300 20007
Best, Darlene Q.	New	624 Brandywine St,SE 20032
Blakeslee, Elizabeth L.	New	1325 13 th St,NW#53 20005

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Boadu, Priscilla	New	Justice Federal C U 950 Pa Ave,NW#1419 20530
Bocca, Maria Julia	New	Internat'l Law Group 1004 Pa Ave,SE 20003
Boyd, Synod P.	New	Lockton Companies 888 16 th St,NW#800 20006
Bray, Artie L.	New	Gay & Lesbian Task Force 1325 Mass Ave,NW#600 20005
Brayton, Kathy Ann	New	O'Connor & Hannan 1666 K St,NW#500 20006
Brown, Karen M.	Rpt	DOJ/Civil Division 20 Mass Ave,NW#6100 20503
Burke, Kate A.	New	Shearman & Sterling 801 Pa Ave,NW 20004
Caday, Christina S.	New	Source Office Suites 1300 Pa Ave,NW#700 20004
Campbell, Jared B.	New	Chadbourne & Parke 1200 N H Ave,NW#300 20036
Carter, Matilda	New	Friendship House Assoc 619 D St,SE 20003
Carrol, Constance C.	New	L E G G 1725 I St,NW#800 20006
Cauthorn, Jr., Joseph C.	Rpt	ViON Corporation 1055 ThJeff St,NW#406 20007
Caywood, William	New	Commerce Bank 1753 Conn Ave,NW 20009
Ceci, Gloria	New	Pillsbury Winthrop 2300 N St,NW 20037

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Chattoraj, Sruti	Rpt	Chevy Chase Bank 5714 Conn Ave,NW 20015
Corradino, Thomas M.	New	Luxenberg Johnson 1244 19 th St,NW 20036
Dacres, Nicole	New	R S C Elec & Mech Cont 6035 Dix St,NE 20019
Daywalt, Stacey L.	New	Al Betz & Associates 1825 I St,NW#400 20006
Dickerson, Lola C.	Rpt	Greenberg Traurig 800 Conn Ave,NW#500 20006
Divinagracia, Maria Lina	New	St. Aloysius Church 19 I St,NW 20001
Dookhan, Helen E.	Rpt	Lathan & Watkins 555 11 th St,NW#1000 20004
Ferssizidis, Constantine	New	Wachovia Bank 1301 Pa Ave,NW 20004
Ford, Bernard G.	Rpt	National League of Cities 1301 Pa Ave,NW 20004
Fort, Virginia L.	Rpt	O'Melveny & Myers 1625 I St,NW 20006
Fortier,Jr., Scott	New	Chadbourne & Parke 1200 N H Ave,NW#300 20036
Gales, Belinda	Rpt	Fleetwood Management 2315 Lincoln Rd,NE 20019
Grace-Spencer, Kevia	New	Sun Trust Bank 300 Pa Ave,SE 20003
Griffin, LaTonya	New	Sun Trust Bank 2929 M St,NW 20007

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Harris, Janette Hoston	Rpt	4407 16 th St,NW 20011
Hayes, Melanie	New	U. S. Trust 600 14 th St,NW 20005
Hays, Katherine L.	Rpt	Legal Aid Society of D.C. 666 11 th St,NW8thF1 20001
Hood, Yvonne C.	New	D O E S/Wage-Hour 64 N Y Ave,NE#3105 20002
Howard, Gary S.	Rpt	Ace Federal Reporters 1120 G St,NW#500 20005
Israel, Shushan	New	501 L St,NE 20002
James, Nettie	New	H U D 451 7 th St,SW 20410
Jenkins, Ellen	Rpt	J B G Companies 955 L'Ent Plz,SW#1208 20024
Johnson, Diane M.	New	Womble Carlyle 1401 I St,NW#700 20005
Josef, Brian M.	New	Press & Press 2150 Wis Ave,NW#10 20007
Kalanevich, Laura J.	Rpt	Troutman Sanders 401 9 th St,NW#1000 20004
Kooritzky, Gabriela	New	Promontory Financial 1201 Pa Ave,NW#617 20004
Lee, Joyce	New	CapAnalysis Group 1299 Pa Ave,NW 20004
Levy, Ronald S.	Rpt	U S Treasury Dept 1500 Pa Ave,NW 20220

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Lobban, Christine H.	Rpt	Clyde's Restaurant 3236 M St,NW 20007
Ludwick, Betty J.	Rpt	Internat'l Broadcasting 330 Indep Ave,SW#1543 20237
McCrea, Sharon H.	New	3918 S St,SE 20020
Mack, LaShawn	New	D H S 330 Indep Ave,SW#5527 20201
Martin, Charlene W.	New	3366 Blaine St,NE 20019
Martin, Kasey K.	New	Universal Mortuary Serv 411 Kennedy St,NW 20011
Medina, Estrella D.	New	Bowne of D.C. 1341 G St,NW3rdFl 20005
Mora, Hector G.	New	A P O Y O 1789 Columbia Rd,NW 20009
Morgan, Michelle	New	Y W C A 1015 18 th St,NW#1100 20036
Naughton, Stephen J.	New	Hoyde Financial 1826 Jefferson Pl,NW 20036
Nicholson, Jennifer J.	Rpt	O'Melveny & Myers 1625 I St,NW 20006
Noblezada, Lennie L.	New	N A R U C 1101 Vt Ave,NW#200 20005
Nunley, Donald L.	New	127 U St,NW 20001
Oberer, Eric D.	New	N R T Mid-Atlantic Title 2828 Pa Ave,NW 20007

Odom, Williema J.	New	O'Donoghue & O'Donoghue 4748 Wis Ave, NW 20016
O'Neal, Deborah L.	New	Silver Freedman Taff 1700 Wis Ave, NW 20007
Owens, Felicia M.	New	Health Care Institute 1380 Southern Ave, SE 20032
Payne, Ramona Turner	New	23 U St, NW 20001
Perkins, JoAnn	Rpt	29 Hawthorne Ct, NE 20017
Peters, Judith B.	New	The Washington Post 1150 15 th St, NW 20071
Pfeiffer, Janice D.	New	Bessemer Trust 1050 Conn Ave, NW#1060 20036
Price, Daniel	New	Wachovia Bank 5701 Conn Ave, NW 20015
Quinn, Robin Braxton	New	Boies Schiller Flexner 5301 Wis Ave, NW#800 20015
Rankin, Susan C.	Rpt	Whiteford Taylor Preston 1025 Conn Ave, NW#400 20036
Ratcliff, Elizabeth	New	Amer Road & Trans Assoc 1010 Mass Ave, NW 20001
Riggs, Suzanne M.	Rpt	Venable 575 7 th St, NW 20004
Risteen, Eric H.	Rpt	Amer Pub Human Serv Assoc 810 First St, NE#500 20002
Roberts, Barbara T.	New	Amer Grace Mortgage Co 730 15 th St, SE 20003

Robinson, Andrea V.	New	Chadbourne & Parke 1200 N H Ave, NW 20036
Ruiz, Phillis C.	New	Arent Fox 1050 Conn Ave, NW 20036
Sanders, Renee J.P.	Rpt	626 Indep Ave, SE#201 20003
Scott, Deborah R.	New	Silver Freedman Taff 1700 Wis Ave, NW 20007
Scott, Maureen O.	Rpt	Internatl Assoc/Bridge 1750 N Y Ave, NW 20006
Sessoms, George	New	Sun Trust Bank 1100 G St, NW 20005
Simpson, Veda N.	Rpt	Castine Partners 1133 Conn Ave, NW#800 20036
Smith, Deborah M.	New	American Red Cross 2025 E St, NW 20006
Smith-Gatling, Vivian V.	Rpt	Bell Law Firm 1111 14 th St, NW#777 20005
Staats, Emilie	New	Commerce Bank 1753 Conn Ave, NW 20009
Stephanede, Elli D.	New	2745 29 th St, NW#421 20008
Swearingen, Nichole A.	New	Wash Mutual Home Loans 228 7 th St, SE 20003
Thomas, Dominique R.	Rpt	Coldwell Banker 5028 Wis Ave, NW#100 20016
Tomlin, Mary Ellen	New	Bessemer Trust 1050 Conn Ave, NW#1060 20036

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Tong, Vinh	New	Shearman & Sterling 801 Pa Ave, NW 20004
Turnage, Kimberly A.	New	Digital Evidence Group 11 Dup Cir, NW#400 20036
Wallace, Beatrice	Rpt	Amer Council/Educ 1 Dup Circle, NW 20036
Wallace, Mindy J.	New	Swidler Berlin 3000 K St, NW#300 20007
Washington, Angela Y.	Rpt	O T R/Gen Counsel Office 941 N Cap St, NE#8010 20002
Williams, Kalandra A.	Rpt	Venable 575 7 th St, NW 20004
Wu, Christina	New	Conservation Internat'l 1919 M St, NW#600 20036
Yette, Joyce Payne	New	Promontory Financial 1201 Pa Ave, NW#617 20004

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

Application No. 17370 of Square 484 Hotel L.L.C. and 484 OPCO, L.L.C., pursuant to §§ 3104 and 2108, for a special exception to reduce the required number of parking spaces allocated for a hotel use, and for variances pursuant to §§ 2115.1 through 2115.4, 2117.3, 2117.4, 2117.5, and 2117.6, to permit 13 parking spaces not meeting the dimensional, striping, and accessibility requirements of the Zoning Regulations, in a DD/C-2-C District at premises 555 Massachusetts Avenue, N.W., and 599 Massachusetts Ave., N.W. (Square 484, Lot 27).

Note: The above caption describes the relief granted by the Board. The Applicant had originally requested the same special exception relief, but different variance relief. The original variance relief requested was from §§2115.9 and 2115.18, but the Board declined to consider relief under these provisions because they do not apply in a DD/C-2-C zone district.

HEARING DATE: October 18, 2005

DECISION DATE: October 25, 2005

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief originally 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) 6C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. No letter was received into the record from ANC 6C, however the Applicant advised the Board that the application was presented to ANC 6C at its regularly scheduled public meeting in July, 2005, at which time the ANC voted to support the application.

The Office of Planning (OP) submitted a report in support of the application and also testified in support. The District Department of Transportation submitted a report stating that it had no objections to 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 a special exception under § 2108, and pursuant to § 3103, for variances from §§ 2115.1 through 2115.4, 2117.3, 2117.4, 2117.5, and 2117.6. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2108, and that the requested relief can be granted, 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.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proving, pursuant to 11 DCMR §§ 3103, 2115.1 through 2115.4, 2117.3, 2117.4, 2117.5, and 2117.6, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the 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.

The relief granted does not reduce the total number of 208 parking spaces provided by the hotel and residential uses at 555 and 599 Massachusetts Avenue, N.W., but rather permits a reallocation of such spaces to provide the residential use with a minimum of 134 spaces and the hotel use with 88 spaces, 75 of which comply with the dimensional, striping, and accessibility requirements of the Zoning Regulations, and 13 of which do not.

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. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application be **GRANTED SUBJECT** to the following **CONDITION(S)**:

1. The Applicant shall provide a minimum of 88 parking spaces for the hotel use, a minimum of 13 of which will be attendant-assisted. The remaining 75 spaces, whether attendant-assisted or not, will comply with the dimensional, striping, and accessibility requirements of the Zoning Regulations.
2. All parking areas and spaces in the hotel garage shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicle without moving any other vehicle onto public space.

VOTE: 5-0-0 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann, II to approve. Zoning Commission member John G. Parsons to approve, by absentee ballot)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: NOV 01 2005

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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 17374 of Norbert R. Schady and Kerstin S. Canby, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing flat (two-family dwelling) under section 223, not meeting the rear yard (section 404) and open court (section 406) requirements in the R-5-B District at premises 2328 19th Street, N.W. (Square 2539, Lot 211).

Note: The caption was amended to reflect the names of the owners of the property instead of their architect, Michael John Ray, who inadvertently filed the application in his own name.

HEARING DATE: October 25, 2005
DECISION DATE: October 25, 2005 (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) 1C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1C, which is automatically a party to this application. ANC 1C submitted a report in support of the application. The Office of Planning (OP) also 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 a 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

APPLICATION NO. 17374

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affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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 SUBJECT** to the following **CONDITIONS**:

1. Construction of the first floor shall be in accordance with the alternate plans in Exhibit No. 5 of the record, labeled as A-1.1- alt. "Proposed Alternate -First Floor Plan."
2. The exterior shall be constructed in accordance with the alternate plans in Exhibit No. 5 of the record, indexed as A-2.0-alt. "Alternate Exterior Elevation – Rear."

VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann, II to approve; no Zoning Commission Member participating).

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: NOV 01 2005

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

APPLICATION NO. 17374

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THERE TO) 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.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

twr

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

Application No. 17379 of Kelly Hansen, pursuant to 11 DCMR §§ 3104.1 and 1202.1, for a special exception for a two story rear addition to a single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), in the CAP/R-4 District at premises 516 Groff Court, N.E. (Square 779, Lot 124).

HEARING DATE: October 25, 2005
DECISION DATE: October 25, 2005 (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) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Architect of the Capitol submitted a letter stating that the application would not create an adverse effect on the Capitol Complex. The Capitol Hill Restoration Society submitted a letter 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.

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: **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller and John A. Mann II, to approve, the Zoning Commission member 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: October 27, 2005

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

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
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DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

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