

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 **October, 2005**. 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>			
1102 Buchanan Street	124	2918	4
1102 Buchanan Street-Rear	124	2918	4
5109 Connecticut Avenue	48	1989	3
5109 Connecticut Avenue	48	1989	3
5109 Connecticut Avenue-Rear	48	1989	3
1323 Corcoran Street	21	240	2
1461 Florida Avenue	147	2660	1
3003 Georgia Avenue	111	3052	1
3200 Georgia Avenue	909	2892	1
3200 Georgia Avenue-Rear (West)	909	2892	1
3200 Georgia Avenue-Rear (East)	909	2892	1
4607 Georgia Avenue	16	3015	4
616 Irving Street	146	3052	1
4907 Kansas Avenue	77	3252	4
641 Keefer Place	19	3041	1
440 Kenyon Street	43	3049	1
709 Kenyon Street	806	2892	1
416 Luray Place	77	3044	1
416 Luray Place-Rear	77	3044	1
1000 M Street	57	341	2
37 Missouri Avenue	39	3393	4
39 Missouri Avenue	40	3393	4
1824 Monroe Street	813	2614	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
1427 Q Street	9	208	2
750 Quebec Place	201	3031	1
1001 Quebec Place	63	2902	4
930 Quincy Street	95	2901	4
936 Quincy Street	92	2901	4
1000 Rhode Island Avenue	19	337	2

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Northwest (Cont'd)</u>			
3620 RCC Road	121	2831	1
719 S Street	38	417	1
423 Shepherd Street	38	3238	4
423 Shepherd Street-Rear	38	3238	4
1355 Shepherd Street	45	2823	4
201 T Street	832	3088	1
815 T Street	23	393	1
723 T Street	27	416	1
725 T Street	821	416	1
727 T Street	822	416	1
333 U Street	21	3086	1
613 Upshur Street	72	3226	4
613 Upshur Street-Rear	72	3226	4
215 Whittier Street-Rear	820	3363	4
1329 Wisconsin Avenue	68	1232	2
1333 1 st Street	193	617	5
1401 1 st Street	814	616	5
1202 3 rd Street	837	523	2
1506 3 rd Street	818	521	5
1215 4 th Street	813	523	6
1221 4 th Street	848	523	2
1425 5 th Street	511	817	2
1427 5 th Street	818	511	2
1632 6 th Street	818	521	5
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
1513-1515 11 th Street	815	337	2
1715 11 th Street	10	335	2
3007 11 th Street	99	2851	1
4601 13 th Street	48	2920	4
2208 14 th Street	30	202	1
3718 14 th Street	34	2692	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
3027 Channing Street	54	4360	5
3042 Clinton Street	826	4319	5
5918 Dix Street	821	5262	7
1369 Florida Avenue	129	1026	6
1369 Florida Avenue-Rear	129	1026	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
2001-R Gales St-Rear #10	800	4525	7
1511 Isherwood Street	176	4544	6
303 K Street	804	775	6
5243 Karl Place	802	5205	7
4502 Lee Street	148	5155	7
4510 Lee Street	144	5155	7
1227 Meigs Place	106	4055	5
1427 Minnesota Avenue-Rear	802	5077	7
1405 Montello Avenue	28	4060	5
4915 NHB Avenue	42/43	5182	7
5706 NHB Avenue	10	5214	7
1309 North Carolina Avenue	115	1035	6
1524 Olive Street	34	5165	7
1524 Olive Street-Rear	34	5165	7
1243 Owen Place	188	4060	5
115 Riggs Road	85	3701	5
6320 Southern Avenue	27	5269	7
1741 Trinidad Avenue	26	4082	5
234 V Street	11	3561	5
415 W Street	41	3601	5
1020 3 rd Street	34	749	6
1022 3 rd Street	33	749	6
1811 3 rd Street	7	3570	5
819 8 th Street	28	911	6
1012 9 th Street	807	909	6

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast</u>			
150 11 th Street	965	27	6
214 15 th Street	106	1055	6
3721 30 th Place	814	4304E	5
1136 47 th Place	137	5155	7
1202 47 th Place	60	5160	7
1227 47 th Place	39	5160	7
832 48 th Street	812	5150	7
1017 48 th Street	10	5153	7
1751 A Street	63	1097	6
1751 A Street-Rear	63	1097	6
5032 Benning Road	37	5340	7
10 Brandywine Street	804	6170	8
3333 Brothers Place	39	6003E	8
4915 C Street	28	5336	7
4926 Call Place	33	5336	7
4930 Call Place	32	5336	7
5000 Call Place	35	5323	7
1425 Congress Place	48	5889	8
1107 D Street	50	992	6
3326 Ely Place	807	5444	6
647 G Street	139	878	6
3009 G Street	807	5480	7
1239 Goodhope Road	89	3033	8
1909 Martin Luther King Jr	829	5770	8
1911 Martin Luther King Jr	829	5770	8
1913 Martin Luther King Jr	829	5770	8
2228 Martin Luther King Jr	810	5802	8
2234 Martin Luther King Jr	811	5802	8
2238 Martin Luther King Jr	978	5802	8
2412 Martin Luther King Jr	243	5806	8
2629 Martin Luther King Jr-East	192	5867	8
2629 Martin Luther King Jr-West	192	5867	8
3600 Martin Luther King Jr	42	5331	7
917 New Jersey Avenue	15	738	6
919 New Jersey Avenue	16	738	6
921 New Jersey Avenue	17	738	6
923 New Jersey Avenue	18	738	6
1008 South Carolina Avenue	23	970	6
1225 Sumner Road	980	5865	8

<u>BUILDINGS CONDEMNED</u>	<u>LOT</u>	<u>SQUARE</u>	<u>WD</u>
<u>Southeast (cont'd)</u>			
1242 W Street	99	5782	8
1518 W Street	814	5779	8
1708 W Street	154	5778	8
4010 3 rd Street	806	6167	8
4014 3 rd Street	804	6167	8
3020 7 th Street	50	5953	8
102 9 th Street	801	943	6
2525 33 rd Street	803	5690	7

<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
10 N Street	60	653	6

**BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in **thirteen (13)** Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed.

VACANT: **1B07**
 6A01

Petition Circulation Period: **Tuesday, November 29, 2005 thru Monday, December 19, 2005**
Petition Challenge Period: **Thursday, December 22, 2005 thru Thursday, December 29, 2005**

VACANT: **3D07**
 5C10
 6B11
 8B02, 8B03, 8C05, 8C06, 8E01, 8E06

Petition Circulation Period: **Tuesday, November 22, 2005 thru Monday, December 12, 2005**
Petition Challenge Period: **Thursday, December 16, 2005 thru Wednesday, December 21, 2005**

VACANT: **5B02**
 6C07

Petition Circulation Period: **Tuesday, November 8, 2005 thru Monday, November 28, 2005**
Petition Challenge Period: **Tuesday, December 1, 2005 thru Wednesday, December 7, 2005**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N

For more information, the public may call 727-2525.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

Notice of Availability of "The District of Columbia Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2005" for review and comment

Jalal Greene, Director, Department of Housing and Community Development (DHCD), announces the availability of the "District of Columbia Consolidated Annual Performance and Evaluation Report for Fiscal Year 2005" (the "CAPER") for public review and comment. The purpose of the CAPER is to present the U.S. Department of Housing and Urban Development (HUD) and the public with an assessment of the District's performance in carrying out its FY 2005 (October 1, 2004-September 30, 2005) Consolidated Action Plan to use federal funds to meet priority community needs. The FY 2005 Action Plan detailed activities to be carried out by the District under the following federal entitlement programs:

- **Community Development Block Grant Program (CDBG)**
- **Home Investment Partnerships Program (HOME)**
- **Emergency Shelter Grant Program (ESG), and**
- **Housing Opportunities for Persons with AIDS Program (HOPWA)**

The CAPER is available for a 15-day public comment period before its submission to HUD on/or before December 31, 2005. The CAPER will be distributed to stakeholder organizations and will be available for review at DHCD (8th floor), on the DHCD website, all public library branches, all Advisory Neighborhood Commission Offices and at the following community based organizations from November 25th to December 12th.

Housing Counseling Services, Inc. 2430 Ontario Road, NE (202) 667-7066	University Legal Services 3001 I Street, NE (202) 547-4747	Marshall Heights Community Development Organization 3939 Benning Rd, NE (202) 396-1200
Latino Economic Development Corporation 2316 18th Street, NW (202) 588-5102	Lydia's House 3939 South Capitol Street, SW (202) 373-1050	Central American Resources Center 1460 Columbia Road, NW (202) 328-9799
University Legal Services 3220 Pennsylvania Ave. SE (Suite 4) (202) 645-7175		

To comment by telephone on the CAPER report, please contact Mrs. Pamela Hillsman-Johnson, Community Development Resource Specialist, at (202) 442-7256, not later than close of business Monday, December 12, 2005. Please provide your name, address, telephone number, and organizational affiliation, if any. For Telecommunications Device for the Deaf (TDD) relay service, call (800) 201-7165. Written comments for the record must be received by close of business Tuesday, December 13, 2005. Written statements may be mailed to: Mr. Jalal Greene, Director, Department of Housing and Community Development, Attention: Office of Strategy and Communications, 801 North Capitol Street, NE, Washington, D.C. 20002.

Anthony A. Williams, Mayor
Stanley Jackson, Deputy Mayor for Planning and Economic Development
Jalal Greene, Director
Department of Housing and Community Development
www.dhcd.dc.gov

The District of Columbia Department of Housing and Community Development (DHCD) launched its American Dream Downpayment Initiative (ADDI) to help low-income individuals and families to become first-time homebuyers. Congress created the Initiative in an effort to assist those citizens negatively impacted by the country's soaring real estate costs.

The maximum amount of ADDI funds available to applicants is \$10,000, and the funds can be combined with the Department's Home Purchase Assistance Program (HPAP). The funds are zero percent loans, with payments deferred for as long as the homebuyer occupies the home as the principal residence. The loan is payable in full if the homebuyer changes residency, or upon sale or transfer of property.

Eligibility criteria is the same as the HPAP program: applicants must legally reside in the District of Columbia; be a first-time homebuyer; have an acceptable credit record; and head a household that meets the income requirements listed below.

Household Size							
1	2	3	4	5	6	7	8
Maximum Household Income							
\$40,600	\$46,400	\$52,200	\$58,000	\$62,650	\$67,300	\$71,900	\$76,550

Applications for ADDI will be taken concurrently with those for HPAP. Applicants may apply at one of the following community-based organizations:

Housing Counseling Service, Inc.
 2430 Ontario Road, NW
 Washington, DC 20009 – (202) 667-7006

Marshall Heights Community Development Corporation
 3939 Benning Road, NE
 Washington, DC 20019 – (202) 396-1200

University Legal Services –NE
 220 I Street, NE, Suite 130
 Washington, DC 20002 – (202) 547-4747

University Legal Services- SE
 3220 Pennsylvania Ave, SE, Suite 4
 Washington, DC 20020 – (202) 645-7175

Latino Economic Development Corporation
 2316 18th Street, NW
 Washington, DC 20009 – (202) 588-5102

Lydia's House
 3939 South Capitol St, SW
 Washington, DC 20032 – (202) 373-1050

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC INTEREST**REQUEST FOR COMMENTS ON THE ESTIMATES AND
METHODOLOGY FOR THE DISTRICT OF COLUMBIA
FY 2006 CASELOAD REDUCTION CREDIT REPORT**

The Director, Department of Human Services ("Department"), pursuant to the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 601 *et seq.*) and 45 C.F.R. 261.41(a)(8), hereby gives notice of the intent to publish the 2006 Temporary Assistance for Needy Families ("TANF") Caseload Reduction Credit Report. At the end of each fiscal year, the Department of Human Services is required to submit a Caseload Reduction Credit Report to the Department of Health and Human Services' Regional Office. The Caseload Reduction Credit Report provides data on the gross decline in the District's TANF caseload and estimates whether any portion of this caseload decline is attributable to changes in program rules that have the effect of restricting eligibility. Under federal regulations, this Report must be made available for public comment.

All interested persons are invited to submit written comments to:

Kate Jesberg, Administrator
Income Maintenance Administration
645 H Street, N.E., 5th Floor
Washington D.C. 20002

The comment period will be open until the close of business thirty (30) days from the date this notice is published in the *D.C. Register*.

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FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

DISTRICT OF COLUMBIA REGISTER

State: DC (all families)		Fiscal Year: 2006	
PART I – Implementation of All Eligibility Changes Made by the State Since FY 1995			
#	Eligibility Change	Implementation Date	Estimated Impact on Caseload Since Change (positive or negative impact)
Changes Required by Federal Law			
1	Denied assistance to non-qualified immigrants	October 1996	The effect of this change is minimal, if any. Prior to the federal law change, most immigrant families receiving assistance received assistance only for the children. That is, the children received a child-only grant. This was the case because a large proportion of very low-income immigrant families in the District are headed by non-qualified immigrants who were ineligible for cash assistance under prior AFDC rules (such as parents who had been granted Temporary Protective Status). The children in most of these families were born in the United States and, thus, are U.S. citizens. The PRWORA alien changes did not affect these families' eligibility for assistance.
2	Denied assistance to certain qualified immigrants in their first five years in the country	October 1996	The effect of this eligibility change is also minimal. Historically, most immigrant families that received AFDC received a child-only grant on behalf of citizen children.
3	Required minor parents to live in an adult-supervised setting	March 1997	No cases were terminated based on this requirement. Prior to the enactment of this provision, very few minor parents were living without adult supervision. Of those who were, some moved into such a setting while others were deemed to be living in appropriate settings.

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FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

<u>State-Implemented Changes</u>			
Changes Related to Income and Resources			
4	Increased earned income disregard from prior AFDC policy (\$90 work expense disregard plus \$30 & 1/3 on a time-limited basis) to \$100 + 50%. The new disregards, provided only to recipients, are available without time limit.	August 1998	This change increased the number of families eligible for assistance by increasing the amount of money a family can earn and remain eligible for supplemental assistance.
5	Removed step-parents from assistance unit and no longer deemed step-parent income to the assistance unit	August 1998	This change increased the number of families eligible for assistance. When a custodial parent married, the income of the step-parent often either reduced the family's cash assistance grant or made the family wholly ineligible. By removing the step-parent from the assistance unit and not deeming step-parent income to the assistance unit, families in which a parent marries now can retain their eligibility for cash assistance.
6	Increased the resource limit by conforming it to the Food Stamp resource limit	August 1998	This change increased the number of families eligible for assistance.
7	Disregarded earnings from temporary Census Bureau employment	February 2000	This change increased the number of families eligible for assistance.
8	Increased earned income disregards from \$100 work expense and 50% to \$160 and two-thirds. The change applies to recipients only and is not time limited. It allows earned income up to 100% of poverty level.	May 2001	This change increased the numbers of families who remain eligible after they begin working.
9	Increased the resource limit by eliminating the countable value of all motor vehicles.	July 2001	This change increased the number of families that can qualify for assistance.
Changes Related to Categorical or Demographic Eligibility Factors		NOT APPLICABLE	

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FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

MICHIGAN DEPARTMENT OF HUMAN SERVICES

Changes Related to Behavioral Requirements		NOT APPLICABLE	
Changes Due to Full-Family Sanctions		NOT APPLICABLE	
Other Eligibility Changes			
10	Eliminated quarterly reporting and extended the certification period of earned income supplementation cases from 3 months to 6 months. During the certification period the recipient is only required to report non-financial changes and total income above 130% of poverty level.	May 2001	This change increased the numbers of families who remain eligible for assistance while working.
Estimated Total Net Impact on the Caseload of All Eligibility Changes		Positive	
Total Prior Year Caseload		17,254	
Estimated Caseload Reduction Credit		$(17,254 - 26,789) / 26,789 = -36\%$ (all families rate)	

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FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

DISTRICT OF COLUMBIA REGISTER

State: DC (two-parent families)		Fiscal Year: 2006		
PART I – Implementation of All Eligibility Changes Made by the State Since FY 1995				
#	Eligibility Change	Implementation Date	Estimated Impact on Caseload Since Change (positive or negative impact)	
<u>Changes Required by Federal Law</u>				
10441	1	Denied assistance to non-qualified immigrants	October 1996	The effect of this change was minimal, if any. Prior to the federal law change, most immigrant families receiving assistance received assistance only for the children. That is, the children received a child-only grant. This was the case because a large proportion of very low-income immigrant families in the District are headed by non-qualified immigrants who were ineligible for cash assistance under prior AFDC rules (such as parents who had been granted Temporary Protective Status). The children in most of these families were born in the United States and, thus, are U.S. citizens. The PRWORA alien changes did not affect these families' eligibility for assistance.
	2	Denied assistance to certain qualified immigrants in their first five years in the country	October 1996	The effect of this change is minimal. Historically, most immigrant families that received AFDC received a child-only grant on behalf of citizen children. Again, we estimate that this eligibility change has reduced the District's average monthly caseload by less than 10 cases.
	3	Required minor parents to live in an adult-supervised setting	March 1997	No cases were terminated based on this requirement. Prior to the enactment of this provision, very few minor parents were living without adult supervision. Of those who were, some moved into such a setting while others were deemed to be living in appropriate settings.
<u>State-Implemented Changes</u>				
<u>Changes Related to Income and Resources</u>				

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FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

State: DC (two-parent families)

Fiscal Year: 2006

PART I – Implementation of All Eligibility Changes Made by the State Since FY 1995

#	Eligibility Change	Implementation Date	Estimated Impact on Caseload Since Change (positive or negative impact)
4	Increased earned income disregard from prior AFDC policy (\$90 work expense disregard plus \$30 & 1/3 on a time-limited basis) to \$100 + 50%. The new disregards, provided only to recipients, are available without time limit.	August 1998	This change increased the number of families eligible for assistance by increasing the amount of money a family can earn and remain eligible for supplemental assistance.
5	Removed step-parents from assistance unit and no longer deemed step-parent income to the assistance unit	August 1998	This change increased the number of families eligible for assistance. When a custodial parent married, the income of the step-parent often either reduced the family's cash assistance grant or made the family wholly ineligible. By removing the step-parent from the assistance unit and not deeming step-parent income to the assistance unit, families in which a parent marries now can retain their eligibility for cash assistance.
6	Increased the resource limit by conforming it to the Food Stamp resource limit	August 1998	This change increased the number of families eligible for assistance.
7	Disregarded earnings from temporary Census Bureau employment	February 2000	This change increased the number of families eligible for assistance.
8	Increased earned income disregards from \$100 work expense and 50% to \$160 and two-thirds. The change applies to recipients only and is not time limited. It allows earned income up to 100% of poverty level.	May 2001	This change increased the numbers of families who remain eligible after they begin working.
9	Increased the resource limit by eliminating the countable value of all motor vehicles.	July 2001	This change increased the number of families that can qualify for assistance.
Changes Related to Categorical or Demographic Eligibility Factors		NOT APPLICABLE	

FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

State: DC (two-parent families)		Fiscal Year: 2006	
PART I – Implementation of All Eligibility Changes Made by the State Since FY 1995			
#	Eligibility Change	Implementation Date	Estimated Impact on Caseload Since Change (positive or negative impact)
	Changes Related to Behavioral Requirements	NOT APPLICABLE	
	Changes Due to Full-Family Sanctions	NOT APPLICABLE	
	Other Eligibility Changes		
10	Eliminated quarterly reporting and extended the certification period of earned income supplementation cases from 3 months to 6 months. During the certification period the recipient is only required to report non-financial changes and total income above 130% of poverty level.	May 2001	This change increased the numbers of families who remain eligible for assistance while working.
Estimated Total Net Impact on the Caseload of All Eligibility Changes		Positive	
Total Prior Year Caseload		148	
Estimated Caseload Reduction Credit		$(148-198)/198 = -25\%$ (two-parent families)	

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DISTRICT OF COLUMBIA REGISTER

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FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

State: DC

Fiscal Year: 2006

PART II – Application Denials and Case Closures, By Reason

Reason for Application Denials	Fiscal Year 1995		Fiscal Year 2005	
	Number	Percentage	Number	Percentage
Failure to Complete Eligibility Process	1854	62.6	742	41.9%
Earnings	181	6.1	567	32.1%
Unearned Income	141	4.8	114	6.4%
Failure to Meet an Eligibility Requirement	439	14.8	138	7.8%
Monthly/Quarterly Reporting	0	0	0	0
Voluntary Withdrawal	226	7.7	86	4.9%
Administrative Closing ¹	119	4.0	122	6.9%
Total Application Denials	2960	100	1769	100
Reasons for Case Closures	Number	Percentage	Number	Percentage
Failure to Complete Eligibility Process	2445	32.9	3325	42.2%
Earnings	1035	13.9	2034	25.8%
Unearned Income	289	3.9	284	3.6%
Failure to Meet an Eligibility Requirement	2076	27.9	1281	16.3%
Monthly/Quarterly Reporting	124	1.7	0	0
Voluntary Withdrawal	918	12.3	428	5.4%
Administrative Closing ²	551	7.4	530	6.7%
Total Case Closures	7438	100	7882	100

¹ Those reasons that generally result in the assistance unit remaining eligible, in whole or in part, under another TANF case numbers or another program of financial assistance, including the POWER program.

² Those reasons that generally result in the assistance unit remaining eligible, in whole or in part, under another TANF case numbers or another program of financial assistance, including the POWER program.

OFFICE OF THE COMPTROLLER GENERAL OF THE UNITED STATES

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FORM ACF-202 – TANF CASELOAD REDUCTION REPORT

State: DC

Fiscal Year: 2006

Part III – Description of the Methodology Used to Calculate the Caseload Reduction Estimates
(attach supporting data to this form)

Because none of the applicable policy changes listed below has resulted in a negative impact on case closures (although individuals may be ineligible for assistance), it is our understanding that the establishment of a methodology for determining impacts is unnecessary.

1. Parents/caretakers must work after 24 months of assistance or when job ready.
2. Teen parents must live in adult-supervised settings to receive assistance;
3. A State must deny assistance for 10 years to a person found to have fraudulently misrepresented residence in order to obtain assistance in more than one State.
4. A state must deny assistance for fugitive felons, probation violators, or parole violators.
5. A State must deny assistance for certain individuals convicted of drug-related felonies (NOTE: the District has not adopted this provision based on District law).
6. Non-qualified aliens are ineligible for Federal TANF assistance.

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UNIVERSITY OF COLUMBIA REGISTER

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FORM ACF-202 - TANF CASELOAD REDUCTION REPORT

Fiscal Year: 2006

State: DC

PART IV -- Certification

I certify that we have provided the public an appropriate opportunity to comment on the estimates and methodology used to complete this report and considered those comments in completing it. Further, I certify that this report incorporates all reductions in the caseload resulting from State eligibility changes and changes in Federal requirements since Fiscal Year 1995. (A summary of public comments is attached.)



(signature)

Yvonne Gilchrist
(name)

Director
(title)

10446

Mayor's Committee on Persons with Disabilities (MCPD)

2006 Meeting Schedule

***January 10, 2006**

March 21, 2006

May 16, 2006

July 18, 2006

September 19, 2006

***December 12, 2006**

Meetings are open to the public and will be held:

Martin Luther King, Jr. Library

901 G Street, N.W., A-Level,

Washington, D.C. 20001

12:00 pm – 2:00 pm.

Events of the Mayor's Committee on Persons with Disabilities (MCPD) are accessible to the general public and its members. Should you need special accommodations contact MCPD at 202 442-8673.

***Indicates alternately scheduled meetings due to holidays. Members will be notified in advance, if additional changes in the scheduled meeting time, date, or site are necessary.**

Office of the Secretary of the
District of Columbia

November 10, 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 December 1, 2005.

Ashton, Beatriz T.	Rpt	Clark Construction 111 Mich Ave, NW 20010
Blum, Harlyne S.	Rpt	Diversified Reporting 1101 16 th St, NW 2nd Fl 20036
Bracey, Beulah B.	Rpt	NeighborWorks America 1325 G St, NW #800 20005
Bradford, Lisa Comfort	Rpt	4104 3 rd St, NW 20011
Brandon, Dietra L.	Rpt	IEEE-USA 1828 L St, NW #1202 20036
Canada, Susan J.	Rpt	The Washington Post 1150 15 th St, NW 20071
Chambliss, Priscilla N.	Rpt	Blue Cross Blue Shield 1310 G St, NW 20005
Costanza, Louis	Rpt	Chatel Real Estate 1929 18 th St, NW 20009
Davis, Jerome B.	Rpt	7054 Wyndale St, NW 20015

Dawkins, Wanda A.	Rpt	FoxKiser 750 17 th St,NW#1100 20006
Dean, Penny M.	Rpt	Alderson Reporting 1111 14 th St,NW 20005
Douglas, Lucretia B.	Rpt	Crowell & Moring 1001 Pa Ave,NW 20004
Gatje, Malisa M.	Rpt	Sigal Construction 3299 K St,NW#100 20007
Gibbs, Tina	Rpt	McQuade Brennan 1730 R I Ave,NW#800 20036
Green, Denise M.	Rpt	D.C. Housing Authority 1133 N Cap St,NE#100 20002
Hosang, Debra M.	Rpt	Hogan & Hartson 555 13 th St,NW 20004
Jenkins-Ford, Winifere	Rpt	I F I C 1100 Conn Ave,NW#430 20036
Johansen, Janine M.	Rpt	D O J/Civil Div/Fed Prog 20 Mass Ave,NW 20044
Jones, Randolph	Rpt	Atlas International Sec 1717 K St,NW#600 20036
Keshishian, Nancy C.	Rpt	MedStar Health 110 Irving St,NW#2A2 20010
McBride, Corina Pax	Rpt	Dickstein Shapiro et al 2101 L St,NW 20037
Martin, Patric R.	Rpt	Alderson Reporting 1111 14 th St,NW 20005
Montgomery, Laura L.	Rpt	Ernst & Young 1225 Conn Ave,NW 20036

Moore, Elena I.	Rpt	Scheuermann & Menist 700 E St, SE 20003
Morrison, Demitria M.J.	Rpt	Natl Alliance/Hisp Health 1501 16 th St, NW 20036
Oliver, Joan M.	Rpt	Thelen Reid & Priest 701 8 th St, NW 20001
Price, Alicia S.	Rpt	U S Dept of Commerce 1401 Const Ave, NW#5875 20230
Reiner-Massey, Theresa	Rpt	Office/Chief Med Examiner 1910 Mass Ave, SE Bdg27 20003
Rice, Robert M.	Rpt	208 Adams St, NE 20002
Robertston, Joan M.	Rpt	Family & Child Serv 929 L St, NW 20001
Shermet, Dorothy Ellen	Rpt	Elliot & Mayock 1629 K St, NW#1250 20006
Smith, Deirdre-Ann L.	Rpt	Council of D.C. 1350 Pa Ave, NW#108 20004
Terrell, Margo	Rpt	D O L/Solicitor of Labor 200 Const Ave, NW 20210
Thomas, Sharon P.	Rpt	Rust Insurance Agency 910 17 th St, NW 20006
Turner, Elizabeth	Rpt	A A R P 601 E St, NW 20049
Ward, Allyson H.	Rpt	Comptroller of Currency 250 E St, SW M/S8-3 20219
White-Jennings, Mae J.	Rpt	O A G/Economic Develop 441 4 th St, NW 20001

Wiest-Cooper, Darla R. Rpt Amer Univ/College of Law
4801 Mass Ave, NW 20016

10451

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

Application No. 17027-A of Emergence, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a community service center under section 334, in the R-4 District at premises 731-733 Euclid Street, N.W. (first and second floors) (Square 2884, Lot 836).

HEARING DATE: July 1, 2003

DECISION DATE: July 8, 2003

DISPOSITION: (Geoffrey H. Griffis, David A. Zaidain, Ruthanne G. Miller, Curtis L. Etherly, Jr. to approve; and James H. Hannaham to approve by absentee ballot).

DECISION ON MODIFICATION: November 1, 2005, November 8, 2005

MODIFICATION ORDER

By Board of Zoning Adjustment Motion Form 150, dated October 19, 2005, the Applicant submitted a request that the Board modify the approved plans in the subject application. The Applicant requested that the Board approve a minor modification to the plans (Exhibit 31) pertaining to the rear deck stairwell. The Applicant's request to modify the Order was not filed timely pursuant to § 3129.3 of the Zoning Regulations. The Board, by unanimous consent, waived the six-month time period for filing the request. Parties consist of the Office of Planning (OP) and Advisory Neighborhood Commission (ANC) 1B. Both parties were served with the request for modification pursuant to § 3129.4.

THE MODIFICATION

The Board approved the renovation of the subject property for community center use pursuant to BZA Order No. 17027, dated July 8, 2003. The Applicant subsequently secured a building permit and proceeded with the approved renovation. During construction of the rear deck stairwell in December, 2004, it was noted that in order to meet the rise and run requirements for the stairs on the exit route, the stairs would have to extend beyond the building and into the parking lot. It was determined that the safest design given the circumstances would be to turn the stairs along the side of the building, rather than have them terminate in the middle of the lot. The modification to the stair design increased the lot occupancy by 1.27% from 34% to 35.2%. This increase is within the 40% maximum lot occupancy allowed for a building of this type located in the R-4

BZA APPLICATION NO. 17027-A

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District. The modification included the removal of one parking space from the plans. This minor modification does not affect the width of the required side yard. The Applicant proffered that the need for the aforementioned modification was not discovered until well into the renovations, which began in January 2004.

DECISION

The Board concludes that the requested modification to the plans is minor and is within the requirements of §3129. Additionally, the requested modification does not change the material facts the Board relied upon in approving the original application. The Board noted that one of the parking spaces shown on the previously approved plans was removed. The Board found that the removal of the parking space did not affect the modification request. After reviewing the request for modification and the supporting materials, the Board has determined that the request should be granted.

Accordingly, it is therefore hereby **ORDERED** that the request to waive the six-month time period for filing the request and the motion for minor modification of plans, as shown on Exhibit No. 31 of the record are **GRANTED**.

DATE OF DECISION: November 8, 2005

VOTE: 3-0-2 (Geoffrey H. Griffis, Curtis L. Etherly, Jr. and Ruthanne G. Miller to approve; the Zoning Commission member and the NCPC member not voting, not having heard the original application.

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: NOV 08 2005

UNDER 11 DCMR 3103.1, "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.

BZA APPLICATION NO. 17027-A

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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.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE 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

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

Application No. 17262 of ARCH Training Center, pursuant to 11 DCMR § 3103.2, for variances from the lot area and lot width requirements of § 401, the lot occupancy requirements of § 403, the side yard requirements of § 405, and the open court requirements of § 406, to allow the construction of a new single-family dwelling in the R-3 District at premises 1528 W Street, S.E. (Square 5779, Lot 824).

HEARING DATE: January 4, 2005, March 8, 2005

DECISION DATE: March 8, 2005

DECISION AND ORDER

This application was submitted on October 21, 2004 by ARCH (“Action to Rehabilitate Community Housing”) Training Center (“Applicant”), the owner of the property which is the subject of this application (“subject property”). The self-certified application requested several area variances needed to allow the construction of a new single-family detached dwelling. Three variances were originally requested – from lot area and lot width requirements, and minimum side yard dimensions. During the progress of the case, two more variance requests, from maximum lot occupancy and minimum open court requirements, were added.

The Board of Zoning Adjustment (“Board” or “BZA”) scheduled a public hearing on the application for January 4, 2005, but, at the Applicant’s request, the hearing was postponed until March 8, 2005. At the conclusion of the hearing on March 8th, the Board voted 4-0-1 to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated October 25, 2004, the Office of Zoning (“OZ”) gave notice of the filing of the application to the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 8A, the ANC within which the subject property is located, Single Member District/ANC 8-A03, and the Council Member for Ward 8. Pursuant to 11 DCMR § 3113.13, OZ published notice of the public hearing in the *District of Columbia Register* and on October 28, 2004, sent such notice to the Applicant, all property owners within 200 feet of the subject property, and ANC 8A.

On February 9, 2005, the Applicant supplemented its application to request variance relief from the applicable lot occupancy provisions. At that time, the Applicant notified

OP, ANC 8A, and all property owners within 200 feet of the subject property, of the supplemental relief requested.

The Applicant posted the property more than 15 days prior to the March 8th hearing, informing the public of the pending application and hearing date, and filed a notarized Affidavit of Posting verifying that the property was posted in a timely manner.

Requests for Party Status. ANC 8A was automatically a party to this proceeding. There were no other requests for party status.

Government Reports. The Office of Planning filed a report dated March 1, 2005. The report supported the variances from lot area and lot width, but recommended denial of the variances from lot occupancy, side yard and open court requirements. OP based its recommended denial of the three variances on its belief that the need for the variances is due only to the voluntary provision of a side porch on the eastern side of the dwelling. OP also expressed concerns that part of the western side yard provided is too narrow to allow for proper maintenance of the dwelling.

There were no other government reports filed in this case.

ANC Report. The ANC submitted a letter dated February 27, 2005, stating that, during a January 4, 2005 meeting, the ANC voted unanimously to oppose the application. The letter reflects concerns regarding the design of the dwelling and its proposed method of sale.

Persons in support. The ANC representative from the Single Member District in which the subject property is located disagreed with the ANC as a whole and testified in favor of the application.

FINDINGS OF FACT

1. The subject property is a partially vacant lot located at the northwest corner of W and 16th Streets, S.E., at address 1528 W Street, S.E. (Square 5770, Lot 824). It is in an R-3 zone district and within the Anacostia Historic District.
2. There was a single-family detached dwelling on the subject property built in 1905, but later razed. Currently, there is only a detached garage at the rear of the lot.
3. The lot of the subject property pre-dates the Zoning Regulations and is 115 feet long and 24 feet wide, with a lot area of 2,760 square feet. Its front faces W Street, and its rear abuts a 15-foot wide public alley.

4. The minimum lot width required in an R-3 zone is 40 feet and the minimum lot area required is 4,000 square feet. 11 DCMR § 401. The subject property is therefore nonconforming as to both.
5. The subject property is contiguous to only one other lot, which is developed with a detached single-family dwelling. On all three other sides, the subject lot abuts a street or alley.
6. No construction on the subject lot could be undertaken without zoning relief as to lot area and lot width.
7. To the north and west of the subject property are single-family detached dwellings, while to the south, across W Street, is the partial shell of an apartment building. To the east, across 16th Street, are row dwellings.
8. The Applicant plans to employ at-risk youth to construct a new single-family dwelling on the property. Through a program called YouthBuild, the Applicant will provide these youth with construction and related career opportunities, as well as educational enhancement and guidance/career counseling, while providing economic development and a new residential unit for the community.
9. The proposed dwelling will be two-stories and 28.5-feet high and will be similar in size to the dwelling which originally existed on the property.
10. The Applicant cannot construct a row dwelling, attached to the dwelling on the contiguous lot to the west, because there is no party wall. The adjacent dwelling to the west has a small side yard between it and the subject property.
11. The currently-existing garage at the rear of the property will be razed and replaced with two off-street parking spaces accessible from the rear alley.
12. There is some grade change along 16th Street, with the lot sloping upward away from the street toward the eastern wall of the proposed dwelling.
13. The proposed dwelling will have approximately 1,915 square feet of floor area, with a proposed lot occupancy of 50.8%, where only 40% is permitted. 11 DCMR § 403.2. However, the actual footprint of the dwelling occupies slightly less than the maximum-permitted 40% of the lot. Because the western side yard is less than 5 feet in width, it must be included in the calculation of

- lot occupancy, resulting in the 50.8% figure. *See*, 11 DCMR § 199.1, definition of "Building area."
14. The proposed dwelling will have a rear yard of 54 feet, 7 inches, a side yard between it and the contiguous lot varying between 2 feet, 10 inches, and 4 feet. The center portion of the proposed dwelling is "bumped out," causing a decreased side yard width in the central part of the yard.
 15. The R-3 zone district requires an 8-foot side yard between the subject lot and the contiguous lot. 11 DCMR § 405.1.
 16. There will be no side yard on the 16th Street side (east side) of the proposed dwelling, but no side yard is required because the subject property is a corner lot. *See*, 11 DCMR § 405.5.
 17. The wraparound front porch and a small side porch on the 16th Street side create a 4-foot wide open court along the eastern side of the proposed dwelling, whereas a minimum court width of 9.5 feet is required. 11 DCMR § 406.1.
 18. The proposed dwelling will be 16 feet in width, plus the four-foot extension of the wraparound front porch. If the west side yard were 8 feet, the width of the dwelling would be reduced to only 12 feet, and if both side yards were 8 feet, the width of the dwelling would be reduced to an unusable 8 feet.
 19. Changing the siting of the proposed dwelling so as to place the eastern wall along the 16th Street lot line would mean loss of the wraparound front porch, a preferred historic preservation feature. It would also place the eastern wall flush with the sidewalk, only 12 feet from the 16th Street curb. This would be out of character with the nearby dwellings fronting on 16th Street, the walls of which are not immediately abutting the sidewalk, but are set back from it.
 20. The wraparound porch corresponds to the corner aspect of the subject lot and ties together the two street frontages.
 21. The adjacent detached houses along W Street have the small size and narrow dimensions of row dwellings. Although they are detached, most have only approximately 4 to 5 feet of open space between them. These traits are characteristic of the Anacostia Historic District. The design of the proposed dwelling is compatible with these historic features.
 22. To protect the privacy of the dwelling on the contiguous lot to the west, there are only 3 relatively small windows on this side of the proposed dwelling, with

no windows in the “bumped out” central portion of the western wall; light being furnished via 3 skylights in the roof.

CONCLUSIONS OF LAW

The Variances

The Board is authorized to grant variances from the strict application of the Zoning Regulations in order to relieve difficulties or hardship where “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations 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 particular and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property...” D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2. Relief can be granted only “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.” *Id.* An applicant for an area variance must make the lesser showing of “practical difficulties,” as opposed to the more difficult showing of “undue hardship,” which applies in use variance cases. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972).

The lot of the subject property pre-dates the Zoning Regulations. Its area and width are both less than three-quarters of the minimums required in the R-3 zone district. The lot is unusually narrow for an R-3 district, with no possibility of subdivision and expansion. Accordingly, by definition, the property meets the first prong of the variance test in that it is an exceptionally narrow lot that predates the zoning regulations. It is also exceptional in that its area is too small to build on without zoning relief. The inability to build any dwelling without zoning relief is the practical difficulty that stems directly from the exceptional narrowness and small area of the lot. Thus, the property meets the second prong of the test.

The small size and width of the lot and the attempt to design a historically-compatible dwelling have also led to the request for the other three variances – lot occupancy, side yard and open court. The footprint of the dwelling is within the allowable lot occupancy for the R-3 zone, but because of the narrowness of the lot and the attempt to keep side yards similar to others in this historic district, the side yard and open court must be included in the lot occupancy calculation, increasing it beyond the 40% allowed. The side yard and open court variances are due, to a certain extent, to the wraparound porch and the small side porch proposed for the 16th Street side of the dwelling. The Office of Planning suggested that these variances would be unnecessary if one, or possibly both, of

these amenities were omitted from the design and the eastern wall were sited along the eastern property line. However, the Applicant represented that these amenities made the design of the dwelling more compatible with the historic district, created continuity around the street corner and avoided the door of the dwelling opening directly onto the 16th Street sidewalk.

The Applicant's portrayal of the significance of the porches and the design in general, to historic preservation, is substantiated by the HPRB Staff Report and Recommendation. The Report also notes that, "[this case] is simply a matter of historic building patterns not necessarily meeting current standards." Accordingly, the exceptional narrowness and small area of the lot create the practical difficulty of providing the porches without zoning relief. As stated in the Historic Preservation Report, the porches are a significant element to the historic character of the neighborhood.

The Court of Appeals has stated on several occasions that the "nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." *Gilmartin v District of Columbia*, 579 A.2d 1164 (D.C.1990), *Palmer, supra*, 287 A.2d at 542. The Court defers to the Board's determination of the practical difficulties so long as the requisite findings of fact are made. See *Gilmartin, supra* at 1171 *citing* *Wolf v. District of Columbia Bd. of Zoning Adjustment*, 397 A.2d 936, 942 (D.C. 1979).

The Board finds that the strict application of the zoning regulations disallowing the porches would result in the practical difficulty to the Applicant of providing a design in accordance with historic preservation standards.

The Board further concludes that all the variances can be granted without impairing the public good or the intent and integrity of the Zone Plan and Regulations. The purposes of a limit on lot occupancy are to prevent over-massing of a building and to ensure sufficient open space around a building to protect the flow of light and air. These purposes are achieved here, even with a greater lot occupancy than permitted as a matter-of-right. The massing of the dwelling is appropriate for its zone district and its lot. The flow of light and air is ensured by the side yard, court, and large open rear yard. Light and air are further enhanced by virtue of the fact that this is a corner lot, open to the street on two sides, with no adjacent dwelling on its eastern side.

The Applicant is constructing a detached single-family dwelling, a matter-of-right use in the R-3 district. The Applicant has designed the dwelling to fit into the character of the neighborhood. This sensitivity to the surrounding neighborhood and its historic nature serves the public good and it is precisely this sensitivity that has caused the need for the variances.

Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The Office of Planning recommended granting the lot area and lot width variances, but denial of the lot occupancy, side yard and open court variances. The Board agrees with OP concerning the first two variances. As to the latter three variances, the Board acknowledges OP's reasoning that the Applicant may be able to avoid these variances by removing the porches and siting the eastern wall along the lot line. However, the ability to avoid a variance is not the test for an area variance. Rather, the Board must consider the practical difficulty to the owner if the variance is not granted. As stated above, the Board finds that Applicant would suffer a practical difficulty in complying with historic preservation standards without variance relief. The Board concludes that the Applicant should not be forced to site the wall flush with the sidewalk in order to avoid requesting variances. The small lot size and width, corner location of the lot, and the historic preservation constraints make the Applicant's choice of siting and design justify variance relief.

OP also opined that the small portion of the western side yard which was 2 feet, 10 inches wide was too narrow to allow for proper maintenance of the dwelling. The Board agrees with the Applicant's architect that this narrow portion of the side yard does not preclude maintenance of the yard or the western side of the dwelling, particularly as it is only a small part of the entire side yard.

ANC 8A represents in its letter that the ANC voted unanimously to oppose the application, but it is unclear in the letter whether the vote reflected specific identifiable concerns. Further, there is no discussion in the ANC letter of the variances requested, the variance tests, or how the Applicant did or did not meet those tests. The ANC letter cites concerns regarding "materials and cost, price of sale, ... [and] target buyer," none of which are within the jurisdiction of the Board. The ANC also indicated some opposition to the design of the dwelling. The design presented to the ANC, however, was not the design presented to the Board, but an earlier, more "contemporary" one. The Board has not received any letter from the ANC reflecting a vote on the more historically-compatible design which was before the Board. Therefore, the Board is not persuaded by the ANC's opposition.

Based on the record before the Board and for the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to the

application for variances from the lot area and lot width requirements of § 405, the lot occupancy requirements of § 403, the side yard requirements of § 405, and the open court requirements of §406. It is therefore **ORDERED** that the application be **GRANTED**.

VOTE: **4-0-1** (Geoffrey H. Griffis, John A. Mann, II, Curtis L. Etherly, Jr.,
and Ruthanne G. Miller to grant. No Zoning Commissioner
present or voting)

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

Each voting member has approved issuance of this Order granting this application.

FINAL DATE OF ORDER: NOV 17 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.

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

Application No. 17385 of 936 N Street, LLC, pursuant to 11 DCMR §3103.2, for a variance from the limitation on the number of stories under section 400 and a variance from the nonconforming structure provisions under subsection 2001.3, for the enlargement and renovation of a vacant former apartment building in the R-4 District at premises 936 N Street, N.W. (Square 368, Lot 832).

Note: The Board determined that no relief was needed from subsection 2002.5.

HEARING DATE: November 8, 2005

DECISION DATE: November 8, 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) 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a report in support of the application. However, the Office of Planning (OP) submitted a report in opposition 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 § 3103.2, for a variance from sections 400 and 2001.3.

Based upon the record before the Board and having given great weight to the ANC and the Office of Planning reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR §§ 3103.2, 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.

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APPLICATION NO. 17385

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

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: NOV 14 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

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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.

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

Application No. 17387 of Strategic Georgetown LLC and Gtown 32nd Street LLC, pursuant to 11 DCMR § 3103.2, for a variance from the rear yard requirements under section 404, to allow the construction of two single-family row dwellings in the R-3 District at premises 1517 and 1521 32nd Street, N.W. (Square 1270, Lots 19, 20 and 74).

HEARING DATE: November 8, 2005
DECISION DATE: November 8, 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) 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 in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

Based upon the record before the Board and having given great weight to the ANC and the Office of Planning reports filed in this case, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 404, 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.

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, Gregory N. Jeffries, Curtis L. Etherly, Jr. John A. Mann, II. and Ruthanne G. Miller to approve)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: NOV 10 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.

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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.

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

Application No. 17389 of Carol Anderson, pursuant to 11 DCMR § 3104.1, for a special exception to allow a second story addition to an existing single-family detached dwelling under section 223, not meeting the lot occupancy requirements (section 403) and nonconforming structure provisions (subsection 2001.3), in the R-1-B District at premises 4659 Massachusetts Avenue, N.W. (Square 1556, Lot 58).

HEARING DATE: November 15, 2005

DECISION DATE: November 15, 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) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to the application. ANC 3E 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 affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**12-Month Schedule of Monthly Meeting Dates**

The Zoning Commission of the District of Columbia, in accordance with subsection 3005.1 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled the following meetings. Meetings are held in Suite 220 South of 441 4th Street, N.W., #1 Judiciary Square, beginning at 6:30 p.m.

The dates of the Regular Monthly Meetings for the following year of the Zoning Commission of the District of Columbia are as follows:

January 9, 2006

February 13, 2006

March 13, 2006

April 10, 2006

May 8, 2006

June 12, 2006

July 10, 2006

August 14, 2006* (subject to cancellation)

September 11, 2006

October 16, 2006

November 13, 2006

December 11, 2006

*There are no hearings held in the month of August.

Please note that these dates are subject to change.

For additional information, please contact Sharon S. Schellin, Acting Secretary to the Zoning Commission at (202) 727-6311.

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