

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES**

**PUBLICATION DEADLINE**

**Thanksgiving Week**

Due to the Thanksgiving holiday on Thursday, November 27, 2008, the deadline for submitting material for publication in the December 5, 2008 edition of the D.C. Register is noon, Wednesday, November 26, 2008.

Notices submitted after noon on November 26, 2008 will be published on December 12, 2008.

**THE ELSIE WHITLOW STOKES COMMUNITY FREEDOM PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****RFP for Accounting and Business Services**

The Elsie Whitlow Stokes Community Freedom Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 ("Act"), hereby solicits expressions of interest from Accounting and Business Service contractors for the following tasks and services:

1. Provide general accounting services to the school in accordance with Generally Accepted Accounting Principles (GAAP).
2. Complete weekly Accounts Payable and Accounts Receivable entries and attendant filing.
3. Record monthly payroll from payroll reports provided by commercial payroll service provider.
4. Prepare the following monthly reports:
  - Accounts and bank reconciliations
  - Closing journal entries
  - -Statement of Financial Position
  - Statement of Activities
  - Statement of Cash Flows and forecasts
  - Budget versus Actual report (BVA)
  - Departmental BVA
5. Prepare quarterly and final grant reports.
6. Prepare an annual budget, with the assistance of pertinent school personnel.
7. Provide financial reporting documents as required by the D.C. Public Charter School Board.
8. Provide financial reporting documents on a monthly basis, including but not limited to Statement of Financial Position and Statement of Activities, as requested by the school's Board of Trustees.
9. Report on the school's financial operations at the regular and annual meeting of the Board of Trustees and be prepared to answer questions from the board regarding reports.
10. Notify the Board of Trustees and applicable school personnel of significant financial trends.
11. Train applicable school personnel to implement and monitor accounting systems.
12. Prepare the school's financial statements for the annual audit.
13. Prepare all audit schedules and assist with the annual audit as requested by applicable school personnel.
14. Prepare annual tax documents for the school.
15. Notify the executive director and/or the Board of Trustees of the failure of school personnel to follow established internal control procedures.

This contract may require regular on-site work. The contract term is slated to begin on January 1, 2009 and end December 31, 2009. Deadline for submissions is November 28, 2008. Please send two hard copies of proposal to:

Erika Bryant  
Director of Operations  
3700 Oakview Terrace, NE  
Washington, DC 20017  
(202) 265-7237  
erikab@ewstokes.org

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2008

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to construct and operate a Mobile Jaw Crusher and Mobile Screen Machine to the Berg Corporation at 5500 Eads Street, N.E, Washington D.C. 20019.

The application to construct/operate the Mobile Jaw Crusher and Mobile Screen Machine and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours  
Chief, Permitting and Enforcement Branch  
Air Quality Division  
District Department of the Environment  
51 N Street, NE  
Washington D.C. 20002

**No written comments postmarked after December 22, 2008 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DEPARTMENT OF HEALTH CARE FINANCE**  
**PHARMACY AND THERAPEUTICS COMMITTEE**

**NOTICE OF PUBLIC MEETING**

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and implementing of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held Thursday, December 4, 2008, at 2:30pm in Conference Room 4131, at 825 North Capitol Street, NE Washington, DC 20002.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

NK1 Receptor Antagonists	Carbonic Anhydrase Inhibitors, Glaucoma
Topical Antivirals	Ophthalmic Prostaglandin Agonists
Ophthalmic Macrolides	Antiemetics, Oral
Ophthalmic Quinolones	Growth Hormone
Ophthalmic Antihistamines	Self-Administered Drugs for RA
Ophthalmic Mast Cell Stabilizers	Long-Acting Narcotics
Ophthalmic NSAIDs	Serotonin Receptor Agonists
Otic Quinolones	Antihyperkinesia Agents
Alpha-2-Adrenergic Agents, Glaucoma	Sedative Hypnotics
Beta-Blockers, Glaucoma	Atypical Antipsychotics

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 no later than 4:45pm on Wednesday, November 26, 2008. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto:charlene.fairfax@dc.gov)).

An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee no later than 4:45pm on Wednesday, November 26, 2008. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back). The ready-to-disseminate, written information can also be mailed before the meeting to:

Department of Health Care Finance  
Attention: Charlene Fairfax, RPh, CDE  
825 North Capitol Street, NE  
Washington, DC 20002

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
Notice of Availability of Public Document for Review and Comment**

**November 17, 2008 to December 17, 2008**

**“The District of Columbia Department of Housing and Community Development Draft Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2008”**

Leila Finucane Edmonds, Director, Department of Housing and Community Development (DHCD), announces the availability of the “District of Columbia Draft Consolidated Annual Performance and Evaluation Report for Fiscal Year 2008” (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 2008 (October 1, 2007-September 30, 2008) Consolidated Annual Action Plan to use federal funds to meet priority community needs. The FY 2008 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 30 day public comment period before its submission to HUD on/or before December 31, 2008. 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 Monday, November 17, 2008 to Wednesday, December 17, 2008.

Housing Counseling Services, Inc. 2410 17 <sup>th</sup> Street, NW, Suite 100 (202) 667-7006	University Legal Services 3001 I Street, NE (202) 547-4747	Lydia’s House 3939 S. Capitol St., SW (202) 373-1050
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Latino Economic Dev. Corp. 2316 18 <sup>th</sup> Street, NW (202) 588-5102	University Legal Services 3220 Pennsylvania Ave., SE (202) 645-7175	Marshall Heights CDO 3939 Benning Road, NE (202) 396-1200
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Central American Resources Center  
1459 Columbia Road, NW  
(202) 328-9799

To provide comment about the CAPER report by telephone, call Ms. Pamela Hillsman Johnson, Community Development Resource Specialist, at (202) 442-7251, no later than the close of business on Wednesday, December 17, 2008. 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 DHCD by the close of business Wednesday, December 17, 2008. Written statements should be mailed to: Director, Leila Finucane Edmonds, DHCD, Attention: Office of Strategy and Communications, 801 N. Capitol St., NE, Washington, D.C. 20002.

## 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, 2008. 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 §4-201.01 *et seq.*), as amended. The provisions of this plan are effective October 1, 2008. 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 participate in work activities provided by DHS or other District agencies, 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;
- 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 or 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 for teen pregnancy prevention programs. These programs focus on girls and boys in 5<sup>th</sup> through 8<sup>th</sup> 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 one or more grants to a domestic service provider or providers. The grantees

provide counseling and other services to TANF applicants and recipients who indicate 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 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 District 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 ongoing 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 may be applied to items such as auto insurance or car repair, rent and utilities, work clothes, and professional licenses or fees.
- *Transfers to Social Services Block Grant (SSBG)* — The funds transferred to SSBG fund homeless programs for families with children.
- *Child Care* — The District intends to transfer TANF funds to the designated State agency to fund child care subsidy payments for low income families in order for them to obtain or maintain employment.

- *Family Preservation Services* – The District 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 uses or may use TANF funds to provide an array of services to teens transitioning from foster care to independence. By assisting the teens to 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 in order 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 uses or may use TANF funds to provide small grants (typically less than \$40,000) to community-based organizations that provide services to needy families with children. The grantees will be organizations with overall budgets of less than \$150,000.
- *Children’s Services* – The District 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 populations- 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 customers at risk of sanction, customers who have been 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.
- *Individual Development Accounts* – TANF funds are used or may be used to fund Individual Development Accounts (IDAs). Such funds will be used to match contributions made by needy families consistent with guidelines for such a program outlined in the Social Security Act and policy guidance issued by the U.S. Department of Health and Human Services.
- *Services to Families with Youth involved with Juvenile Court* – The District uses or may use TANF funds to provide an array of services to youth involved with the

When implementing the Block Grant for Temporary Assistance for Needy Families (TANF), the District 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 that any provision 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 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. 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. . 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 recipients (exemptions are based on District law and regulations) to participate in employment-related programs such as those run by our vendors.
- (4) *Confidentiality:* Reasonable steps will 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 under which 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:* The District uses TANF funds to administer a wide range of teen pregnancy prevention efforts through partnerships with other government agencies and with the participation of community-based organizations. These efforts have contributed to the District's success in reducing out-of-wedlock births. The District's numeric goal for the reduction in the illegitimacy ration is one percent for each fiscal year.
- (6) *Statutory Rape:* The District 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 (including community based organizations, school-based programs, and other government partners, as appropriate), 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 statutory rape is suspected. 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 for those immigrants who entered on or after August 22, 1996, who have not been in the country for five years, and who are not otherwise exempt from the five-year limitation imposed by Federal law.
- (3) *Fair and Equitable Treatment:* While District law does not provide an entitlement to TANF-funded assistance, the TANF cash assistance program (including TANF-related services) provides equal treatment for all applicants/recipients. That is, families in similar situations are treated similarly.

The following are the basic TANF (and MOE-funded Segregated State) 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 child 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 to receive, a \$160 work expense deduction is applied and then an additional 2/3 of remaining earned income is deducted to compute countable earned income. The same dependent care deductions apply to recipients and applicants. A family is eligible for benefits equal to the difference between its countable income (composed of countable earned and unearned income) and the payment level.

The District has conformed its asset and resource limit to those utilized under the Supplemental Nutrition Assistance Program (SNAP) program (\$2,000 or \$3,000 for households with at least one elderly or disabled member). The District will disregard the entire value of all vehicles owned by or registered to the TANF applicant/recipient's household.

Recipients must generally report all changes in circumstances within 10 days of the change. TANF recipients 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. (See sanction policy in the Income Maintenance Administration Policy Manual, Part V.) 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 in which the recipient must participate – and describe the services the District will provide to assist the individual to attain self-sufficiency. The 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. In determining participation rates for work requirements, the District does not count the single custodial parent who has been determined to be exempt from work on the ground that he or she is caring for a child under the age of 12 months. This exclusion applies for a period of not to exceed 12 months.

- *Child Support Requirement:* 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 by both the TANF and child support agency of their right to claim good cause and the circumstances that would constitute good cause for failing to cooperate with child support requirements. The child support agency makes the

- *Time Limit:* District law limits the number of months assistance groups that include a head of household or the spouse of the head of household may 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 residing in the District of Columbia, for no more than 90 consecutive days, unless good cause is established (see IMA Policy Manual, Part IV).
- *Application Timeframes:* TANF applications must be approved or denied within 45 days of the date of application or within 15 days of the date of sending a 30-day notice that informs the applicant of the need to provide additional information to verify eligibility factors.
- *Notices of Adverse Action:* Prior to the imposition of any adverse action, 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 standards. 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 or recipients who disagree with a proposed action, or an action that has been taken, may request an administrative review and/or a fair hearing. An administrative review is an informal process whereby DHS and the applicant or recipient attempt to resolve the issue. An individual who requests an administrative review may proceed to a fair hearing if he or she is 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 may 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 participation in community service employment on the part of 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.

### 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 November 14, 2008, the draft TANF plan was published on the District web site to allow for a 45-day comment period. The plan was also posted in the D.C. Register. 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 it 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 it will screen and identify individuals who receive assistance and who have 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 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 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 provider(s) 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 such 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 will not be delayed or denied. Because 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*

Information on the "good cause" reasons for failing to cooperate with child support requirements are provided to an applicant/recipient at application and recertification for TANF benefits. The "good cause" reasons largely focus on domestic violence issues. This information is also provided directly by the Child Support Enforcement Division. Applicants and 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 wage records and administrative records to determine 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 that has as an element the possession, use, or distribution of a controlled substance (D.C. Official 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 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 test recipients of assistance for use of controlled substances or sanction recipients who test positive for controlled substances.
- (4) TANF-Funded Programs
  - TANF Cash Assistance Program/Diversion Payment Program

(Note: TAPIT and home visiting services are funded with TANF and are available only to TANF recipients. Diversion assistance is available only to individuals otherwise

eligible for TANF cash assistance. Domestic Violence services are available to TANF applicants up to 300% of the Federal Poverty Level and TANF recipients)

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

<b>Group Size</b>	<b>Payment Levels (effective October 1, 2008)</b>
1	\$270
2	336
3	428
4	523
5	602
6	708
7	812
8	897
9	987
10	1072
11	1,131
12	1,216
13	1,271
14	1,340
15	1,391
16	1,461
17	1,602
18	1,639
19	1,673

<b>Group Size</b>	<b>Payment Levels (effective November 1, 2008)</b>
1	\$275
2	343

Group Size	Payment Levels (effective November 1, 2008)
3	437
4	533
5	614
6	722
7	828
8	915
9	1,107
10	1,093
11	1,154
12	1,240
13	1,296
14	1,367
15	1,419
16	1,490
17	1,634
18	1,672
19	1,706

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

- Services for Teen Parents in Foster Care  
Gross income must be below 200% of the Federal Poverty Level. No Resource Limit.
- Community Mini Grants  
Grantees are 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, those with incomes below 200% of the federal poverty level.
- Individual Development Accounts  
Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.
- Services to Families with Youth involved with Juvenile Court  
Gross income must be below 300% of the Federal Poverty Level. No Resource Limit.

(5) MOE-Funded Segregated Programs

- MOE funds are used to provide cash assistance under a Segregated State Program not subject to federal time limits on the receipt of assistance. Income and resource standards applied to the Segregated State Program mirror those applied to the TANF-funded cash assistance program as documented in Section (4) above.

This program supports eligible families with children under 12 months of age who have exhausted their 12-month lifetime exemption from federal work participation requirements, but whom the District exempts from participating in work activities. Additionally, the District supports longstayer customers (those who had received assistance more than 60 months) who make a good faith effort to participate in countable activities (i.e., who are not sanctioned).

- The District of Columbia will also support through the segregated state program customers who meet the federal work participation requirement, as well as those who do not meet the requirement, but are making a good faith effort, as measured by hours of participation in countable activities.

(6) MOE-Funded Separate State Programs

- District of Columbia does not provide cash assistance under an MOE-funded Separate State Program.

(7) Use of MOE

- Maintenance of effort funds may be 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 may be used to support employment services for TANF recipients. Employment retention service is available to former TANF recipients up to 300% of the Federal Poverty Level.
- MOE funds may be commingled with federal TANF funds to fund basic cash assistance to families in the TANF program.
- MOE funds may be used to finance certain 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 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.

\_\_\_\_\_  
Date

Signed: \_\_\_\_\_  
Adrian M. Fenty  
Mayor

Written comments on the State Plan should be sent to Deborah A. Carroll, Interim Administrator, Income Maintenance Administration, 645 H Street, N.E., 5<sup>th</sup> Floor, Washington, DC, 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****APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been newly appointed as Notaries Public in and for the District of Columbia, effective on or after December 1, 2008.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Administrator, Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on November 21, 2008. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
Appointments of Notaries Public

Effective: December 1, 2008

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Ambrose	Ann-Marie L.	Self 3658 Park Place, NW	20010
Ambrose, Sr.	Kenneth A.	Self 3658 Park Place, NW	20010
Anderson	Sandi	US Department of Justice 1425 New York Avenue, NW, #10100	20005
Anderson	Khaleena	Capital Reporting Company 1821 Jefferson Place, NW, 3rd Floor	20036
Anewalt, Jr.	Eric H.	Meadow Financial, LLC 3630 Highwood Drive SE	20020
Bardales	Tessy	CitiBank NA 1775 Pennsylvania Avenue, NW	20018
Barkalow	Melissa	Robert Silman Associates 1053 31st Street, NW	20007
Beckett	Mary H.	Marine Engineer's Beneficial 444 North Capitol Street, NW, #800	20001
Boone	Charmaine A.	Washington Hospital Center 110 Irving Street, NW, #2A-74	20010
Briggs-Blake	Alexandria	Amalgamated Bank 1825 K Street, NW	20006
Brown	Tawanda J.	Burt, Staples & Maner LLP 1250 I Street, NW, #850	20005
Burke	Jenna L.	American Institutes/Research 1000 Thomas Jefferson Street, NW	20007
Butler	Trina F.	US Department of Justice 1425 New York Avenue, NW, #10100	20005
Cephas	Elizabeth	OAG Child Support Service Div 441 4th Street, NW, #550 North	20001

D.C. Office of the Secretary  
Appointments of Notaries Public

Effective: December 1, 2008

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Costello	Mary Agnes D.	International Finance Corp. 2121 Pennsylvania Avenue, NW	20433
Culotta	Michael L.	Self 4545 Connecticut Avenue, NW, #122	20008
Daly	Carolyn	M&T Bank 555 12th Street, NW	20004
Demko	Jeffrey	Corcoran Gallery of Art 500 17th Street, NW	20002
Dunlap	Edward	Rhapsody Condominiums 2120 Vermont Avenue, NW	20001
Eaker	Marcia R.	Hospice Foundation of America 1621 Connecticut Avenue, NW, #300	20009
Foley	Elizabeth A.	Capital Reporting Company 1821 Jefferson Place, NW, 3rd Floor	20036
Foreit	Margaret A.	US Dept of Veterans Affairs 1722 Eye Street, NW, #302	20421
Freeman	Sara E.	Capital Reporting Company 1821 Jefferson Place, NW, 3rd Floor	20036
Hamer	Bernice D.	Self 4213 Anacostia Avenue, NE	20019
Hasty	Rhodesia	Portland Cement Association 500 New Jersey Avenue, NW, 7th Floor	20001
Hollingsworth	Gina	Judge Advocate General 20 MacDill Boulevard #240 Bolling AFB	20032
Huddleston	Natalie A.	Pierce Atwood LLP 1875 I Street, NW, #500	20006
Iorio	Michael J.	Consumer Health Services 1700 Pennsylvania Avenue, NW, #550	20006

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Appointments of Notaries Public

Effective: December 1, 2008

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Irizarry	Yvonne	L'Enfant Plaza Hotel 480 L'Enfant Plaza, SW	20024
Jones	Elisa K.	Info USA 900 17th Street, NW, #850	20006
Laster	Angela	Child / Family Services Agency 400 6th Street, SW	20024
Lockard	Bruce	Grunfeld Desiderio & Klestadt 1201 New York Avenue, NW, #650	20005
Mongoven	John O.	Neal R. Gross & Company Inc. 1323 Rhode Island Avenue, NW	20005
Orr	Tirzah J.A.	DCI Group 1828 L Street, NW, #400	20036
Pereira	Stephen F.	US Dept of Transportation FTA 1200 New Jersey Avenue SE RM E54- 409	20590
Pruitt	Irene M.	Womble Carlyle Rice PLLC 1401 I Street, NW, 7th Floor	20005
Rodriguez	Irene D.	Hogan & Hartson LLP 555 13th Street, NW	20004
Russell Jr.	Richard W.	Neal R. Gross & Company Inc. 1323 Rhode Island Avenue, NW	20005
Silva	Diego M.	Self 615 Hamilton Street, NW	20011
Smith-McPherson	Gladys M.	DYRS Renaissance Program 1816 19th Street, NW	20009
Stewart	Kiaunna	C.E.D.P.A. 1133 21st Street, NW, #800	20036
Taylor	Chardonnay M.	OAG Child Support Service Div 441 4th Street, NW, #550 North	20001

**D.C. Office of the Secretary  
Appointments of Notaries Public****Effective: December 1, 2008****Page 5 of 5**

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Thomas	Elizabeth G.	Archer Western Contractors 5225 Little Falls Road NW	20016
Tolliver	Juanita D.	US Department of Justice 1425 New York Avenue, NW, #10100	20005
Travis	Lauren	Capital Reporting Company 1821 Jefferson Place, NW, 3rd Floor	20036
Tribble	Sheena	Self 505 O Street, NW, #1	20001
Ulf	Richard S.	Law Offices of Richard Ulf 5717 Potomac Avenue, NW	20016
Weaver	Winifred	Accion International 1401 New York Avenue, NW, #500	20005
Wilson	Morgan H.	Hatfield Weir Real Estate 3201 New Mexico Avenue, NW, #220	20016
Winter-Chism	Fatima C.	Navy Federal Credit Union 9th & M Street SE Building 218	20374
Wynn-Henderson	Melonia	Navy Legal Service Office 1014 N Street SE #250	20374
Zimmerman	Chelsea P.	Frommer Lawrence & Haug 1667 K Street, NW, #500	20006
Zorbaugh	Crystal M.	Baker & Miller PLLC 2401 Pennsylvania Avenue, NW, #300	20037

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

**Application No. 17650-A of Gethsemane Baptist Church**, pursuant to 11 DCMR § 3103.2, for a variance from the parking requirements under subsection 2116.3, to allow an expansion of an existing church, in the R-3 District at premises 5119 4<sup>th</sup> Street, N.W. and 320 Hamilton Street, N.W. (Square 3301, lot 809).

**HEARING DATE:** September 4, 2007  
**DECISION DATE:** September 4, 2007 (Bench Decision)  
**MODIFICATION DECISION DATE:** November 5, 2008

**SUMMARY ORDER ON  
REQUEST FOR MODIFICATION OF APPROVED PLANS**

**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 the original application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. ANC 4D submitted a letter in support of the original application. The Office of Planning (OP) submitted a report in support of the original application.

**BACKGROUND**

The original Application for this property was BZA Application No. 17650, pursuant to 11 DCMR § 3103.2, for a variance from the parking requirements under subsection 2116.3, to allow an expansion of an existing church. Advisory Neighborhood Commission 4D submitted a report in support of the application. The Office of Planning also submitted a report in support of the application. The Board of Zoning Adjustment heard and decided the case by bench decision on September 4, 2007, and issued a summary order on September 6, 2007.

**MODIFICATION REQUEST**

Subsection 3129.7 of the Zoning Regulations states that "Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon its [sic] approving the application."

In this modification, the Applicant seeks (1) a reduction of the parking area accessed from Hamilton Street, N.W. from 21 to 18 parking spaces, the elimination of the loading space. (2) The relocation of three parking spaces and the loading space eliminated from Hamilton Street parking lot to an area south of the retaining wall, between the existing trash dumpster and electrical transformer. Vehicular access to these spaces would be from the abutting 15 foot wide alley.

BZA APPLICATION NO. 17650-A

PAGE NO. 2

The Applicant further requests a waiver from the six (6) month time limitation on requesting a modification of approved plans under subsection 3129.3. The Applicant indicated that the location of the retaining wall was incorrectly shown on the originally approved plans and this unforeseen mistake caused the need for the requested modification of the approved plans.

Advisory Neighborhood Commission 4D submitted a report (Exhibit 33) indicating that it voted to support the modified parking arrangement. The Office of Planning submitted a report (Exhibit 35) in support of the modification request. No other parties commented on the request for to the modification application.

### CONCLUSIONS OF LAW

The Board, after reviewing the Applicant's written submission and plans, as required by 11 DCMR § 3129.5, concludes that the modifications requested are minor and do not change the material facts upon which the Board relied in approving the application. See, 11 DCMR § 3129.7. Therefore, the Board concludes that the Applicant's request for permission to modify its plans meets the requirements set forth in the regulations for a minor modification. It is hereby **ORDERED** that the motion to waive the time limit for filing a request for modification of plans and the request for modification of plans (pursuant to Exhibit 34-Plans Sheet C-1) is **GRANTED**.

November 5, 2008 Public Decision Meeting:

**VOTE: 3-0-2** (Ruthanne G. Miller, Shane L. Dettman and Marc D. Loud by absentee ballot to grant; the Zoning Commission member and third mayoral appointee not voting not having participated in the original case).

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

Each concurring Board member has approved the issuance of this Order.

**FINAL DATE OF ORDER:** November 6, 2008

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,

BZA APPLICATION NO. 17650-A

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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. 17831 of Georgetown Strategic Capital**, as amended, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, a variance from the required public space at ground level under section 633 and a variance from the prohibition of driveways that provide access from a pedestrian street to required parking spaces or loading berths under subsection 1903.2, or in the alternative, a special exception under section 1906.1 from the prohibition of driveways that provide access from a pedestrian street to required parking spaces or loading berths under subsection 1903.2 to construct a new multiple residence building with ground level commercial uses, in the ARTS/C-3-A and ARTS/CR Districts on the southwest corner of the intersection of 14<sup>th</sup> and U Streets, N.W. (Square 205, Lots 70, 71, 73, 830 and 831).

Note: The applicant amended the application to remove the originally requested variance relief for height, floor area ratio and off-street loading and to add a variance from the required public space at ground level. The Board granted the requested parking relief as a special exception under §1906.1 for relief from the requirements under section 1903.2.

**HEARING DATE:** November 5, 2008  
**DECISION DATE:** November 5, 2008 (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) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B which is automatically a party to this application. ANC 2B submitted a report and testified in support of the application. The Office of Planning (OP) submitted a report in support of granting the three variances. At the hearing, the OP staff person requested additional time for OP to review the special exception for the driveway. The Board determined that it had all the information it needed to decide the case and that a further report from OP was not necessary. Prior to the end of the hearing, the only party to the application, Phyllis Klein, changed from a party in opposition to a party in support.

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, from the variance requirements of sections 772, 774 and 633 and pursuant to § 3104.1 for the special exception under § 1906.1 for relief from the requirements under section 1903.2. No parties

**BZA APPLICATION NO. 17831****PAGE NO. 2**

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 proving under 11 DCMR §§ 3103.2 and §§ 772, 774 and 633 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.

Based upon the record before the Board, the Board further concludes that the applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 1906.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the 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 § 3100.5, 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 (pursuant to Exhibit No. 28, Plans, as modified by the two additional sheets marked as Exhibit No. 40) be **GRANTED**.

**VOTE:**       **3-0-2** (Shane L. Dettman, Ruthanne G. Miller and Gregory N. Jeffries to approve; Marc D. Loud and Mary Oates Walker not participating, 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:**           NOV 13 2008          

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.

**BZA APPLICATION NO. 17831**

**PAGE NO. 3**

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. 17836 of First Rock Baptist Church**, pursuant to 11 DCMR § 3104.1, for a private school (20 students) grades K through 5<sup>th</sup>, under section 206, in the R-2 District at premises 830 and 834 Hilltop Terrace, S.E. (Square 5390, Lots 50 and 116).

**HEARING DATE:** November 5, 2008  
**DECISION DATE:** November 5, 2008 (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) 7E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. ANC 7E 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 special exception relief under section 206. 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 206, 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.

Pursuant to 11 DCMR § 3100.5, 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. The total number of students enrolled in the school shall not exceed 20.
2. No more than 3 (three) teachers and other employees shall be employed at the school.

**BZA APPLICATION NO. 17836**

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3. The normal hours of operation of the school shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday.

**VOTE:**       **3-0-2-** (Ruthanne G. Miller, Shane L. Dettman, Gregory N. Jeffries to approve; Mary Oates Walker and Marc D. Loud 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:** NOV 10 2008

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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.

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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

TWR

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

**Application No. 17838 of Benjamin and Kathleen McKeever**, pursuant to 11 DCMR § 3104.1, for a special exception for a rear addition to an existing one-family dwelling under section 223, not meeting the court (section 406) and nonconforming structure (subsection 2001.3) requirements, in the R-1-B District at premises 4810 Upton Street, N.W. (Square 1503, Lot 36).

**HEARING DATE:** November 5, 2008  
**DECISION DATE:** November 5, 2008 (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) 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

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

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

Pursuant to 11 DCMR § 3100.5, 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 (pursuant to Exhibit No. 8 - Plans) be **GRANTED**.

**VOTE:**           **3-0-2** (Ruthanne G. Miller, Gregory N. Jeffries and Shane L. Dettman to approve. Marc D. Loud and Mary Oates Walker not participating, not voting.)

BZA APPLICATION NO. 17838

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

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER:** November 7, 2008

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

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