

**Dorchester House Tenants Association
2480 16th Street, NW. Apt. 933
Washington, DC 20009-6711
Eleanor Johnson, President**



Chairman Carol J. Mitten
And Members of the D.C. Zoning Commission
441 4th Street, NW – Suite 210-South
Washington, D.C. 20001

Re: Z.C. Case No. 04-36

**Application for Approval of a Consolidated PUD and Zoning Map Amendment – Dorchester House Associates, LLC and Kalorama West, LLC – Square 2572, Lots 815 and 816
Hearing Scheduled: March 30, 2006**

Dear Chairman and Commissioners:

The Dorchester Tenants Association (DTA) represents the tenants in the 392 Unit Dorchester House Apartments. Thank you for the opportunity to provide our views regarding Case 04-36, commonly referred to as the Dorchester House Expansion.

The organization (DTA), appearing in this proceeding through our Board of Directors Rudy Douglas, Peter Petropoulos, Luzette King, Campbell Johnson III, and myself, Eleanor Johnson, President of DTA, 2480 16th Street, NW, Apt 933, Washington, D.C. 20009-6711, telephone (202) 387-0796, is seeking party status in this proceeding in OPPOSITION to the Planned Unit Development (PUD) and zoning change. Dorchester House Tenants Association unanimously opposes application 04-36. This PUD application is being used to circumvent the intent and purposes of the Zoning Regulations, and is inconsistent with the Comprehensive Plan.

In accordance with the provision of the 45 DC Code 2502, the purpose of the Rent Control Stabilization Program, (known as "Rent Control" in the District of Columbia), "is to preserve an affordable housing stock for low and moderate income residents." The District of Columbia has had some form of Rent Control since World War I. Today's Rent Control law stems from wage and price controls implemented by President Richard M. Nixon, administration in 1972. Modern day "rent control" began in the District of Columbia in 1973, with the enactment of the Home Rule Charter. Today, it is estimated 65% of District residents are renters. The Rent Stabilization Program (rent control law) has jurisdiction over buildings, like the Dorchester House, constructed before 1975. Generally in rent controlled buildings, the tenant signs a one year lease and after one year the lease turns into a month to month lease that only the tenant can terminate with a 30-day (written) notice, 45 DC Code 2551. However, in buildings like the Dorchester House this protection is eroded as a result of highest comparable vacancy unit increases, which have raised rents and rent ceilings. For example: unit 201, efficiency, in August

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2004 had a rent charge of \$1,000 per month and a rent ceiling of \$4,544 per month. As one can see the apartment is no longer rent stabilized because of the outrageous rent ceiling.

In 1975, 70% of building of four (4) or more units in DC were under rent control. Today, as a result of erosions in the law, less than 30% are protected by "Rent Control" because of the following:

The 1985 amendment allowing for the highest comparable vacancy unit increase, or in the alternative, a 12% increase on a vacant unit. This amendment allows housing providers to increase rents 100% or more on all vacant units, creating vacancy decontrol in rent stabilized buildings like the Dorchester House Apartments. Amendments to the Sales and Conversion Act, which is the sister act to the rent control laws until recent city council action allowed for housing providers to sell portions of a building without evoking a tenants' right to purchase (95/5 transaction.) These types of "transactions" allowed for thousands of DC residents, including the Dorchester House residents who have raised \$11,000,000 to purchase their homes, to lose their first right of refusal to purchase their buildings, resulting in the displacement of thousands of families. The passage of the above amendments have undermined and weakened the current rent control law. The present vulnerable rent control law is an example of the DC city council capitulation to the money and power of the real estate industry. Since 1984, the council actions coupled with the dysfunctional operation of the Dept. of Consumer and Regulatory Affairs (DCRA) have destabilized families, neighborhoods and communities throughout DC, creating a city wide housing crisis.

The Rent Stabilization Program is the greatest tool available in the District of Columbia to preserve an affordable housing stock for low and moderate-income residents. According to the National Low Income Housing Coalition, Inc., the District of Columbia lost over 10,000 low-income housing units since 2002. Data received by the Coalition for Housing Justice, Inc. reports that in 2004 several thousand units were lost to redevelopment. Hardest hit were Wards 1, 2 and 8. The DC Office of the Inspector General has acknowledged in a recent report that the District of Columbia is experiencing an affordable rental-housing dilemma. The problem is the de facto decontrol of rent-stabilized buildings. A study conducted by the DC Fiscal Policy Institute asserts that the housing burden continues to be concentrated among the District's lowest income residents. DC households with incomes below 30% of the Area Median Income (AMI), \$25,000 for a family of four makes up 73% of the DC households that spend more than half their income on housing costs. The Dorchester House Apartments has made no effort in the PUD application to rent stabilize and maintain the existing building as affordable housing. The average monthly rent on a one-bedroom apartment is \$1,200 per month. If this application goes forward it will contribute to the housing woes that residents face in maintaining their affordable housing. The fact that there has been a decrease in services and facilities and a deferred maintenance policy intimidates many tenants and leaves them defenseless. The DCRA's lack of oversight and enforcement of the "Rent Control Law", its limited funding and staffing has resulted in the agency acting as a de facto administrative arm of landlords and developers. DCRA's intended mission as a protection agency has been lost, thus paving the road to quick wealth for large housing providers, while destabilizing buildings like the Dorchester House Apartments citywide. The applicant's proposal provides for set-asides that would entitle the housing provider to charge higher rents to existing low-income residents using HUD's annually published fair "Market Rents". These market rents exceed rents and consumer price index (CPI) allowed under current rent control law. With this proposal low-income renters, the elderly and the disabled will be shut out of the CPI increase protections. This would result in persons with fixed incomes facing rent increases as much as the housing provider wishes. In short, further

destabilizing families residing in the existing buildings. This lays the foundation for classes of tenants in multifamily housing pitting low-income persons against other moderate-income tenants in the existing building. This form of economic discrimination goes against the spirit and intent of the PUD and is polarizing and stigmatizing the elderly, the disabled and the working poor, pitting them against each other while eroding their civil liberties.

DTA asserts that all tenants in apartment buildings of four or more units must have the full protection of the Rent Stabilization Program and the Zoning Commission despite race, gender, class or source of rental income. We believe this application must be stopped in order to avoid the wholesale redevelopment of the existing building and parking lot.

Witnesses to testify on behalf of the association are Peter Petropoulos, Rudy Douglas and Benoit Brookens et al, current residents of the Dorchester House Apartments, and Mr. Brookens, Secretary and General Counsel of the Dorchester Rent Rollback Organization (DRRO) representing current, former and future residents, mailing address: PO Box 2551, Washington, DC, 20013-2551, tel: (202)-636-1695.

The witnesses will testify that the Affordable Housing Program presented by the applicant does not meet the requirements of the Planned Unit Development and will have an adverse economic and social impact on Dorchester House residents – and the immediate community.

The Tenants association objects for the for the reasons enumerated here:

- (1) Dorchester House Tenants are unanimously opposed to the Applicant proposal (see attached resolution) because it fails to meet the requirements of a Planned Unit Development
- (2) (PUD) in section 2403.9 which states that the public benefits and project amenities documented in any of ten (10) categories including (f) Housing and Affordable Housing. The Applicant's proposed 30 units are inadequate to meet the needs of non-Dorchester employees living in the existing building. Currently the staff occupies 2% of the units in the existing building. The Applicant states that he "will seek new tenants who contribute to the fabric of the neighborhood" negating the fact that the current residents already greatly contribute to the fabric of the neighborhood – there are school teachers, retired persons, senior citizens, disabled persons, young families, a former Neighborhood Advisory Commissioner and long-time employees of the neighborhood businesses and public service organizations. The Applicant proposal does not include these residents and states indirectly that these units will not be affordable in the near future. Here is a quote from the Applicant's submission:

Quote

Unit Rents: Affordable housing rents will be computed annually and derived from the HUD section-8-low-income limits based on the following methodology:

- Occupancy shall not exceed the "safe-harbor" maximum number of occupants set forth in the Human Rights Act,
- Occupancy for each type unit type will be figured at the safe-harbor maximum number of occupants and at one fewer occupant,
- Income limits by family size shall be correlated to the number of occupants and averaged for each apartment type,

- Rents shall be at first taken at 30% of the average income limit by unit type and,
- Utilities paid by the tenant shall be deducted from the rents according to the utility tables published by the D.C. Housing Authority for Section-8 housing allowances for high-rise apartments.

Based on the published HUD Section-8 low-income limits for the Metropolitan Statistical Area, the initial rents in 2005 would be as follows:

Number of bedrooms	Efficiency	1 Bedroom	2 Bedroom
Rent (before utilities allowance)	\$1088	\$1233	\$1508

End of quote.

In conclusion, the Applicant ignores the fact that current a significant number of current residents are low and moderate-income persons that include the elderly, disabled, retirees and other fixed-income persons.

We would urge the Applicant to create affordable housing in the existing building

Instead of creating affordable housing in the existing building, the Applicant alleges to have engaged in "dialogue" with Jubilee Housing and is seeking to fund the renovation of Jubilee properties rather than refunding the illegal rents charged the Dorchester residents, lowering the rent ceiling and rent charges as ordered February 14, 2001 by the Department of Consumer Regulatory Affairs. The Dorchester Apartments is a rent-controlled building protected by the 1975 Rental Housing Act. However, illegal loopholes in the Rental Housing Act, have caused all except for approximately 45 units to be "market rate" or near it, based on comparable unit increases. Many current residents no matter what their tenure pay market or near market rent. Many of our residents are 50 years, or older and should be given some consideration for their tenure and commitment to the community, especially in a Planned Unit Development. Their age and gender (many of them are women) contribute to the diversity of the community. While some neighborhoods may welcome the addition of 150 new market-rate apartments, the Reid-Cooke neighborhood is already choking on the volume of unaffordable new apartment development.

(3) The Applicant's first meeting with the Dorchester House Tenants concerning this application was on Wednesday, March 22, 2006. At **NO TIME** previously has the Applicant made any attempt to include Dorchester House Tenant Association, and/or members in the PUD process.

The Applicant, instead of engaging the Dorchester House Tenants Association, the Dorchester House Rent Rollback Association, and residents in dialogue, has for some years been meeting with a Columbia Heights Organization, Washington Parks and People (WPP), and others to fund projects outside the Dorchester Housing apartments and Reid-Cooke/Adams Morgan Community which offer no public benefits or amenities to the neighborhood, or most importantly, to us the residents at the Dorchester House.

The Applicant's attorney works with Jubilee Housing and surely realizes that Dorchester House residents are tenants and their rents should not go to redevelop other properties. Instead they should be used to create affordable housing as set forth in the current PUD process.

(4) The Dorchester House is eligible for historic preservation because it is both architecturally and historically significant. It is an art deco building created to afford apartment dwellers the feeling of a garden home with apartments full of light and air.

The height and density of the proposed project are inconsistent with the preservation of the existing building and with the current zoning of the parcel on which the Applicant seeks to construct the addition. It is also inconsistent with the underlying Comprehensive Plan designation for the parking-lot parcel.

For example: the 2400 block of 16th street is one of the most densely populated blocks in Adams-Morgan and the city.

Eleanor Johnson, member of Reid-Cooke Neighborhood Association requested that the Reid-Cooke Neighborhood Association join us in seeking the historic preservation of the existing building (Dorchester House) and its garden area (see D.C. Municipal Regulations, vol. 11, chapter 24, section 2403.9 (d)) also, preservation of open space and trees at the existing building is an important asset and amenity Dorchester residents, businesses and the community and provide an urban habitat for local wild life, birds and flora (see D.C. Municipal Regulations, vol. 11, chapter 24, section 2403.9 (h).)

(5) Applicant proposes use of the adjacent Euclid Street gardens as a parking lot for construction vehicles and as a staging site for excavation and construction of the proposed expansion, further adding to the Euclid St. traffic woes, pollution and health hazards to local residents. In short a complete destruction of the quality of life for Dorchester residents.

The applicant in short offers neither the historic preservation of the building and grounds nor does he offer anything to the Reid-Cooke/Adams Morgan neighborhoods.

(6) Pollution and Traffic: the streets (17th street, Kalorama Rd., Euclid St., and all surrounding streets with the exception of 16th St., are narrow streets and cannot withstand the enormous and inappropriate scale of the proposed additions. This will further exacerbate pedestrian and automobile woes. The Applicant includes no parking plan for current Dorchester residents. Thus 122-132 residents' cars will be precipitated onto the surrounding streets.

(7) The applicant offers no consideration of financial compensation to the residents for the inconvenience, noise pollution, environmental dangers, health hazards etc. for being obliged to live with an adjacent construction site.

(8) Dorchester House Apartments is one of approximately twelve (12) rental-housing buildings remaining in the Reid-Cooke neighborhood that is supposed to be affordable for low and moderate-income residents.

Conclusion:

Adverse Impacts of the proposed PUD:

All of the impacts mentioned above are in fact "net negatives" for the existing building, the Dorchester Residents, Euclid Mews Residents, Hilltop Cooperative Residents, Park Tower Residents, Envoy Residents and other small homeowners in this neighborhood.

None of these are mitigated by the proposed PUD proposal.