ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 97-15 (I)
(Text Amendments - Community Based Residential Facilities)

The Zoning Commission of the District of Columbia, pursuant to the authority set forth in section 1 of the Zoning Act of 1938 (D.C. Code, Sec. 5-413) hereby gives notice of its intent to amend Chapters 2 and 3 of the Zoning Regulations (11 DCMR). The proposed rules would include community based residential facilities for handicapped individuals among those uses permitted as a matter of right in R-1 and R-4 zones. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

A. Title 11 DCMR Chapter 2, Section 201, USES AS A MATTER OF RIGHT (R-1), subsection 201.1 is amended by:

1. **Adding a new paragraph (o) to read as follows**:

   201.1(o) A community based residential facility for occupancy by handicapped persons shall be permitted as a matter of right; Provided, that the determination of handicapped facility shall be made according to the reasonable accommodation process and criteria set forth in 14 DCMR 111 et seq.

2. **Renumber existing Paragraphs 201.1(o) and 201.1(p) to 201.1(p) and 201.1(q), respectively.**

B. Title 11 DCMR Chapter 3, Section 330, R-4 DISTRICTS: GENERAL PROVISIONS, subsection 330 is amended by:

1. **Adding a new Subsection 330.5 (i) to read as follows:**

   330.5(i) The following uses shall be permitted as a matter of right in an R-4 district: . . .

   (i) Community based residential facility; Provided, that notwithstanding any provision in this title to the contrary, the Zoning Administrator has determined that such community based facility, which otherwise complies with the zoning requirements of this title that are of general and uniform applicability to all matter of right uses in an R-4 District, is intended for, licensed, and

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operated as housing the handicapped as that term is defined under Section 3602 (h) of the Fair Housing Act, as amended, 42 U.S.C. Section 3601 et seq. (1955).

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Interim Director, Office Of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained, at cost, by writing to the above address.

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