

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES**

**Early Care and Education Administration
Office of the Administrator**



**ZONING COMMISSION
District of Columbia**

CASE NO. 06-06

EXHIBIT NO. 22

May 10, 2006

Sharon Schellin
Acting Secretary
Zoning Commission
Office of Zoning
441 4th Street, N.W., Suite 200
Washington, D.C. 20001

Re: Notice of Emergency and Propose Rulemaking
DCMR 11, Zoning Regulations

RECEIVED
DC OFFICE OF ZONING
MAY 11 AM 10:35

Dear Ms. Schellin:

The Department of Human Services, Early Care and Education Administration (ECEA) is the designated District of Columbia child care administration. It is the designated Executive Branch lead agency in evaluating pertinent laws, regulations, policies and procedures to determine the impact on early care and education in the city.

The ECEA has concerns specifically to the proposed amendment to DCMR Title 11, Chapter 21, Off Street Parking Requirements. The proposed amendment requires that pre-elementary schools and pre-kindergarten schools or facilities (child care providers) to secure two (2) parking spaces for every three (3) teachers and other employees. We are requesting your reconsideration in the proposed amendment.

The ECEA has contracts with a network of providers in every ward of the city to provide subsidized child care to families who qualify. Child care is essential to the city's economic growth and development. Children can receive child care services in any setting: pre-elementary schools, pre-kindergarten schools, child care centers and family child care homes. Parents choose facilities for care of their children based on program quality and convenience from their work place.

Most child care providers are small businesses and many lease spaces for the operations. The number of teachers and other employees that a child care provider would have depends on the number and age of children it serves according to DCMR 29, Chapter 3, Child Development Facilities. Younger children require a high staff to child ratio. For example, a small facility with a licensed capacity of 20 children may have five (5) to six (6) teachers and employees. The proposed amendment would require the provider to secure four (4) off-street parking spaces for its employees even if these employees take public transportation.

Letter to Ms. Sharon Schellin,
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This proposed amendment would have detrimental effect on child care industry in the District. A prospective child care provider would have to secure the appropriate number of off-street parking spaces from the city before it could even consider applying for child care facility license to operate. As we are all aware, parking is a premium and a perennial problem throughout the city. Additionally, the city also has a shortage of child care facilities especially care for infants and toddlers. Therefore, the proposed amendment would in effect deter the enthusiasm of prospective child care provider to open these much needed facilities. The ripple effect of the proposed amendment would affect the availability of child care for parents who are recipients of Temporary Assistance to Needy Families (TANF) and working parents, which ultimately would affect the city's business community and economic development. The lack of available child care for TANF parents would have an adverse impact on the city's ability to comply with the re-authorized TANF work requirements that may lead to penalty imposed to the city by the federal Department of Health and Human Services.

Finally, the proposed amendment is not clear as to whether it, if passed, would apply retroactively to existing facilities if they wish to expand or renovate. As proposed, the amendment would, in effect, preclude any potential expansion by current child care providers.

Therefore, the Early Care and Education Administration strongly urges the Zoning Commission to reconsider the proposed amendment so that it would not negatively impact on the that pre-elementary schools and pre-kindergarten schools or facilities in the District.

Thank you for your consideration. Should you have any questions or need additional information on early care and education in the District, I can be reached by phone at (202) 727-1839 or via e-mail at ellen.fatah@dc.gov.

Sincerely,


Ellen Yung-Fatah
Deputy Administrator