

**Testimony Before
the
Zoning Commission for the District of Columbia
By
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Chairman and Members of the Committee, I appreciate this opportunity to share with the Committee my objections and why this Committee should not change 11 DCMR §§201.1 (o) and 330.5(i).

My name is Acquanetta Anderson. I am former Advisory Neighborhood Commissioner, and a Ward 4 Activist. I would like to thank the Committee for this opportunity to testify on the proposed amendments to 11 DCMR. I also commend the Commission for taking a comprehensive approach in tackling the challenge of meeting the housing and other needs of the elderly and disabled persons. My presentation will, by necessity, be a brief concept outline of potential problems and solutions. (1) The fair housing laws of the United States—most notably Title VIII of the Civil Rights Act of 1968, as amended (also known as “the Fair Housing Act”) prohibits discrimination in housing and housing-related transactions on the basis of race, color, national origin, religion, sex, disability, or against families with children. (2) Certificate of Occupancy Requirements and Assisted living.

Currently, the Zoning Regulations require C of Os for all uses except one-family dwellings. The Office of Zoning has been asked by the Office of Planning to eliminate the requirement that a certificate of occupancy (C of O) be obtained for community based residential facilities (CBRF) which houses six or fewer unrelated persons with disabilities. I respectfully object to the recommendations by the Office of Planning to eliminate the C of O requirements. As a matter of fact, in the State of New York approaches

assisted living as a service option in existing housing. In New York assisted living programs must hold a license as an adult home or enriched housing program (which address housing) and a license as a licensed home care services agency or a certified home health agency or a long term home health care agency (which address service delivery).

Adult homes and enriched housing programs are both licensed under the state's adult care facility regulations. Both models serve five or more people and provide long term residential care, room, board, housekeeping, personal care and supervision. Adult homes represent the state's board and care model while enriched housing programs operate in community integrated settings resembling independent housing units.

In keeping the current C of O requirement in my opinion does not violate the fair housing laws at the federal level. But the recommendation by the Office of Planning would violate the federal assisted living laws if providers receive state or federal funds. The law states that all assisted living facilities accepting state or federal funds must be licensed. Therefore, if the members of this Honorable Commission vote the following changes

A) A one-family dwelling; or

b) A community based residential facility to be occupied by six or fewer persons with a handicap plus resident supervisors, as permitted by right in residence and commercial districts pursuant 11 DCMR §§201.1 (o) and 330.5(i).

I recommend the following be added as follows: (a) A one-family dwelling; or

(b) A community based residential facility to be occupied by six or fewer persons with a handicap plus resident supervisors, as permitted by right in residence and commercial districts pursuant 11 DCMR §§201.1 (o) and 330.5(i) which does not accept state or federal funds.

The added clause "which does not accept state or federal funds" would comply with the assisted living federal laws.

Although I am recommending that the clause "which does not accept state or federal funds" be added to this Honorable Commission's proposed

text amendment, I would like to state for the record, that I strongly oppose to any proposed changes to 11 DCMR Title 11 and state the following:

To eliminate the C of O requirements for a one-family dwelling or a community based residential facility to be occupied by six or fewer persons with a handicap would create unsafe, unprotected and unregulated conditions in our city. If there is an emergency; the fire and police department will be unaware of the unlicensed dwellings and facilities.

And finally, I commend the Justice Department in taking an interest in providing fair housing and to protect the civil rights of disabled individuals and ask the department to increase prosecutions of hate crimes in our public and private schools, college and universities campuses and in our cities.

In conclusion, I support the work of the commission and hope that my recommendations and observations can assist amending proper and just proposed changes to 11 DCMR Title 11. In the process, I hope that the commission develops its proposed amendments in concert with the federal assisted living laws.

Thank you for your time and consideration. I'm happy to respond to any questions, now and in the future.