

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Maxine Brown-Roberts, Development Review Specialist
Jennifer Steingasser, Deputy Director, Development, Design & Preservation

DATE: April 21, 2025

SUBJECT: OP Hearing Report - ZC 24-19 – Proposed Text Amendment to Subtitle B §100.2 Definitions, Youth Residential Care Home

I. REQUEST AND RECOMMENDATION

DC Child and Family Services Agency (CFSA or Applicant) submitted an application to:

1. Amend the definition of Youth Residential Care Home (Subtitle B §100.2) to specify that an individual 18 years or older or up to 21 years is considered a child if that individual is in foster care;
2. Take emergency action to adopt the proposed text amendment and set the petition down for a public hearing; and
3. Authorize an immediate publication of the proposed rulemaking for the petition.

The Zoning Commission (Commission), at its January 30, 2021 public meeting, set down the Office of Planning's (OP) alternate text to CFSA's original language and took emergency action to adopt the text amendment to avoid having any of CFSA's current group home contracts from expiring before the proposed text amendment became effective. The Commission also authorized the publication of the public hearing notice at [Exhibit 13](#).

The Office of Planning recommends that the Zoning Commission **approve and make permanent** the following amendments to the text of the Zoning Regulations that were adopted on an emergency basis, additions are shown in **bold** and underlined text and deletions are shown in **bold** and ~~strikethrough~~ text:

I. Amendment to § 100.2 of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

The definition of Youth Residential Care Home is amended as follows:

Youth Residential Care Home: A facility providing safe, hygienic, sheltered living arrangements for one (1) or more ~~individuals less than eighteen (18) years of age~~ children, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance. **For purposes of this definition, a child means any individual who is:**

(a) Under eighteen (18) years old; or

(b) Eighteen (18) to twenty (20) years old and in the care and custody of the Child and Family Services Agency or its successor agency.

II. TEXT AMENDMENT

The Youth Residential Facilities Licensure Act of 1986 (D.C. Law 6-139; [D.C. Official Code § 7-2101 et seq](#)) defines a child as follows:

For the purposes of this act, the term:

- (1) “Child” means any individual who is:*
 - (A) Under 18 years of age;*
 - (B) 18 to 20 years of age and subject to a consent decree or dispositional order entered pursuant to Chapter 23 of Title 16; or*
 - (C) 18 to 21 years of age and has an individualized education program pursuant to 20 U.S.C. § 1401 et seq.*

CFSA’s proposal would be reflective of this definition and this requirement would only apply to children or individuals in foster care. The text would simplify the language that the referenced children would have to be in the custody of CFSA who would then evaluate if they meet the requirements of Chapter 23 of Title 16 of the D.C. Code.

The amendment brings both definitions in concert with each other and allows for youth residential homes to accommodate individuals in foster care until age 21. CFSA states that they have conferred with the Department of Buildings (DOB) and that the text amendment language would allow DOB to issue Certificates of Occupancy (C of O) for youth residential care homes serving individuals up to age 21.

III. ANALYSIS

CFSA is the District's agency that is responsible for child welfare and for the care and placement of the District's foster children until they attain permanency, leave foster care, or turn 21 years of age. In the District, foster children may remain in foster care until their 21st birthday which provides older individuals the opportunity to develop life skills and to access housing and other supports to assist them in transitioning to adulthood.

CFSA is also responsible for licensing youth residential facilities for foster children under the Youth Residential Facilities Licensure Act of 1986 (D.C. Law 6-139; D.C. Official Code § 7-2101 et seq.) where the definition of a child is inclusive of foster children under the age of 21 and states:

[D.C. Official Code § 7-2101 et seq](#) defines a youth residential facility as:

- (B) The term “youth residential facility” shall include, but not necessarily be limited to, foster homes, youth shelters, runaway shelters, emergency care facilities, youth group homes, supervised apartments, and residential treatment centers; it shall not include informal substitute care provided by friends or neighbors or those facilities licensed under [Chapter 5 of Title 44](#).*

A requirement for the licensure of youth residential homes by CFSA, is that the provider must provide CFSA copies of all certificates of approval, authority, occupancy, or need that are required to operate in the District, ([D.C. Official Code § 7-2101 et seq](#) (d) and 29 DCMR § [6209](#) (b)). One of these requirements is the provision of a C of O from the Department of Buildings indicating that the facility is permitted under the Zoning Regulations to operate as a youth residential care home for foster children. CFSA upon receipt of that permit would issue a license if all other conditions are met.

CFSA has indicated that over the years, DOB has provided C of O to allow these homes to accommodate individuals in foster care up to 21 years of age. However, since 2023, DOB has informed providers and CFSA that they can no longer issue C of O for youth residential care homes to operators with foster care individuals over 18-years as the Zoning Regulations definition of a youth residential care home only allows for individuals less than 18 years. DOB recommended that CFSA pursue a text amendment to the Zoning Regulations.

CFSA states that many individuals in foster care at age 18 are not eligible for independent living programs and benefits as many are only available for individuals who are at least 20 years old and have met other eligibility requirements. Traditional foster homes are not an option for older individuals as they need a greater level of support and supervision than can be provided in these homes. This situation therefor creates a gap for individuals who are between age 18 and 21 and continue to need services. CFSA states that they anticipate that the stance taken by DOB could result in a shortage of placement slots for older foster individuals.

CFSA currently has contracts with eight youth residential care homes for foster children (table below) and they are located in Wards 4, 5, 6 and 7. Subsequent to the Commission taking emergency action on January 30, 2025, some of the contracts which had eminent expiration date have received their C of O and their contracts have been renewed. Others have been given extensions or are currently under review.

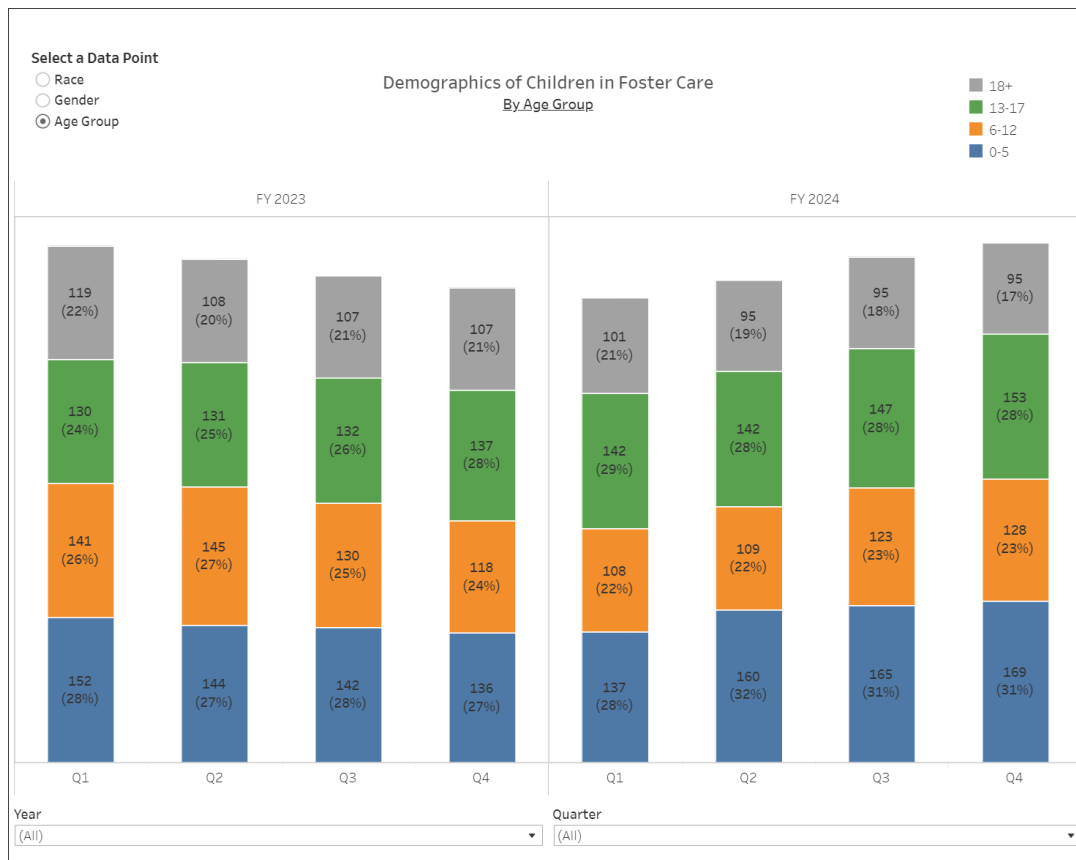
Youth Residential Care Home	Ward	Age	Prior Contract Expiration Date	Status of Contracts
God's Anointed New Generation (G.A.N.G.)	5	Up to age 21	04/02/2025	Contract extended to 8/1/2025
God's Anointed New Generation (G.A.N.G.)	4	Up to age 21	04/02/2025	Contract extended to 8/1/2025
Innovative Life Solutions	5	Up to age 21	9/10/2025	Not up for review at this time
Maximum Quest Residential Facilities I	4	Up to age 21	5/9/2025	Contract under review for . 05/09/2025 to 05/08/2026
Maximum Quest Residential Facilities II	4	Up to age 21	5/9/2025	Contract under review for . 05/09/2025 to 05/08/2026
Sasha Bruce Therapeutic Care Home	7	13-17 years	3/7/2025	New Contract date: 3/8/2026
Sasha Bruce Youthworks Emergency Care Facility	6	13-17 years	10/28/2025	New Contract date: 10/29/2025
Umbrella Therapeutic Services, Inc.	7	Up to age 21	4/28/2025	Contract under review for 4/29/2025 – 4/28/2026

IV. COMPREHENSIVE PLAN

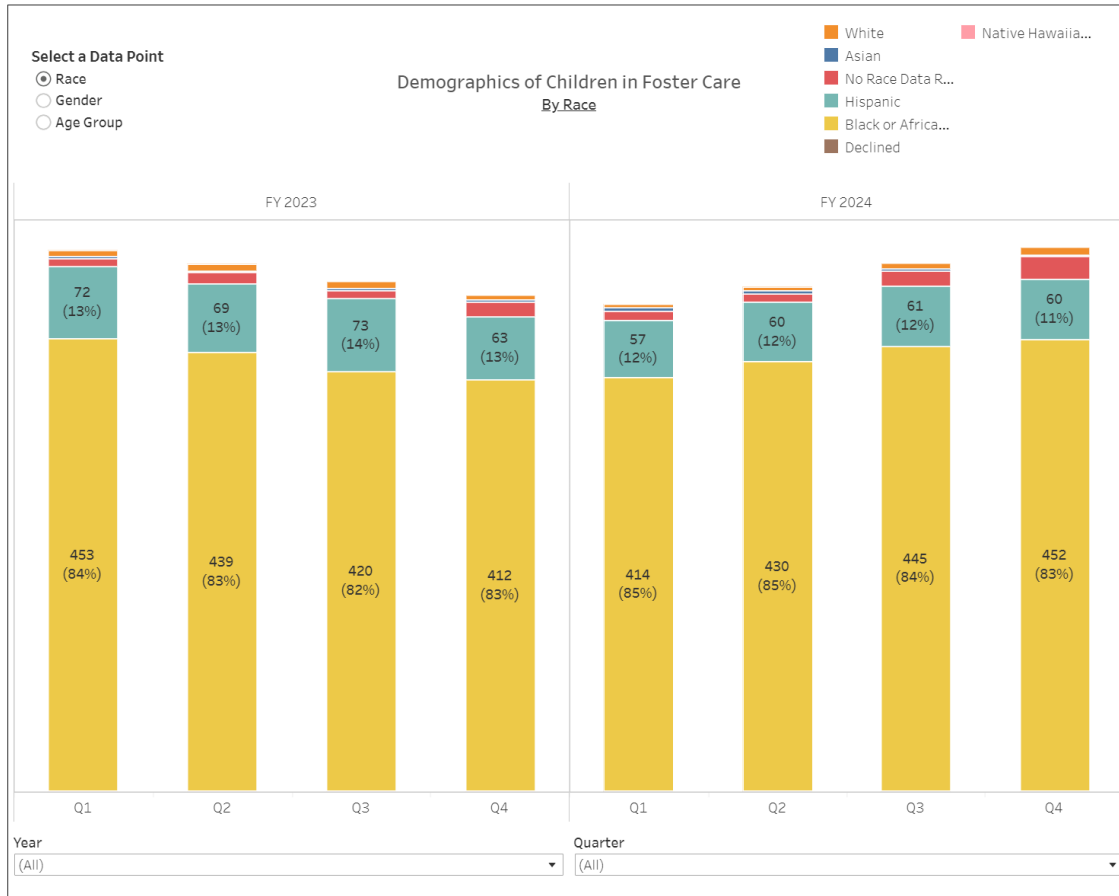
a. Comprehensive Plan Context Equity

Subtitle X § 1300.2 of Title 11 requires that the Zoning Commission determine that a proposed petition for a text amendment to the Zoning Regulations “*is not inconsistent with the Comprehensive Plan and other adopted public policies and active programs related to the subject text.*” The direction to consider equity “as part of its Comprehensive Plan consistency analysis” indicates that the equity analysis is intended to be based on the policies of the Comprehensive Plan and part of the Commission’s consideration of whether a proposed zoning action is “not inconsistent” with the Comprehensive Plan. One of the ways the Comprehensive Plan seeks to address equity is by supporting additional housing for residents. The Comprehensive Plan recognizes that without increased housing, the imbalance between supply and demand creates challenges for many residents, particularly low-income residents.

When children enter foster care, CFSA’s priority is that they are placed with a relative who is willing and able to provide care, if possible. If relatives are not available, then CFSA will place children in a family-based foster home with non-relatives. To a much lesser extent, CFSA may place older individuals in group facilities. The CFSA’s [Foster Care Demographics | cfsadashboard](#) shows the demography by race, gender and age. The graphic below show that in 2023, the total number of children in foster care was trending down but begun to trend upwards in 2024. However, for individuals above 18 years, the number has been trending down between 2023 and 2024 and at the end of 2024 of the total individuals in foster, only 17% of the individuals were above 18 years old.



The dashboard also shows on the graph below that most of the individuals in foster care, above 80%, are Black or African American. This is a population that has been historically underserved and the current Regulations could make the situation worse.



The text amendment should not result in the displacement of any tenants or residents but would facilitate the opportunity for housing for persons who need continued housing and other supports prior to losing the housing support. On balance, the text amendment would not be inconsistent with the Comprehensive Plan.

b. Comprehensive Plan Written Elements

Citywide Elements:

Chapter 5 - Housing Element

H-4 Housing for Vulnerable Populations and Persons with Disabilities 515

*In 2017, among Washington DC's 693,972 residents, thousands of vulnerable populations and persons with disabilities required targeted help finding, paying for, and maintaining affordable housing. These individuals and families included persons experiencing homelessness, older adults, LGBTQ youth and adults, and persons living with other challenges, such as disabilities, HIV/AIDS, behavioral health issues, victims of domestic violence, citizens returning from correctional facilities, and **youth being discharged from foster care** and the juvenile justice system. Vulnerable populations and residents with disabilities are particularly vulnerable to displacement, experiencing homelessness, and*

other housing hardships. They often lack the income needed to afford safe, decent housing and the services that will help them lead stable, healthy lives. 515.1 [emphasis added]

Policy H-4.1.1: Integration of Vulnerable Populations and Residents with Disabilities

Integrate residents with disabilities or vulnerable populations through housing that includes wraparound supportive services throughout Washington, DC rather than segregating them into neighborhoods that already have a significant presence of such housing. 516.3

Policy H-4.1.3: Coordination of Housing and Support Services

Coordinate the siting of housing for persons with disabilities or vulnerable populations with the location of the key services that support the population being housed. The availability of affordable public transportation to reach those services also should be considered. 516.5

The text amendment to increase the age limit for foster children to remain in Youth Residential Care Homes will provide the opportunity to have continued housing and individualized or group support services to assist in developing life skills to transition into independent living at 21 years.

Policy H-4.3.1: Short-Term and Emergency Housing Options

Ensure that adequate short-term housing options, including emergency shelter and transitional housing, exist for persons with disabilities, including people living with HIV/AIDS, harm-reduction units for substance abusers, detoxification beds and residential treatment facilities, safe housing for victims of domestic violence, halfway houses and group homes for returning citizens, and assisted-living and end-of-life care for older adults. 518.10

Policy H-4.3.6: Persons with Behavioral Health Issues

Support the production of housing for people with behavioral health issues through capital and operating subsidies. Improve the availability and coordination of such housing with wraparound behavioral health and other human services. Steps should be taken to prevent the eviction of persons experiencing behavioral health issues from publicly financed housing, so long as they are following the rules of tenancy, and to maintain each individual's housing if they need to be hospitalized. 518.15

The text amendment will enable providers to continue or open opportunities for additional housing to serve individuals who have specialized needs and for whom placement can be challenging.

Chapter 11 - Community Services and Facilities Element

Policy CSF-2.3.3: Coordination to Better Serve Older Adults and Residents With Disabilities

Design and coordinate health, housing, and human services to foster the maximum degree of independence for older adults and persons with disabilities. 1108.16

Policy CSF-2.3.9: Improving Access to Long-Term Supports and Services for Vulnerable Populations

Continue to improve access to long-term supports and services (LTSS) for vulnerable populations, including people with disabilities, older adults and their families, and members of the LGBTQ+ community. Enhance the network of government and nonprofit organizations that provide LTSS to these individuals and seek to improve their experience. 1108.22

The text amendment will help to break barriers to housing and open opportunities to address the current shortage of housing to serve older foster children and also provide them with support services in a coordinated manner at one location.

c. Community Outreach

CFSA states that over the past 20 years they have had a variety of community engagements and outreach particularly when a home is to be sited in a community. These engagements address questions and concerns community members may have about the home. During those discussions, CFSA always shared the age range of up to 21 years old of the youth that would be reside at the homes. CFSA also engages with the community whenever issues arise and are brought to their attention. When CFSA learned that DOB could only provide approvals for youth under 18, they had discussions with providers and encouraged them to make the necessary adjustments to comply with the Zoning Regulations.

CFSA's regulation requires that each facility established a local advisory committee (LAC) to monitor the facility. The LAC members consists of at least three persons, including at least one representative of the neighborhood in which the facility is located and who is unaffiliated with the facility or employed by CSFA. Each LAC meets with the facility administrators at least on a quarterly basis to review the facilities programs, policies, citizen complaints, and police contacts. The LAC then works with the facility to make corrective actions, when necessary. The LAC then reports to CSFA on admissions, the number, outcomes and length of stay of planned and unplanned discharges, staff turnover and programs effectiveness in meeting the needs of the residents and community in which they operate. The administrator of the facility and the LAC are required to conduct an open community meeting to facilitate communication between the facility and the community biannually. CSFA states that the LACs have given their support for the text amendment.

Subsequent to the emergency action taken by the Zoning Commission, CFSA has provided additional information on their community outreach at [Exhibit 16-](#), page 5 of 7. which states that they have made presentations and answered questions in person and virtually at meetings with the ANC's in which facilities are located.

d. Summary of Context Analysis

The text amendment will allow foster children to remain in youth residential care homes up to age 21 and would be consistent with regulations of CFSA who is charged with the licensing of these facilities. The text amendment is not inconsistent with the Comprehensive Plan as it allows continued housing and individualized services for foster children in a stable, safe and secure environment while preparing them to transition to independent living after age 21. On balance, the text amendment is also not inconsistent with the Comprehensive Plan when viewed through a racial equity lens. Therefore, **OP recommends that the Zoning Commission approve the text amendment that was adopted on an emergency basis.**

VIII. AGENCY COMMENTS

At the time of this report, no agency has submitted comments on the proposed text amendment

IX. ANC COMMENTS

The proposal would be applicable District-wide. At the time of this report, there is a letter of support at from ANC-7C at [Exhibit 17](#)

IX. COMMUNITY COMMENTS

At the time of this report, there are no comments from any community organization or individual person in the record.