

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Child and Family Services Agency



**CFSA's Amended Pre-Hearing Supplemental Statement in Further  
Support of the Text Amendment Petition Before the Zoning Commission  
Z.C. Case No. 24-19- Text Amendment (April 30, 2025)<sup>1</sup>**

The District of Columbia Child and Family Services Agency (CFSA) submits its Pre-Hearing Supplemental Statement in further support of its December 5, 2025 Text Amendment Petition (Petition) before the Zoning Commission ("Commission") for the District of Columbia to amend the definition of a youth residential care home (Section 100.2 of Subtitle B of the Zoning Regulations).<sup>2</sup>

In the Petition, CFSA requested the following:

- Take emergency action to adopt the proposed text amendment as necessary for the "immediate preservation of the public ... welfare," as authorized by Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.));
- Set the petition for a public hearing; and
- Authorize an immediate publication of the proposed rulemaking for the petition.

The proposed text amendment would amend Subtitle B, Chapter 1, Definitions by revising the definition of Youth Residential Care Home to specify that the term "child" includes a foster child under the age of 21.

**Zoning Commission Regular Public Hearing**

On January 30, 2025, at the regular public hearing, the Zoning Commission unanimously voted and approved to take emergency action to adopt the proposed text amendment, set the petition down for public hearing.

**EMERGENCY/PROPOSED TEXT AMENDMENT**

The following amendments to the text of the Zoning Regulations was adopted on an emergency basis, and was proposed for the Commission's final consideration (additions are shown in **bold** and **underlined text** and deletions are shown in bold and ~~striketrough~~ 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**,

<sup>1</sup> CFSA amended its supplemental statement to include additional community engagement outcomes and other updates.

<sup>2</sup> . On December 6<sup>th</sup>, the Zoning Commission accepted CFSA's filing and referred the petition to the Office of Planning (OP).

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.**

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6- 641.01, et seq. (2018 Repl.)) and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.)).

Since the January 30th public hearing, CFSA continued its community engagement efforts. CFSA's community engagement efforts are described in more detail below.

### **JUSTIFICATION**

CFSA, as the District's child welfare agency, is responsible for the care and placement of the District's foster children until they attain permanency, leave foster care, or turn 21 years of age and has the exclusive authority to license group homes for foster children. Group homes for children are regulated by 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.<sup>3</sup>

As a condition of licensure, group homes must provide CFSA with "copies of all certificates of approval, authority, occupancy, or need that are required as a precondition to lawful operation in the District of Columbia". (D.C. Official Code § 7-2102(d) and 29 DCMR § 6209.2(b)). The group home submits a letter from the Department of Buildings (DOB) indicating that the group home is permitted under the zoning regulations as either a community-based residential facility or youth residential care home. CFSA, upon receipt of this letter, would issue the license if all other conditions for licensure were met.

However, DOB informed CFSA in 2023 that it can only issue a letter for youth group homes that serve residents under the age of 18 because the zoning definitions define a youth residential care home as a sheltered living arrangement for individuals less than 18 years. Without a letter from DOB indicating that the group home is permitted under the zoning regulations, CFSA is unable to license group homes for foster youth older than 18 even though the Youth Residential Facilities Licensure Act permits youth group homes to be licensed for foster youth up to age 21. CFSA anticipates that this will result in a placement shortage for older foster youth that cannot be remedied by finding other types of placements, such as independent living programs or foster homes. Many CFSA older foster children are not eligible for independent living programs which are only available to youth who are at least 20 years old and have met other eligibility criteria. Traditional foster homes

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<sup>3</sup> For purposes of the Youth Residential Facilities Licensure Act, a child is defined as "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 <sup>3</sup>pursuant to 20 U.S.C. § 1401 *et seq.*" and a youth residential facility is defined as including youth group homes. D.C. Official Code § 7-2101.

are often not an option for older youth who need a higher level of support and supervision than can be offered by group homes.

Thus, CFSA requests that the definition of a youth residential care home in the zoning regulations be amended to increase the age limit to 21 for foster children to align with the definition of child found in the Youth Residential Facilities Licensure Act of 1986. This will allow CFSA to license group homes for foster youth up to age 21.

### **COMPREHENSIVE PLAN**

CFSA's proposed text amendment complies with the Zoning Act's charge that the zoning regulations "shall not be inconsistent with the comprehensive plan ...[and] shall be designed ... to promote health and the general welfare ... [and the] distribution of population and of the uses of land as would tend to create conditions favorable to health ... [and] prosperity" (D.C. Code§ 6-641.02). Additionally, the proposed amendment would further Comprehensive Plan policy objectives, particularly with respects to policies within the Citywide Housing Element. The most significant of the Housing Element policies are:

Policy H-1.5.E: Remove Regulatory Obstacles. Continue to identify and review regulatory impediments to the production of market rate and affordable housing. Remove unnecessary and burdensome regulations and propose more efficient and effective alternatives for achieving important policy and regulatory goals. (§ 507.10)

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)

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.(§ 518.5)

### **RACIAL EQUITY**

In the District, foster children may remain in foster care until their 21st birthday. This provides older foster youth with opportunities to develop life skills and to access housing and other supports to help them transition to adulthood. The Comprehensive Plan promotes the integration of vulnerable populations and persons with disabilities (§ 516) into the general population and encourages steps be taken to reduce the stigma associated with housing. It also encourages equitable development, a “participatory approach for meeting the needs of underserved communities through policies, programs and/or practices that reduce and ultimately eliminate disparities while fostering places that are healthy and vibrant.” (§ 213.7).

Most of CFSA’s foster youth are children of color. As children of color are disproportionately represented in foster care, the proposed text amendment will help address systemic racial inequities by improving housing opportunities for older foster youth. The proposed text amendment will also minimize further trauma to the impacted youth who are already dealing with various types and levels of trauma from the reasons they came to the attention of CFSA, to being separated from their families, and their involvement in the child welfare system. It will also ensure that the District can fulfill its responsibility for these youth who are in its care and custody.

Placement stability is crucial for foster children as it significantly impacts their overall well-being, allowing them to develop healthy attachments, improve behavioral outcomes, achieve better academic performance, and minimize the negative effects of trauma caused by frequent placement changes, ultimately contributing to a more positive path towards permanency; essentially, a stable placement is the foundation for a foster child's healthy development and reduces the risk of further distress from instability.

### **COMMUNITY ENGAGEMENT**

Over 20 years, through various community engagement, the various community groups have always been aware that the age range of youth that reside at our group homes would be up to the age of 21 as CFSA is responsible for youth up to the age of 21. It has always been CFSA’s practice to engage the community when group homes sites for foster youth are identified to 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 group homes. We also engage the community whenever issues come to our attention and the community is looking to CFSA for answers or to discuss. The agency also engages with the communities, partners, and individuals with lived experiences to help inform practice to eliminate racial and ethnic inequities. Amending the zoning definition to increase the age to 21 wasn’t an issue until 2023 when CFSA learned that DOB could no longer provide certificates of occupancy (COOs) or approvals for group homes that serve foster youth over the age of 18 because of the age limits in the zoning definition. Prior to this, CFSA was able to license group homes that included older foster youth (up to age 21) because DOB provided the requisite zoning approvals necessary for CFSA to license these homes. When CFSA learned that DOB could only provide approvals for youth under 18, it had discussions with group homes seeking licensure and encouraged them to adjust their age range to under 18 to comply with the zoning regulations. However, by doing this, no group home COOs could be approved for youth over the age of 18.

### Provider and Local Advisory Committees Community Engagement Activities

Since 2023, we met quarterly with each group homes' governing board and Local Advisory Committees (LACs). The LAC members include one or more representatives of the neighborhood where the facility is located. For group home licensee that operate more than one facility in the District, a single governing board or LAC may serve all the licensee's facilities and will include at least one representative of each neighborhood in which each group home is located. In January 2025, All governing boards and LACs received email communication/engagement regarding CFSA's petition for text amendment. Letters of support are included with this submission.

### Advisory Neighborhood Commissions Community Engagement Activities

Since January 2025, CFSA engaged several Advisory Neighborhood Commissions (ANCs) where CFSA group homes are located in Wards 4, 5, 6, and 7 through correspondence and conducting virtual and in-person PowerPoint presentations and answering questions about the text amendment through correspondence and at their public ANC meetings. The presentation is included with this submission.

ANC	ANC Meeting	Virtual/ In-Person	Presentation Confirmed or Completed	Letter of Support	Comments
4B	3/24	In-Person	Completed	N/A	Prior to the ANC meeting, CFSA answered several questions orally and in writing and provided the contact information to report concerns or incidents about the group homes. CFSA presented during ANC's "Community Minute".
4B	3/29	In-Person	Completed	No	CFSA appeared and further discussed the need for the text amendment. However, only the commissioner was present. CFSA answered additional questions. ANC 4B is not in favor of providing a letter of support. <sup>4</sup>
4D	3/19	Virtual	Completed	Yes	Presentation completed. CFSA received positive feedback.
5B	3/19	Virtual	Confirmed	N/A	CFSA appeared. However, due to an oversight, CFSA was not called to present. CFSA presentation is rescheduled for 4/16.
5B	4/16	Virtual	Completed	Yes	CFSA presented. CFSA received positive feedback.
6B	3/13	Virtual	Completed	No	CFSA presented. ANC 6B said they would provide a letter of support. CFSA followed up by email for status of letter of support.
7C	4/10	Virtual	Completed	No	CFSA presented. ANC 7C wanted more information about how the change in the regulations would affect them.
7E	2/11	Virtual	Completed	Yes	CFSA presented. ANC 7E said they would provide a letter of support.

<sup>4</sup>ANC 4B Commissioner expressed concerns about incidents allegedly involving group home residents in the neighborhood and wanted to know the addresses of CFSA's group homes. Bound by confidentiality, CFSA was unable to share the locations. However, based on the descriptions of the alleged incidents, CFSA is confident that the alleged incidents didn't involve foster youth. There are other group homes/homes in the neighborhood including homes where adult residents reside. From January to the present, neither CFSA nor the Mayor's Office of Community Relations and Services have received any complaints about its group homes or the residents from this ANC or neighborhood residents.

### **NEED FOR THE AMENDMENT**

Foster youth, particularly older youth, will be impacted if the age range for youth residential care homes is not increased. These are youth for whom placement can be challenging and who have specialized needs where a traditional foster home may not be appropriate. As most of the District's foster youth are children of color, a population that has been historically underserved, the zoning action (text amendment) will help ensure their health, safety, economic and social wellbeing.

This action is necessary to promote the immediate preservation of the health, safety, and welfare of the foster children who are in the District's care and custody. If the age range for youth residential care homes in the zoning regulations is not increased, CFSA will not be able to license groups homes for older youth. CFSA is currently experiencing barriers and anticipates a greater placement shortage for older foster youth when CFSA's current group home, where youth up to the age of 21 reside, contracts come up for renewal. This will create a crisis for the over 18 years of age foster youth population. In addition, the older foster youth, who are currently placed in those group homes, will have to be uprooted and placed in settings that are less equipped to serve their needs and provide for their safety and wellbeing without the proposed text amendment.

CFSA will not be able to license groups homes for older youth without DOB approval or a COO. This will cause a placement shortage for youth over 18 which cannot be remedied by finding other types of placements, such as independent living programs or foster homes. Many of CFSA older foster children who reside in group homes, are not eligible for independent living programs which are only available to youth who are at least 20 years old and have met other eligibility criteria. Traditional foster homes are often not an option for older youth who need a higher level of support and supervision that group homes provide.

#### **DATA - Number of children in care over the last 5 years:**

	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>
<b>All Children</b>	693	614	537	496	547
<b>Ages 18-21</b>	127	125	121	110	93
<b>Percentage</b>	18%	20%	23%	22%	17%

There are eight group homes located in Wards 4, 5, 6, and 7. All of the group home contracts came up for or are up for renewal this year. Of those group homes that came up for renewal so far today, CFSA was able to renew those contracts because the Zoning Commission approved the emergency action to adopt the proposed text amendment. Without the permanent text amendment, CFSA will not be able to relicense or continue to place youth up to the age of 21 in the remaining homes. Finally, youth over the age of 18 who are currently residing in the group homes will need to immediately find alternative placements.

Youth Residential Care Home	Ward	Age	Contract Expiration Date	Prior Expiration Date Since Zoning Case	Contracts currently under review for renewal/award
God's Anointed New Generation (G.A.N.G.)	5	Up to age 21	Letter has been issued. The contract expires 8/1/2025	04/02/2025	Council package will be sent to OAG this week to definitize the contract. Once approved the period of performance will be 4/3/2025 – 4/2/2026
God's Anointed New Generation (G.A.N.G.)	4	Up to age 21	Letter has been issued. The contract expires 8/1/2025	04/02/2025	Council package will be sent to OAG this week to definitize the contract. Once approved the period of performance will be 4/3/2025 – 4/2/2026
Innovative Life Solutions	5	Up to age 21	09/30/2025		New Option Period: 10/1/2025
Maximum Quest Residential Facilities I	4	Up to age 21	5/9/2025		Letter contract will be awarded 5/9/2025 for 120 days. Council package will be submitted by 5/10/2025. Once approved, the period of performance will be 05/09/2025 – 05/08/2026.
Maximum Quest Residential Facilities II	4	Up to age 21	5/9/2025		Letter contract will be awarded 5/8/2025. Council package will be submitted by 5/10/2025. Once approved, the period of performance will be 05/09/2025 – 05/08/2026.
Sasha Bruce Therapeutic Care Home	7	13-17 years old	3/7/2026	3/7/2025	Contract will renew 3/8/2026
Sasha Bruce Youthworks Emergency Care Facility	6	13-17 years old	10/28/2025		Contract will renew 10/29/2025
Umbrella Therapeutic Services, Inc.	7	Up to age 21	4/28/2026	4/28/2025	New contract awarded with a period of performance of 4/29/2025 – 4/28/2026

Appropriate and stable placements are important for foster youth. Having to change placements can trigger traumatic experiences, leading to anxiety, depression, and behavioral problems. Stable and appropriate placements allow foster youth to build secure relationships, which is vital for their emotional development, better education outcomes, better behavioral adjustment and reduced aggression, their likelihood of achieving a permanent living situation.

CFSA requests that the Zoning Commission approve CFSA's request for the text amendment and authorize an immediate publication of the proposed rulemaking. CFSA is prepared to respond to any questions or concerns of the Commission.

Respectfully Submitted,

/s/ Nicola N. Grey

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General Counsel