

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

Z.C. Case No. 22-01

Office of Planning

(Text Amendments to Subtitle G, Chapter 2 (General Development Standards for MU Zones), Subtitle H, Chapter 2 (General Development Standards for NC Zones), and Subtitle I, Chapter 2 (General Development Standards for D Zones), to permit Matter-of-Right Residential Use of Non-Residential Buildings Built Prior to 01/01/2022 that Exceed Development Standards for Residential Use)

September 8, 2022

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2505(c) (2016 Repl.)), hereby gives notice of amendments to Subtitles G, H, and I of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the text at the end of this notice.

SETDOWN

On January 2, 2022, the Office of Planning (OP) filed a petition (OP Set down and Prehearing Report) to the Commission proposing text amendments that would permit existing non-residential buildings that do not conform to some or all of the residential development standards to convert to residential use as a matter-of-right in the MU, NC, and D-3 through D-8 zones, if the building is not enlarged and was built prior to January 1, 2022. (Exhibit [Ex.] 2.)

OP's Set down and Prehearing Report provided background information explaining how the proposed amendments came about. OP stated that the Zoning Regulations prior to 1978 generally permitted higher floor-area-ratios (FAR) for nonresidential uses and lower FARs for residential uses. A text amendment in 1978 switched the FAR requirements by generally prescribing higher FARs for residential uses and lower FARs for nonresidential uses. A provision was added in the Zoning Regulations regulating the conversion of existing gross floor area to residential use:

For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted.

The intent of the provision was to allow an office building (for example) to convert to an apartment house even if the FAR for the residential use exceeded what was permitted prior to the FAR regulations being changed in 1978. The Zoning Administrator has interpreted this provision to also apply to other residential development standards, such as lot occupancy and yards. For instance, an office building built before November 17, 1978 that occupies one hundred percent (100%) of its lot may convert to residential use as a matter-of-right without having to comply with the residential lot occupancy development standard, which is lower than one hundred percent (100%). However, for non-residential buildings existing after November 17, 1978, a residential conversion would need to either comply with the residential lot occupancy development standard by demolishing part of the building or request relief from the Board of Zoning Adjustment. This post-1978 situation obstructs the intent and purpose of the recent amendments in Z.C. Case 21-05, which applied an Inclusionary Zoning (IZ) requirement to non-residential buildings that convert floor area to residential use in most mixed-use zones. (Ex. 2.)

For these reasons, OP proposes these amendments to:

- Codify the existing Zoning Administrator interpretation to allow an existing legally built non-residential building to convert to residential use even if the building does not comply with some or all of the residential development standards;
- Change the existing vesting date from November 17, 1978 to January 1, 2022; and
- Continue to require any new enlargement to an existing building to comply with the residential development standards. (Ex. 2.)

At its January 13, 2022 public meeting, the Commission voted to grant OP's request to set down the petition for a public hearing.

On June 6, 2022, OP submitted a report (OP Hearing Report) making the following changes to the proposed amendments:

- Adding language to apply the amendments to the D-1-R zone and the D-2 zone; and
- Adding language to clarify that the following residential development standards would not apply to existing floor area built prior to January 1, 2022, that is converted to residential use:
 - Courts; FAR; GAR; Height; Yards (applicable to Subtitles G, H, and I);
 - Lot Occupancy (applicable to Subtitles G and H); and
 - Waterfront Setback (applicable to Subtitle G).

NOTICE

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the June 16, 2022 public hearing on April 14, 2022, and published notice of the public hearing in the April 22, 2022 *D.C. Register* as well as on the calendar on OZ's website. (Ex. 4-6.)

COMMENTS

Prior to the public hearing, comments/testimony was submitted to the record from the Committee of 100 on the Federal City (Committee of 100), the DC Office of the Attorney General (OAG), Foulger Pratt Development, and the Service Employees International Union 32BJ (SEIU).

On January 12, 2022, the Committee of 100 submitted testimony to the record. (Ex. 3.) The Committee of 100 testimony argued that the proposed amendments will benefit developers without mandating the creation of affordable housing, and more planning is needed before adopting this policy change. Their comments focus primarily on their support for the proposed amendments in another text amendment case, Z.C. Case No. 21-23, which proposes amendments to apply IZ to the downtown zones.

On June 3, 2022, OAG submitted comments to the record. (Ex. 7.) OAG's comments stressed the need for residential conversions to require some additional IZ set aside to mandate the creation of affordable housing as these conversions occur, consistent with the Comprehensive Plan's focus on addressing the District's housing crisis. OAG submitted revised text suggesting the following additions to the proposed amendments:

- An additional IZ set aside requirement for these conversions depending on whether the converted Gross Floor Area (GFA) complies with the applicable development standards.
 - For GFA that complies with standards:
 - OAG proposed a two percent (2%) additional IZ set-aside to reflect that the cost of conversion is less than the cost of building a new building; and
 - For GFA that does not comply with the applicable development standards:
 - OAG proposed a twenty percent (20%) set-aside to reflect that this square footage would not be permitted under the Zoning Regulations for a new building; and
- Providing for special exception relief from the additional IZ set aside requirement where a property owner demonstrates that the additional IZ set aside renders the conversion financially unviable despite the owner's best efforts to obtain financial subsidy for the additional IZ set aside.

As further justification for its proposed revisions to the amendments, OAG also cited and attached an OP Segregation Report dated November 2020, in which OP acknowledges that the concentration of poverty east of the river is the result of long-standing discrimination. (Ex. 7A.) OAG argues that without provisions for the inclusion of more affordable housing in the downtown areas, the proposed amendments would result in almost exclusively market-rate housing in the heart of the District.

On June 14, 2022, Foulger Pratt Development submitted comments in support of the amendments to the record. (Ex. 9.) Foulger Pratt Development's comments stated that it is currently working on multiple residential conversion projects and the proposed amendments would positively impact both the opportunity for residential conversions to occur and the District's housing supply.

On June 15, 2022, SEIU submitted comments in opposition to the amendments to the record. (Ex. 10.) SEIU's comments expressed concern that the proposed amendments would allow for matter-of-right residential conversions and remove the opportunity for community engagement among residents, the District, and developers to ensure that conversions do not erode job standards that make living in the District unaffordable for its members. SEIU stressed that requiring requests for zoning relief is one way through which community members can provide meaningful input to create good jobs, including service jobs, during the redevelopment process.

No other comments were filed to the record in response to the public hearing notice.

PUBLIC HEARING

At the June 16, 2022 public hearing, OP presented the petition and responded to questions from the Commission. OP stated that the proposed amendments are straight-forward, and their intent is to codify the Zoning Administrator's interpretation of the Zoning Regulations and reduce procedural burdens not to provide a windfall to developers as suggested. Both OP and the Commission noted that by right residential conversions are currently allowed. OP clarified and reiterated that the proposed amendments would allow by right residential conversions in the applicable zones for buildings built prior to January 1, 2022, where the building was not enlarged and would also not require compliance with certain express residential development standards.

OAG testified at the public hearing further explaining the rationale and justification for its suggested revisions to the proposed amendments. OAG testified that the amendments as proposed are a boon to developers and would not increase affordable housing or address the District's affordable housing crisis. The Commission questioned OAG about whether any financial or economic analyses were completed by OAG to support its suggested additional IZ set aside requirement. OAG explained that it did not perform any analyses but did include an option for special exception relief from the additional set aside requirement to account for circumstances where the requirement would result in a financially unviable residential conversion.

Allison Prince of the Goulston & Storrs law firm testified in support of the amendments as proposed. Ms. Prince stated that the proposed amendments would provide clarity because currently matter-of-right residential conversions apply to buildings built before November 17, 1978, and the rules require an existing building that converts after this date to get approval for legally built portions of the building that do not comply with the residential development standards. Ms. Prince testified that by right residential conversions are not a windfall to developers because they result in less building square footage and lower rents and are only considered by developers when non-residential use is no longer an option. Ms. Prince also stated that the cost difference between a new build and a retrofit is typically not substantial.

OP REPORTS

OP's Reports determined that the proposed amendments would not be inconsistent with the Comprehensive Plan and would further the housing priorities of the District. (Ex. 2, 8.) OP stated that varying Comprehensive Plan policies work together to support new ways to provide additional housing and to distribute additional mixed income housing more equitably across the entire District. Also, many buildings with the potential to be converted from non-residential to residential use are located in high-cost areas and the proposed amendments would help increase the supply of housing in these areas without the need for additional zoning relief. The proposed amendments would further Comprehensive Plan policy objectives, particularly with respect to the following policies within the Citywide Housing Element as noted below.

Policy H-1.1.1: Private Sector Support

Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. (10-A DCMR § 503.3.)

Policy H-1.1.2: Production Incentives

Provide suitable regulatory, tax, and financing incentives to meet housing production goals, prioritizing affordable housing production in support of the targets in Policy H-1.2.2. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for those that do not, and relaxation of height and density limits near transit. Strongly encourage incentives and strategies that result in the production of more deeply affordable housing, such as the use of income averaging across a range of affordable housing income levels. (10-A DCMR § 503.4.)

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate density single-family homes, as well as the need for higher-density housing. (10-A DCMR § 503.5.)

Policy H-1.1.8: Production of Housing in High-Cost Areas

Encourage development of both market rate and affordable housing in high-cost areas of the District, making these areas more inclusive. Develop new, innovative tools and techniques that support affordable housing in these areas. Doing so increases costs per unit but provides greater benefits in terms of access to opportunity and outcomes. (10-A DCMR § 503.10.)

Policy H-1.2.2: Production Targets

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately twenty thousand (20,000) units, should be affordable to persons earning eighty percent (80%) or less of the area-wide MFI. Newly produced affordable units shall be targeted toward low-income households in proportions roughly equivalent to the proportions shown in Figure 5.8. (10-A DCMR § 504.8.)

Racial Equity

In applying the standard of review applicable to proposed amendments, the Comprehensive Plan requires the Commission to do so through a racial equity lens. (10-A DCMR § 2501.8.) Consideration of equity is intended to be based on the policies of the Comprehensive Plan, and part of the Commission's consideration of whether the proposed amendments are "not inconsistent" with the Comprehensive Plan, rather than a separate determination about a zoning action's equitable impact.

OP concluded that when evaluated through a racial equity lens, the proposed text amendments will reduce barriers to converting existing non-conforming non-residential buildings to residential use. Such conversions could increase the total supply of housing units in the District, which could help alleviate the pressure on housing costs overall. In addition, the text amendment will facilitate the provision of new affordable housing by applying IZ to conversions in those zones where IZ applies. Making room for additional housing, including affordable housing, has the potential to benefit non-white populations who on average have lower incomes than white residents.

PROPOSED ACTION

The Commission found persuasive, and concurred with, OP's analyses in its reports and its recommendation that the Commission take proposed action to adopt the amendments. The Commission acknowledged the comments to the record expressing concern about increasing affordable housing and the position that affordable housing goals would be furthered by imposing an additional IZ set aside requirement with these amendments. However, the Commission was persuaded by OP's conclusion that the amendments as originally proposed are straightforward, would provide clarity, and would not be inconsistent with the Comprehensive Plan or its housing policies, specifically. Further, had the Commission been persuaded otherwise, it would have expected financial and economic analyses/modeling from OP before the imposition of policy changes involving additional IZ set aside requirements. Moreover, the Commission found many of the comments and concerns that were expressed in this case regarding affordable housing goals and IZ to be more directly related to Z.C. Case No. 21-23 instead of the proposed amendments in this case.

Since no ANC filed a response to the petition as advertised in the public hearing notice, there was nothing to which the Commission could give great weight at proposed action.

At the conclusion of the June 16, 2022 public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the Petition and authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE (June 16, 2022): **4-0-1** (Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, and Peter G. May to **APPROVE**; 3rd Mayoral Appointee seat vacant, not voting)

National Capital Planning Commission (NCPC)

The Commission referred the proposed amendments to the NCPC on June 22, 2022, for the thirty (30)-day review period required by Section 492(b)(2) of the District Charter (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2)); D.C. Official Code 6-641.05 (2018 Repl.).

NCPC filed a July 7, 2022 report, stating that NCPC had determined that the proposed text amendments would not be inconsistent with the Comprehensive Plan for the National Capital and would not adversely impact and other identified federal interests. (Ex. 16.)

OZ published a Notice of Proposed Rulemaking (NOPR) in the July 29, 2022 *D.C. Register* (69 DCR 009640 *et seq.*)

COMMENTS

On June 23, 2022, after the Commission referred the proposed amendments to NCPC but prior to the publication of the NOPR in the *D.C. Register*, Holland and Knight LLP filed a letter to the record in support of the proposed amendments. (Ex. 15.) The letter stated that the amendments would eliminate the need for additional zoning relief in the conversion of nonresidential to residential space, would incentivize the revitalization of unused properties, and align with the

policies of the Comprehensive Plan Citywide Housing Element in furtherance of the District's housing goals.

Prior to its September 8, 2022 public meeting, the Commission received additional comments from OAG in response to the NOPR. (Ex. 19.) OAG's comments largely reiterate their previous comments and encourage the Commission to reconsider OAG's suggestion and apply an additional IZ set aside requirement to these amendments. OAG asserts that, without an additional IZ set aside requirement, these amendments are inconsistent with the Comprehensive Plan policy calling for "greater IZ requirements when zoning actions permit greater density or change in use." (CP § 504.26; see also, CP §§ 204.15, 206, 220.5, 500.4, 500.6a, 500.19, 500.21, 500.36, 603.10, 504.19) OAG argues that the Comprehensive Plan calls for zoning incentives such as proposed by these amendments to also incentivize additional affordable housing needed to address the affordable housing crisis identified by the Comprehensive Plan. OAG also submitted the OP 2020 Conversion Report to substantiate that applying an additional IZ set aside requirement would focus the production of affordable housing in areas with significant potential for commercial to residential conversions that have fallen behind in creating new affordable housing. (Ex. 19C.)

FINAL ACTION

"Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. ((D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

The Commission finds persuasive, and concurs with, OP's analyses in its reports and its recommendation that the Commission take final action to adopt the amendments as proposed in the NOPR. The Commission acknowledges the additional comments from OAG reencouraging the Commission to apply an additional IZ set aside requirement to the amendments to further incentivize the production of affordable housing. However, after examining OAG's proposal to apply a greater IZ requirement at both proposed and final action, the Commission concludes that it has addressed OAG's concerns and it is not persuaded by OAG's additional comments. The Commission believes that the amendments, as proposed, will increase the overall supply of housing, including affordable housing, and is persuaded by OP's assertion that the amendments simply codify the Zoning Administrator's existing interpretation.

"Great Weight" to the Written Report of the ANC's

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to

“encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

Since no ANC filed a response to the petition as advertised in the public hearing notice and no ANC filed a report to the record in response to the NOPR, there is nothing to which the Commission can give great weight.

At its September 8, 2022 public meeting, the Commission voted to take **FINAL ACTION** to adopt the petition and authorize the publication of a Notice of Final Rulemaking.

VOTE (September 8, 2022): 4-0-1 (Joseph S. Imamura, Anthony J. Hood, Peter G. May, and Robert E. Miller to **APPROVE**; 3rd Mayoral Appointee seat vacant, not voting)

The following amendments to the Zoning Regulations are hereby adopted:

TEXT AMENDMENTS

The amendments to the text of the Zoning Regulations are as follows:

I. Amendment to Subtitle G, MIXED USE (MU) ZONES

Section 200, GENERAL PROVISIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, of Subtitle G, MIXED USE (MU) ZONES, is amended by revising §§ 200.1 and 200.2 and adding new § 200.3, to read as follows:

200 GENERAL PROVISIONS

200.1 The provisions of this chapter apply to all MU zones except as may be modified or otherwise provided for in a specific zone or as provided in Subtitle G § 200.3.

200.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply, except as provided in Subtitle G § 200.3.

200.3 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter-of-right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:

- (a) Courts;
- (b) Floor Area Ratio (FAR);
- (c) Green Area Ratio (GAR);

- (d) Height;
- (e) Lot Occupancy;
- (f) Waterfront Setback; or
- (g) Yards.

Section 201, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, of Subtitle G, MIXED USE (MU) ZONES, is amended by deleting in its entirety § 201.1.

II. Amendment to Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES

Section 200, GENERAL PROVISIONS, of Chapter 2, GENERAL DEVELOPMENT STANDARDS, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by revising §§ 200.1 and 200.2 and adding new §§ 200.3 and 200.4, to read as follows:

200 GENERAL PROVISIONS

- 200.1 The provisions of this chapter apply to all zones except as may be modified or otherwise provided for in a specific zone or as provided in Subtitle H § 200.3.
- 200.2 When modified or otherwise provided for in the development standards for a specific zone, the modification or zone-specific standard shall apply, except as provided in Subtitle H § 200.3.
- 200.3 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter-of-right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:
 - (a) Courts;
 - (b) Floor Area Ratio (FAR);
 - (c) Green Area Ratio (GAR);
 - (d) Height;
 - (e) Lot Occupancy; or
 - (f) Yards.

200.4 Notwithstanding Subtitle H § 200.3, the requirements for ground floor designated uses of Subtitle H § 1101 shall apply.

Section 201, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 2, GENERAL DEVELOPMENT STANDARDS, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by deleting in its entirety § 201.4.

III. Amendment to Subtitle I, DOWNTOWN ZONES

Section 102, GENERAL PROVISIONS, of Chapter 1, INTRODUCTION TO DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is amended by revising §§ 102.3 and 102.5 and adding new §§ 102.6 and 102.7, to read as follows:

102 GENERAL PROVISIONS

102.1 Unless otherwise noted in this subtitle...

...

102.3 Unless otherwise stated or as provided in Subtitle I § 102.6, the requirements, restrictions, and incentives of this subtitle apply to all new buildings and to existing buildings where any additions, alterations, or repairs made within a consecutive twelve (12)-month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application.

...

102.5 Where there are conflicts between regulations within this subtitle, the stricter regulations apply, except as provided in Subtitle I § 102.6.


102.6 A building or structure in existence with a valid Certificate of Occupancy prior to January 1, 2022, may convert existing gross floor area to the “Residential” use category of Subtitle B § 200.2 as a matter-of-right even if the building or structure or portion thereof to be converted does not comply with the following development standards of this subtitle for residential use:

- (a) Courts;
- (b) Floor Area Ratio (FAR);
- (c) Green Area Ratio (GAR);
- (d) Height; or
- (e) Yards.

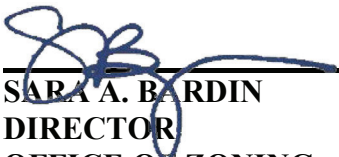
102.7 Notwithstanding Subtitle I § 102.6, the requirements for ground floor designated uses of Subtitle I, Chapter 6, Location-Based Regulations for Downtown Sub-Areas and Designated Street Segments, shall apply.

Section 200, DENSITY – FLOOR AREA RATIO (FAR), of Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, of Subtitle I, DOWNTOWN ZONES, is amended by deleting in its entirety § 200.7.

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 21-21 shall become final and effective upon publication in the *D.C. Register*, that is on October 7, 2022.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.