

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 04-0619 (JR)
v.	)	Judge James Robertson
	)	
DISTRICT OF COLUMBIA,	)	
	)	
Defendant.	)	
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**SETTLEMENT AGREEMENT**

1. On March 14, 2008, this Court issued an Order (Dkt. #56) that granted in part and denied in part the United States' Motion for Declaratory Judgment, Injunctive Relief and Civil Penalties on Count II of its claims under the Fair Housing Act, 42 U.S.C. §§ 3601-3619 ("the Act").
2. On April 28, 2008, the District of Columbia ("District") filed a notice of appeal to the United States Court of Appeals for the D.C. Circuit.
3. On May 23, 2008, the United States filed a notice of appeal to the United States Court of Appeals for the D.C. Circuit.
4. The parties have voluntarily agreed to resolve the parties' claims and cross-appeals in this case by entering into this Settlement Agreement ("Agreement") without any admission of liability.
5. The parties agree that implementation of this Agreement will comply with the Fair Housing Act and this Court's March 14, 2008 Order. This Agreement does not alter the judgment and injunction issued by this Court on March 14, 2008, as corrected by the Court's

March 28, 2008 Order (Dkt. #58). This Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written Agreement, will be enforceable. This Agreement is enforceable only by the parties; no person or entity is intended to be a third party beneficiary of the provisions of this Agreement for purposes of any civil, criminal, or administrative action, and, accordingly, no person or entity other than the parties may assert any claim or right as a beneficiary or protected class under this Agreement in any civil, criminal, or administrative action.

### I. TRAINING

6. The District shall provide training on the requirements of the Fair Housing Act (in particular, those provisions that relate to disability discrimination) for members of the Zoning Commission; District-appointed members of the Board of Zoning Adjustment (BZA);<sup>1</sup> the Fair Housing Act Compliance Officer designated pursuant to this Agreement; and all employees and officials of the Department of Consumer and Regulatory Affairs who participate, or may participate, substantively in the zoning, planning, permitting or certificate-of-occupancy approval process for community-based residential facilities, in accordance with the following subparagraphs:

- a. The training, which shall be no less than two hours in duration, shall be conducted by an individual or organization with experience in providing training on civil rights issues. The costs of this training shall be borne by the District.

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<sup>1</sup> The District shall make training available to all members of the BZA.

- b. Within 10 days from the execution of this Agreement, the District shall provide the United States with the identity of the trainer and the materials used during the training provided to District officials on March 25, 2009, as well as any changes that are planned for the future training sessions under paragraph 6.d. regarding the requirements of the Fair Housing Act.<sup>2</sup> The United States shall have twenty-one (21) days to review and comment on the proposed trainer and materials submitted pursuant to this paragraph for compliance with the Act.
- c. This training shall continue and shall take place on a semiannual basis to ensure that new officials or staff members covered by this paragraph shall have training within one hundred and eighty days of the date they commence service or employment, and the District shall provide a written verification to DOJ that all newly elected, appointed or hired individuals covered by this paragraph have been provided a copy within thirty (30) days of their election, appointment or hiring date of the relevant provisions of the Fair Housing Act, the District's reasonable accommodation procedures, 14 DCMR 111, 11 DCMR 201.1(o) and 330.5(i), and the District's Fair Housing Act Notice. To the extent that these regulations are superseded by new regulations that implement the requirements of the Fair Housing Act Amendments, the training shall include, but not be limited to, specific instruction on the new regulations.

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<sup>2</sup> All documents or other communications required by this Agreement to be sent to counsel for the United States shall be addressed as follows: Chief, Housing and Civil Enforcement Section, Civil Rights Division, United States Department of Justice, 1800 G St. N.W., Suite 7062, Washington, D.C. 20006. Attn: DJ# 175-16-102. Submissions shall be transmitted electronically, by telefax to 202-514-1116, by messenger, or by commercial carrier.

- d. The training shall include, but not be limited to, specific and relevant instruction on:
- (i) the District's reasonable accommodation procedures, 14 DCMR 111, and the proper application of 11 DCMR 201.1(o) and 330.5(i); and
  - (ii) application of the standard that housing is "intended for persons with handicaps" as that phrase is used in 14 DCMR 111 et seq., and 11 DCMR 201.1(o) and 330.5(i). To the extent that these regulations are superseded by new regulations that implement the requirements of the Fair Housing Act Amendments, the training shall include, but not be limited to, specific instruction on the new regulations.
- e. The District shall provide to the United States a written verification identifying by name each trainee confirming: i) his or her attendance; ii) the date of the training; and iii) his or her opportunity to have any questions answered regarding the requirements of the Fair Housing Act, the District's reasonable accommodation procedures, and 11 DCMR 201.1(o) and 330.5(i).

## **II. FAIR HOUSING COMPLIANCE OFFICER**

7. Within thirty (30) days of the date of execution of this Agreement, the District shall designate a person with fair housing-related expertise as its Fair Housing Act Compliance Officer ("Compliance Officer"). The designee may be, but is not required to be, the Director of the Office of Disability Rights, who may act as the District's Fair Housing Compliance Officer by supervising compliance by the Department of Consumer and Regulatory Affairs and performing all duties enumerated herein to ensure compliance with the terms of this Agreement. Within five (5) days after the designation of a Fair Housing Compliance Officer, the District

shall notify counsel for the United States in writing of the name, business address, telephone number, and qualifications of the Officer. The United States shall have thirty (30) days to review and comment on the proposed Officer submitted pursuant to this paragraph. The District of Columbia shall retain a designated Fair Housing Compliance Officer for a one year period. Forty-five (45) days prior to the end of the first year, the District shall provide notice to the United States of its plan for how the functions of the Compliance Officer shall be handled from that date forward. The Compliance Officer shall have the responsibility, personally or through a designee for whose performance the Officer is responsible, to:

- a. coordinate training of the aforementioned District of Columbia officials and employees in the relevant requirements of the Fair Housing Act;
- b. serve as a liaison to assist both District of Columbia officials and applicants to navigate the zoning process for housing intended for persons with disabilities;
- c. review the handling of requests for reasonable accommodation pursuant to the Fair Housing Act or 14 DCMR 111, (hereinafter "reasonable accommodation"); requests for exemptions under 11 DCMR 201.1(o) or 330.5(i), unless or until these regulations are superseded by new regulations that implement the requirements of the Fair Housing Amendments Act; zoning proposals that have the potential to adversely affect the equal enjoyment of and/or equal access to housing for persons with disabilities; and any complaint alleging discrimination in housing related to zoning, land use, or permitting actions or practices, because of

disability, exclusive of an Americans with Disabilities Act ("ADA") or Rehabilitation Act complaint;

- d. coordinate the District's compliance with the reporting and recordkeeping provisions of this Agreement and assist the District in avoiding future violations of the Fair Housing Act.

### **III. REPORTING AND RECORD-KEEPING**

8. The District shall prepare compliance reports that detail its compliance with the disability-related requirements of the Act. The District, through the Fair Housing Act Compliance Officer, shall submit its First Report to the United States within one hundred eighty (180) days of the effective date of this Agreement. The Officer shall submit a Second Report one hundred thirty-five (135) days later (45 days before the end of the initial term of the Officer). In addition to the information set forth in paragraph 9, the Second Report shall set forth the District's plan for effectively carrying out the functions and responsibilities of the Officer for the duration of the Agreement. The United States shall have thirty (30) days to review and comment on the reports submitted pursuant to this paragraph for compliance with the Act and this Agreement. The District shall submit subsequent reports every six (6) months thereafter for the duration of the Agreement, except that the final report shall be delivered to the United States not less than sixty (60) days prior to the expiration of the Agreement.

9. The District shall include in each compliance report the following information for the time period covered by the report:

- a. copies of the training verification forms referenced in paragraph 6, above;

- b. copies of any written complaints alleging discrimination in housing related to zoning, land use, or permitting actions or practices, because of disability, exclusive of an alleged ADA or Rehabilitation Act claim; written complaints about denials of reasonable accommodation or requests made under 11 DCMR 201.1(o) or 330.5(i) shall be included. The District shall indicate any action it took in response to the complaint, and shall make available to the United States for review, inspection and copying all pertinent documents, including any documents filed with the complaint, and the District's response to and resolution of the complaint;
- c. copies of each zoning request or application related to group housing intended for persons with disabilities (including those for building permits, certificates of occupancy, site plans) where an applicant has requested either a variance on the basis of disability, an exemption pursuant to 11 DCMR 201.1(o) or 330.5(i), or a reasonable accommodation (collectively "application"), for which the District has made a determination. The District shall make available for review, inspection and copying all pertinent related documents, to the extent they exist, including documents showing: i) the date of the application; ii) the applicant's name; iii) the applicant's current street address; iv) the street address of the proposed housing; v) the date and substance of each of the District's final administrative decision(s) regarding the matter,<sup>3</sup> including

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<sup>3</sup> For the purpose of this Agreement, all appealable decisions are final.

any written decision(s) by the BZA or Zoning Commission and any appeal(s); vi) any written decision prepared pursuant to 14 DCMR 111.9; and vii) complete copies of the minutes of all related meetings or hearings that preceded or accompanied the decision and all documents presented in support or in lieu of oral testimony offered by members of the public prior to, during, or following any hearing held in relation to zoning applications regarding dwellings for persons with disabilities that were denied by the Department of Consumer and Regulatory Affairs or the BZA;

- d. copies of any District decisions to decline, reject, or deny any type of zoning or land use request or application relating to a dwelling occupied by, or intended for occupancy by, persons with disabilities, where the applicant has made requests for reasonable accommodations, requests under 11 DCMR 201.1(o) or 330.5(i), or requests for an exemption on the basis of disability which is related to building permits, site plans and certificates of occupancy. Any additional related documents shall be made available to the United States for review, inspection and copying;
- e. copies of any publications in the District of Columbia Register that concern proposed changes to the District of Columbia Municipal Regulations that specifically relate to or affect in any way the operation of housing for persons with disabilities; and
- f. copies of any laws enacted by the D.C. City Council that specifically affect the equal enjoyment of and/or equal access to group housing for persons with disabilities.

10. Throughout the term of this Agreement, the District shall retain all records relating to its compliance with the Act and implementation of all provisions of this Agreement. The United States shall be permitted to inspect and copy any such records during business hours after giving seven (7) business days' notice to counsel for the District.

#### **IV. IMPLEMENTATION OF ADDITIONAL PROCEDURES**

11. On January 9, 2009, the District implemented an administrative issuance regarding "Reasonable Accommodation Requests Policies and Procedures" (DCRA Bulletin No. 1-101D-08) (which, among other things, establishes procedures for the BZA to follow when the BZA receives information in a matter pending before it indicating that a reasonable accommodation may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling). This administrative issuance is incorporated herein at Attachment A. The District shall maintain and implement this administrative issuance during the term of this Agreement.

12. In the event that the District intends to revise this administrative issuance during the term of this Agreement to make any changes or revisions to the procedures for the BZA to follow when the BZA receives information in a matter pending before it indicating that a reasonable accommodation may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling, the District shall notify the United States in writing and the United States shall have twenty-one (21) days to review and comment on these changes prior to implementation. To the extent the United States objects to the District's changes, and the parties cannot resolve the dispute among themselves, such dispute shall be submitted to the Court to determine whether the revised procedures effectively require the District to take appropriate action on information received by the BZA (or equivalent successor agency)

indicating that a reasonable accommodation may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling, in accordance with the dispute resolution provisions of paragraph 18 and the changes shall not be implemented until the dispute is resolved.

13. The District shall develop and submit to counsel for the United States for review within thirty (30) days from the date of execution of this Agreement, procedures for the BZA to follow when the BZA receives information in a matter pending before it indicating that an application of 11 DCMR 330.5(i) is or may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. The United States shall have thirty (30) days to review and comment on these procedures. To the extent the United States objects to these procedures, and the parties cannot resolve the dispute among themselves, such dispute shall be submitted to the Court in accordance with the dispute resolution provisions of paragraph 18.

14. The parties also have voluntarily agreed to resolve within this Settlement Agreement the United States Department of Housing and Urban Development's January 15, 2009 referral to the United States of a housing discrimination matter involving the District's Office of Historic Preservation (OHP) and Historic Preservation Review Board (HPRB).<sup>4</sup> Without admitting liability, the District agrees to do the following:

- a. Provide training on the requirements of the Fair Housing Act as described in paragraph 6 to the members of the HPO and the HPRB;
- b. Create and implement, within one hundred and twenty (120) days from the date of execution of this Agreement, specific procedures for the HPO and HPRB to

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<sup>4</sup> The referral began at HUD as a Secretary-initiated investigation on February 13, 2007 and was sent to the Department of Justice pursuant to Section 810(g)(2)(C) of the Fair Housing

follow when these offices receive information in a matter pending before them indicating that a reasonable accommodation may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling, as referenced in paragraphs 12 and 13;

- c. Develop and begin distribution of, within sixty (60) days from the date of execution of this Agreement, written materials the District can use to inform the public about the District's historic preservation review process. These materials shall state that persons involved in the historic preservation process are protected by the Fair Housing Act and have the right to request a reasonable accommodation if one is necessary to allow equal enjoyment of a dwelling unit by a person with a disability and shall state where persons involved in the historic preservation process can obtain more information about fair housing rights and reasonable accommodations.

#### **V. JURISDICTION AND SCOPE OF AGREEMENT**

15. This Agreement shall remain in effect for a period of three (3) years from the date of entry.

16. Upon execution of this Agreement, the parties will jointly move the United States Court of Appeals for the District of Columbia Circuit for dismissal of both parties' appeals (Case Nos. 08-5130, 08-5167) without prejudice pursuant to Federal Rule of Appellate Procedure 42(b), subject to reinstatement by either party in the event that the District Court declines to grant in full the relief requested by the parties pursuant to the Agreement. A copy of the Agreement will be attached to the joint motion.

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Act without a finding of liability.

17. Upon dismissal of the parties' appeals by the United States Court of Appeals for the District of Columbia Circuit, the parties shall file in the District Court a Joint Motion for Conditional Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2). A copy of this Agreement shall be attached to the Joint Motion for Conditional Dismissal, and that motion shall: (a) request that the court place the case on its inactive docket; (b) request that the court retain jurisdiction over the case until a final dismissal is entered; and (c) request that the court formally close the case with prejudice upon the passage of three (3) years from the date of its filing, unless the United States has moved the Court to enforce the terms of this Agreement prior to the expiration of the Agreement in conformity with paragraph 18 of this Agreement.

18. In the event that any disputes arise concerning the interpretation of or compliance with the terms of this Agreement, the parties shall endeavor in good faith to resolve any such dispute between themselves before bringing it to the Court for resolution. The United States agrees that if it reasonably believes that the District has violated any provision of this Agreement, it will provide the District with written notice thereof and sixty (60) days to resolve the alleged violation, before presenting the matter to the Court. If the District fails to perform in a timely manner any act required by this Agreement, the United States may then move the Court to enter an order requiring specific performance of those acts (or non-performance of certain acts).

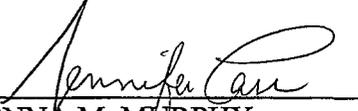
19. This Agreement shall not require the District to disclose any information, including records referenced in paragraphs 9 and 10, protected by attorney-client privilege or the attorney work-product doctrine, or any information that the District is not authorized to disclose without consent under applicable laws, rules, or regulations related to confidentiality or medical privacy issues. If the District withholds such information, it shall provide the United States with

a privilege log describing the nature of the information withheld and stating the privilege asserted. Absent a court order or the permission of the District, the United States shall use any non-public information provided pursuant to this Agreement only for purposes of compliance with this Agreement, and shall not provide any such information to any other individual or entity, except to a consultant or expert retained by the United States in connection with this matter who must agree in writing to be bound by the confidential terms outlined in this Agreement, or to the Court to enforce this Agreement.

Agreed to this 1<sup>st</sup> day of ~~April~~<sup>May</sup>, 2009.

For the United States:

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Civil Rights Division

  
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ATTACHMENT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Consumer and Regulatory Affairs

Department of Consumer and Regulatory Affairs (DCRA)  
Administrative Issuance System

DCRA Bulletin No. 1-01D-08

**SUBJECT:** Reasonable Accommodation Requests Policies and Procedures

**EFFECTIVE DATE:** January 9, 2009

**EXPIRATION OR REPLACEMENT:** Upon revision

**PURPOSE AND AUTHORITY:**

This DCRA Administrative Issuance bulletin outlines the following:

- delegation of authority
- required training
- processes for providing information to and receiving information from the public regarding Reasonable Accommodation;
- process for evaluating Reasonable Accommodation Requests

**SCOPE:**

Pursuant to Article III (B) (5) (c) of Mayor's Order 2008-69 (April 25, 2008), 55 DCR 6916, 6919-6920 (June 20, 2008), the Department of Consumer and Regulatory Affairs (DCRA) shall:

Approve reasonable modifications of building code, zoning, and other regulations with DCRA's purview when called for by [Title II of the Americans with Disabilities Act] and the [Fair Housing Act].

In order to fulfill its responsibilities under Mayor's Order 2008-69, the Fair Housing Act, 42 U.S.C. § 3604(f)(3)(B), 14 DCMR § 111.1 *et seq.*, the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, and the Rehabilitation Act, 29 U.S.C. § 794 and D.C. Code § 2-1402.31, the following procedures are implemented, effective **IMMEDIATELY**.

The Permit Division Chief and Zoning Administrator shall have delegated authority to review, approve/disapprove, and prepare comments regarding reasonable accommodation requests pursuant to 14 DCMR § 111.3.

NOTE: DAIS Bulletins are strictly procedural in nature and have direct applicability only to DCRA employees under the authority of the Director.

INQUIRIES: DCRA, Chief Building Inspector-202-481-3545  
DISTRIBUTION: Director, Deputy Directors, Program Managers, Division Chiefs, and DCRA employees  
BULLETIN EXPIRES: Upon notification

## DCRA Bulletin No. 1-01D-08

The Permit Division Chief and Zoning Administrator may confer with the Office of Disability Rights on reasonable accommodation requests. All proposed reasonable accommodation denials must be forwarded to the Office of Disability Rights prior to issuance of a denial of the applicant's reasonable accommodation request.

### PROVISIONS:

By virtue of the authority vested in me as the Director of the Department of Consumer and Regulatory Affairs ("DCRA"), pursuant to Mayor's Order 2008-69 and in accordance with the provisions of Procedures Regarding Requests for Reasonable Accommodation under the Fair Housing Act, 14 DCMR § 111 *et seq.*, I hereby delegate the authority granted to me under 14 DCMR § 111.3 to the Permit Division Chief ("PDC") and the Zoning Administrator ("ZA").

The PDC or ZA shall review requests for a reasonable accommodation as referenced in 42 U.S.C. 3604 (f) (3) (B), ("reasonable accommodations") received from the public or other District Government agencies. The PDC or ZA may consult with the Office of Disability Rights ("ODR") when reviewing reasonable accommodation requests. The PDC or ZA will maintain the confidentiality of those requests, expeditiously issue decisions upon those requests, and maintain the records of those requests.

### I. Training

The ODR in coordination with DCRA's Office of Human Resources shall provide training in the performance of DCRA's responsibilities under the Fair Housing Act ("FHA"). The training shall be provided to those employees who participate or may participate substantively in the zoning, planning, permitting, or coordinated approval process which includes the Office of the Zoning Administrator management and staff, the Permit Center management and staff, Plan Review Coordinators ("PRC"s), and construction permit discipline reviewers. Training will also be offered to the Office of Planning, Historic Preservation Review Board and the Board of Zoning Adjustment. The training dates and times will be coordinated with the PDC and the ZA. Completion of this training is mandatory for DCRA employees. A certification training completion will be included in each employee's personal file within DCRA's Office of Human Resources.

The ODR, in coordination with the DCRA's Office of Human Resources, shall provide the FHA training within 90 days of the issuance of this Administrative Issuance.

The FHA training must be provided within 180 days of the hiring of an employee who participates or may participate substantively in the zoning, planning, permitting, or coordinated approval process. At the beginning of each training course, a master attendance sheet will be used to record the name, title, and division of each employee.

NOTE: *DAIS* Bulletins are strictly procedural in nature and have direct applicability only to DCRA employees under the authority of the Director

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## DCRA Bulletin No. 1-01D-09

The FHA training will require each employee to complete two hours of training during each fiscal year.

All FHA Training Attendance records and copies of certifications will be maintained in the office of the DCRA Training Coordinator and the DCRA Disability Rights Coordinator ("DRC"). These records will be physically stored in designated file drawers in each office.

### II. Process for Providing Information to the Public Regarding Reasonable Accommodation Requests

- A. Informational posters shall be placed in the Permit Center and Office of the Director and provided to the Office of Planning, the Historic Preservation Review Board and the Board of Zoning Adjustment. Posters will be available in all languages identified by the Fair Housing Act and Language Access Act of 2004.
- B. Explanatory brochures, including the text of 14 DCMR § 111 *et seq.*, shall be available to the public in the Permit Center and the Office of the Director and provided to the Office of Planning, the Historic Preservation Review Board and Board of Zoning Adjustment.
- C. Explanatory materials, including the text of 14 DCMR § 111 *et seq.* and a compilation of frequently asked questions, shall be prominently placed on the DCRA web site.
- D. All oral requests for further information shall be directed to the DRC, and/or the ODR.

### III. Process for Receiving Reasonable Accommodation Requests

The process for receiving requests for reasonable accommodations under the Fair Housing Act shall be as follows:

- A. Requests for reasonable accommodations are not required to be in writing, but requests for reasonable accommodations shall be documented by District officials. If a request is made orally, the requestor will be directed to the DRC, who will enter the information in the appropriate format for processing.
- B. All oral or written requests for reasonable accommodation received by DCRA staff or received by other District Government agencies subordinate to the Executive Office of the Mayor, boards or commissions, including, but not limited to the Office of Planning, the Historic Preservation Review Board, and

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## DCRA Bulletin No. 1-01D-09

the Board of Zoning Adjustment, shall be forwarded to the DRC within five (5) business day of receipt of the request.

- C. All requests shall be logged onto DRC's reasonable accommodations tracking correspondence tracking system, within one business day of receipt of the request. The request shall then be forwarded to the PDC or the ZA depending on the discipline.
- D. The DRC shall maintain a calendar of the response due dates. The DRC shall send reminders to the PDC or the ZA of upcoming response due dates.
- E. The DRC shall promptly send a letter to the requestor confirming receipt of the reasonable accommodation request.
- F. In documented emergency medical situations and upon request for an accelerated reasonable accommodation permit or zoning review, it is the policy of DCRA to treat such requests as ones for reasonable accommodation if the applicant is a qualified individual under the Fair Housing Act, 42 U.S.C. § 3604(f) (3) (B), 14 DCMR § 111.1 *et seq.*, the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, and the Rehabilitation Act, 29 U.S.C. § 794 and D.C. Code § 2-1402.31. DCRA will make all reasonable efforts to accelerate the review of the request or its procedures whenever it is: 1) reasonable for the District to undertake and 2) the request for the accelerated review or procedure is related to the applicant's disability and necessary to ensure an applicant's equal access and enjoyment of the property in question

## IV. Maintenance of Records

- A. The DRC will serve as the Custodian of Records for reasonable accommodation requests in DCRA.
- B. All copies of reasonable accommodation requests, supporting documentation, decisions will be maintained by the Custodian of Records.
- C. The DRC will also maintain records indicating the dates DCRA issues its decision regarding the request to ensure that DCRA responds within the regulatory timeframe.
- E. The DRC will also maintain FHA notices, posters, and administrative correspondence and FHA Training records.

NOTE: DAIS Bulletins are strictly procedural in nature and have direct applicability only to DCRA employees under the authority of the Director

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BULLETIN EXPIRES: Upon notification

**DCRA Bulletin No. 1-01D-09**

**V. Process for Evaluation of Reasonable Accommodation Requests**

- A. PDC and/or the ZA shall discuss the request, including any supporting documentation, with the PRC and may consult with the ODR. The PDC and/or the ZA may also consult with the DRC. The PRC shall advise the PDC regarding which construction permit discipline reviews and which District Government agencies must evaluate the request.
- B. The PDC and/or the ZA shall provide a copy of the request to any District Government agency other than DCRA whose approval would generally be required for issuance of a building permit. Any medical documentation provided in support of the request must be maintained as confidential. Additionally, DCRA will advise the individual requesting the accommodation that the confidential information may be forwarded to additional agencies for review with the individual(s) consent. The agency shall be requested to provide a written recommendation that the request be granted, conditionally granted, or denied within ten (10) calendar days. DCRA will notify the agency in advance that if that agency does not respond within the required ten (10) calendar days, DCRA will deem the failure to respond as a deferral to DCRA on the ultimate determination of whether the accommodation should be granted.
- C. The PDC and/or the ZA shall distribute a copy of the request to all construction permit discipline reviewers for disciplines required to evaluate the request. In addition, the PDC and/or the ZA shall provide a copy of the request to the Chief Building Inspector ("CBI"). A construction permit discipline reviewer and the CBI shall respond to the PDC with a recommendation within 15 business days.
- D. If a construction permit discipline reviewer, the ZA, the CBI, or a District Government agency requires additional information pursuant to 14 DCMR § 111.7, the reviewer, ZA, CBI, or agency shall contact the PDC directly. The PDC shall communicate the need for information to the applicant, with a copy to DRC. The DRC will track all requests for additional information. The requestor shall be directed to respond directly to the PDC or the ZA.
- E. Upon receipt of a response, the PDC and/or the ZA shall provide a copy of the response to the one in need of the additional information no later than the next business day following receipt of the additional supporting information, with a copy of the cover letter to the DRC. The PDC and/or the ZA shall send the requestor a letter confirming receipt of the requested information.

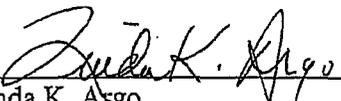
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**DCRA Bulletin No. 1-01D-09**

- F. If a building permit application has been received by DCRA and a request for reasonable accommodation has been made in conjunction with that application, building permit plan reviewers will stay review of the unaffected portions of the permit application until a decision has been rendered on the reasonable accommodation request. If the accommodation is granted, a confirming letter shall be attached to the application.
- G. If the request for reasonable accommodation is received without a building permit application, and the accommodation is granted, the applicant shall attach a copy of the decision letter to the related application.
- H. Once a decision is rendered, a copy of the decision letter shall be forwarded to the applicant and any assisting District Government agencies, with a copy to the DRC and the ODR. The decision shall be sent to the applicant by regular mail and by certified mail, return receipt requested.
- I. If the proposed decision of the PDC and/or ZA is to deny the requested accommodation, the PDC and/or ZA shall first confer with the ODR, prior to denying the request. Only after review by the ODR will DCRA issue a denial of the reasonable accommodation request. The denial shall explain the basis for the denial.

For more information or clarification, contact the Disability Rights Coordinator, Eula Martin at (202) 442 - 8940, Permit Operations Chief, Lennox Douglas, at (202) 442-4533 or Zoning Administrator Matt LeGrant at (202) 442-4652.

  
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Linda K. Argo  
Director

1/09/09  
Date

*NOTE: DAIS Bulletins are strictly procedural in nature and have direct applicability only to DCRA employees under the authority of the Director*

INQUIRIES: DCRA, Chief Building Inspector-202-481-3545  
DISTRIBUTION: Director, Deputy Directors, Program Managers, Division Chiefs, and DCRA employees  
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