

**Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G**

CHEVY CHASE, BARNABY WOODS, HAWTHORNE

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**ANC3/4G Resolution Regarding
Oxford House Leases at
5745 and 5900 Moreland Street, NW**

1. Oxford House leases facilities that are used as residences by recovering alcoholics and drug addicts in what it describes on its website (<http://bit.ly/2Xgtm31>) as a “democratically run, self-supporting and drug free home.” Persons living in Oxford House residences are required to pay their share of the rent and common expenses, though some residents receive grants to cover the costs for the first three months. All alcohol and illegal drug use is prohibited and any resident who is found to be using alcohol or illegal drugs is immediately expelled by the other residents.
2. Oxford House began in 1975 and currently has about 2400 houses nationwide. The President of Oxford House, Paul Malloy, indicated that they currently have 353 residents in 36 Oxford Houses in the District (<http://bit.ly/2FvFCma>), with at least eight houses located in the Ward 4.
3. Oxford Houses have been located within our ANC for many years. One was located at 3765 Northampton Street, NW without incident, and another Oxford House had been located at 39th Street, NW and Military Road, NW (recently closed) for more than a decade and reportedly was a good neighbor.
4. Oxford House does not exclude residents because of a criminal record or mental illness. Its nationally recognized recovery model is based on self-government by each house’s residents. The District Department of Behavioral Health (DBH)

advised the Commission that Oxford House does not provide treatment but gives residents an opportunity and conducive conditions for recovery. Residents themselves are responsible for monitoring and testing to ensure that residents are not using alcohol or illegal drugs. DBH reported that Oxford House has among the highest recovery rates of addiction programs.

5. Oxford House currently leases two houses at 5745 and 5900 Moreland Street, NW. Its original plan was to have nine men in one house and ten men in the other, but it subsequently said that one house would be for men and one for women. Oxford House represented that, given the costs to lease these houses, it would not be possible to operate them with as few as six residents and maintain rents that recovering residents will be able to afford. Moreover, its self-governing model is based on eight to ten residents in each house.
6. The two houses on Moreland Street are less than 100 feet apart diagonally across from each other and are zoned residential (R-1-A). Oxford House's general counsel, Steve Polin, stated that two Oxford Houses were located on the same block on Park Road in the 1990s but that they have since closed. Currently, no other Oxford Houses in the District are located in such close proximity. Oxford House said that it originally expected to have only one house on Moreland, but the second house became available from the same landlord, and they agreed to the second lease.
7. Based on DBH's evaluation of competitive proposals, it awards federally provided funding to Oxford House to pay for the first three months of rent for residents with opioid addiction. (The federal funds are not available for recovering alcoholics.) DBH does not require criminal background checks for residents before making funding available. DBH also helps to arrange voluntary treatment for Oxford House residents and visits the homes to be sure that they are in good working order.
8. The District's zoning regulations (11 DCMR D300.1) provide that R-1 zones are intended to "protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and to stabilize the residential areas and promote a suitable environment for family life." The regulations (11 DCMR 100.1) define "family" as "one (1) or more persons related by blood, marriage, or adoption, or not more than six (6) persons who are not so related, including foster children, living together as a single house-keeping unit, using certain rooms and housekeeping facilities in common; provided, that

the term family shall include a religious community having not more than fifteen (15) members.”

9. The limit on the number of unrelated persons living in a residential house is a restriction on the composition of the residents. In contrast, the District has set limits on the number of occupants based on the amount of square footage in the dwelling (e.g., 14 DCMR 402.1 limits the number of occupants in a dwelling unit to 130 square feet for the first occupant, at least 90 square feet for each additional occupant up to seven, and at least 75 square feet if the dwelling unit is occupied by more than seven persons). There has been no suggestion that the houses on Moreland Street exceed the District’s standards for the number of occupants permitted.
10. In a May 1995 decision involving Oxford House (available at <http://bit.ly/2ZzznFb>), the Supreme Court held that the federal Fair Housing Act requires a city to make “reasonable accommodation” to permit persons with a disability (e.g., drug or alcohol addiction) to live in a home together. In that case, the Supreme Court said that a city had to make “reasonable accommodations” to Oxford House to permit more than five unrelated persons to live in a single-family house.
11. On August 28, 1995, the District entered a consent decree with Oxford House that required the Department of Consumer and Regulatory Affairs (DCRA) to make reasonable accommodation to “treat [a] duly chartered Oxford House as a non-owner-occupied single family use under District of Columbia law and regulations including residency in such Oxford Houses of not more than fifteen unrelated individuals.” The consent decree expired after three years, but thereafter “the District may change the accommodation, only if, in its judgment, there has been a change of circumstances affecting the intended purpose of Oxford House, or to comply with a change in applicable federal law.”
12. With plans for nine residents in one house and ten residents in the other, Oxford House would exceed the six unrelated persons permitted by the District’s zoning code. On June 4, 2019, after having occupied the houses for about two months, Oxford House applied to DCRA for reasonable accommodation to permit up to ten unrelated residents each at 5900 and 5745 Moreland Street, NW. DCRA has advised the Commission that it is required to act on this application within 30 days, i.e., by July 5, 2019.
13. The Commission has been advised that one house on Moreland Street will remain vacant while Oxford House negotiates with the landlord to get out of its lease for

that house and that Oxford House continues to request that DCRA grant reasonable accommodations for one house to have up to 10 unrelated residents. Jason Jarreau, Oxford House's Manager - Contracts and Development, confirmed this current intention to the ANC on June 24, 2019.

14. Oxford House contends that it is entitled to reasonable accommodation under the Fair Housing Act, under the 1995 consent order, and under the zoning code, which permits up to 15 unrelated persons in a religious community to live in the same dwelling.
15. Moreland Street residents express concerns about the density of the Oxford Houses with two on the same seven-house block in such close proximity. They say that up to 20 residents in these two houses will be inconsistent with the neighborhood (which, they report, has a density of less than three residents per house) and may cause unreasonable congestion, traffic, and parking. They also raise concerns that the District does not exercise supervision of the houses, that Oxford House does not screen residents who may create a safety hazard for the community, that some residents are apparently not District residents, that there is no requirement that residents must undergo some form of treatment, and that the presence of Oxford House may depress housing prices in the area.
16. To date, on Moreland Street, there have been no reported incidents of violence, inappropriate behavior, blocked driveways, excessive traffic, parking issues, or any other concerning behaviors related to the Oxford Houses.
17. In 2008, the Center for Community Research at DePaul University conducted an analysis of experience at Oxford Houses,¹ and its conclusions belie the concerns that have been expressed.

Despite the resistance faced by these homes, group homes actually have very little impact on their surrounding neighborhoods and generally blend into the community. Community members frequently expect to have more problems with group homes than really occur, and residential facilities do not tend to negatively affect public safety.

¹ "Counteracting 'Not in My Backyard': The Positive Effects of Greater Occupancy within Mutual-help Recovery Homes," L. Jason, et al., *J. Community Psychol.*, 2008 Sept. 1: 36(7) at 947-958, available at <http://bit.ly/31KLHnX>.

In fact, contrary to popular fears, literature reviews suggest that these settings may actually increase property values in their neighborhoods. Similar patterns have been demonstrated for Oxford House recovery homes. Local communities reported Oxford House residents blended well into the neighborhood and made good neighbors. The majority of Oxford House neighbors interviewed had either gained resources, friendships, or a greater sense of security following contact with the Oxford House residents. Furthermore, no evidence of property devaluation was found for neighborhoods containing Oxford Houses; community members who knew of the Oxford House actually saw an increase in property value over an average of 3 years. (Citations omitted.)


This study of 154 geographically and ethnically diverse Oxford Houses “examined the effects of House size on criminal and aggressive behaviors among Oxford House residents, two areas of significant concern to communities containing group homes.” The empirical study found that “greater House size [i.e., more than eight residents] leads to greater cumulative abstinence, which in turn leads to less criminal activity and aggression. . . . It is clear that having more residents in a House is beneficial to residents’ recovery from alcohol and drug abuse.” It concluded that “overall, Oxford Houses have positive (not negative) effects on local communities, and residents of larger Houses appear to be highly desirable community members (i.e., who engage in less criminal and aggressive behaviors).”

18. ANC 3/4G strives to be inclusive and welcoming to diverse residents regardless of race, religion, ethnicity, sexual orientation, or disability. Recovering alcoholics or drug addicts should be encouraged and assisted throughout the District, and they are entitled to housing consistent with the Fair Housing Act. It is inappropriate to demonize or stereotype any group based on race, religion, ethnicity, sexual orientation, or disability — including alcoholism or drug addiction.
19. The ANC takes seriously its “great weight” statutory obligation and has participated in at least three public meetings and exchanged numerous emails and phone calls to gather information from DCRA, DBH, residents, Oxford House, and other interested parties in order to adequately determine our appropriate action, if any.
20. The Commission has no evidence that the Oxford House residents currently occupying one house on Moreland Street pose any demonstrable threat to our

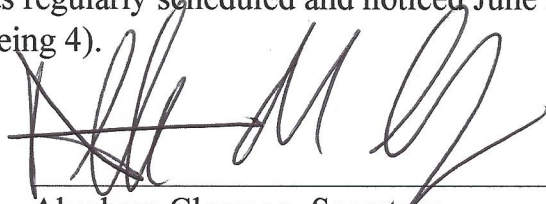
community's health and safety. On the contrary, the experience with Oxford House in other locations — both in our ANC and elsewhere — has been uniformly positive. Nor is there evidence of any unreasonable congestion, traffic, or use of parking spaces since Oxford House residents moved into the house at 5900 Moreland Street. While hypothetical concerns have been suggested, there is no reasonable basis for a categorical conclusion that this Oxford House will create any problems for the neighborhood.

21. DCRA is required to make reasonable accommodations to permit Oxford House to operate houses with more than six unrelated persons in a single-family dwelling. At present, Oxford House only seeks reasonable accommodations for one House at 5900 Moreland Street. If Oxford House withdraws its application for a second house at 5745 Moreland Street, the Commission advises DCRA to grant Oxford House's currently pending request for reasonable accommodation to occupy one house by up to ten unrelated persons.
22. Some commissioners are concerned that two multi-person residences on the same block are inconsistent with R-1-A residential zoning. So far as the Commission is aware, DCRA has not addressed the question of reasonable accommodations for two such multi-person houses in close proximity. If Oxford House resubmits an application for reasonable accommodation for a second house on Moreland Street, the Commission will revisit this issue and give DCRA its views.
23. For the future, the Commission advises DCRA to coordinate with DBH, Oxford House, or similar multi-person houses to require applicants to apply for an exemption before moving into a dwelling. The Commission further advises DCRA and DBH (a) to notify the community of any application and the deadline for DCRA action on the application, (b) to conduct community outreach with residents in the affected neighborhood, (c) to present at an ANC meeting prior to granting exemptions, and (d) to advise of any further appeals process from DCRA's decision. This outreach will give residents a reasonable chance to understand the circumstances surrounding the potential exemption and an opportunity to be heard, if they wish to be.
24. Finally, the Commission further advises DCRA that it should study whether to adopt future procedures and criteria that would limit the number of Oxford Houses (or similar multi-person houses) in any single block or adjacent blocks. This analysis may help to address concerns about significant population density changes in a small area.

Approved by ANC3/4G after a discussion at its regularly scheduled and noticed June 24, 2019 meeting by a vote of 7 to 0 (a quorum being 4).



Randy Speck, Chair



Abraham Clayman, Secretary