

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: September 17, 2019

SUBJECT: Report on Bill 23-63, the “Joy Evans Therapeutic Recreation Center Designation Act of 2019”

The Committee of the Whole, to which Bill 23-63, the “Joy Evans Therapeutic Recreation Center Designation Act of 2019” was referred, reports favorably thereon, with amendments, and recommends approval by the Council.

CONTENTS

| | | |
|-------|--|---|
| I. | Background and Need..... | 1 |
| II. | Legislative Chronology..... | 3 |
| III. | Position of the Executive..... | 3 |
| IV. | Comments of Advisory Neighborhood Commissions..... | 3 |
| V. | Summary of Testimony..... | 4 |
| VI. | Impact on Existing Law..... | 4 |
| VII. | Fiscal Impact..... | 4 |
| VIII. | Section-by-Section Analysis..... | 5 |
| IX. | Committee Action..... | 5 |
| X. | Attachments..... | 5 |

I. BACKGROUND AND NEED

On January 8, 2019, Bill 23-63, the “Joy Evans Therapeutic Recreation Center Designation Act of 2019” was introduced by Councilmembers Allen, Gray, Nadeau, Bonds, Silverman, Grosso, McDuffie, and R. White, to officially designate the Therapeutic Recreation Center located at 3030 G Street, S.E., in Ward 7, as the Joy Evans Therapeutic Recreation Center. The committee print is amended to make a conforming change to remove the existing Joy Evans designation from a now-defunct recreation center in located at 555 L Street, S.E., in Ward 6. An official naming of a public space typically involves updating the name of the facility enables installation of signage.

Joy Evans was born on December 23, 1958.¹ Unfortunately, by age eight, severe disability brought on by disease caused her to be committed to the Forest Haven Asylum run by the District.²

¹ *Joy Ann Evans*, FIND A GRAVE INDEX, (Sept. 3, 2019), <https://www.findagrave.com/memorial/141959430>.

² Spencer S. Hsu, *After 40 years, U.S. court ends supervision of D.C.’s care for mentally disabled citizens*, WASHINGTON POST (Jan. 11, 2017), <https://www.washingtonpost.com/local/public-safety/after-40-years-us-court->

Forest Haven was an institution established for the custody, care, education, training, and treatment of substantially disabled persons.³

However, conditions at Forest Haven were claimed to be inhumane. Betty Evans, the mother of Joy Evans, compared her daughter's living conditions to a veritable snake pit and added that she once witnessed a nurse opening the door to the residential cottage to find dozens of screaming women, only to shut the door on them. She also described by physical abuse her daughter had been subjected to due to lack of ensuring basic hygiene at the by facility staff.⁴

This all led to the Antioch Law School filing a class action lawsuit against the District of Columbia – Forest Haven's operator – on February 23, 1976. Joy Evans was the lead Plaintiff in the lawsuit along with five other individuals in the care of the facility. The suit sought relief on behalf of the six named plaintiffs and all other residents of Forest Haven by forcing the facility to provide adequate custodial care. The Justice Department joined the suit as a co-plaintiff two years later.⁵

On June 14, 1978, the plaintiffs and the District agreed to settle the case, signing a consent decree ordering that Forest Haven would be closed and its residents moved out into more supportive community homes.⁶ Eventually, the consent decree led to an infusion of billions of dollars in federal aid and restoration of disability payments to the lawsuit's class members.⁷ The suit also led the organization United Cerebral Palsy to improve the District's ranking for treating people with disabilities from 49th in the nation to 8th by 2015.⁸ In 2017, the Courts finally ended the supervision of the District's care for people with intellectual and developmental disabilities – one of the longest-standing class-action suits of its kind.⁹

As lead plaintiff, Joy Evans deserves much credit for her involvement in ending the detestable conditions experienced by thousands of others that she represented. Untold numbers of individuals died in the care of such facilities as Forest Haven. Unfortunately, Joy Evans would not live to see the District's progress as she died at Forest Haven at the age of 18 on July 8, 1976.¹⁰

However, her inspiration lent her name to the District's former Therapeutic Recreation Center at 555 L Street, SE. That location has since not been used by the Department of Parks and Recreation (DPR) for therapeutic recreation, but her name is still attached to it. Instead, the District opened a new Therapeutic Recreation Center in Ward 7 which this bill seeks to name in her honor instead. DPR's Therapeutic Recreation division provides recreation and athletic programs for

ends-supervision-of-dcs-care-for-mentally-disabled-citizens/2017/01/10/b006c52a-d681-11e6-9f9f-5cdb4b7f8dd7_story.html.

³ Complaint for Declaratory and Injunctive Relief at 2, *Evans v. Washington*, No. 76-293 (D.D.C Feb. 23, 1976).

⁴ Murray Waas, *Bleak House*, LOS ANGELES TIMES, (Apr. 3, 1994), <https://www.latimes.com/archives/la-xpm-1994-04-03-tm-41569-story.html>.

⁵ *Id.*

⁶ *Id.*

⁷ HSU, *supra* note 2.

⁸ HSU, *supra* note 2.

⁹ HSU, *supra* note 2.

¹⁰ WAAS, *supra* note 4.

residents of all ages, including adaptive programs and facilities for persons with disabilities, by addressing the needs of individuals living with disabilities through a continuum of specialized therapeutic recreation program services.¹¹

Legal Background

The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 *et seq.*) (“Act”) establishes procedures for closing streets and alleys, opening new streets and alleys, naming public spaces, and other procedures related to streets and alleys. Specifically, the Act authorizes Council to designate or change the name of any public space in the District of Columbia.¹² Public spaces include “any public street, alley, circle, bridge, building, park, other public place or property owned by or under the administrative control or jurisdiction of the District of Columbia.”¹³

The Act establishes a notice requirement for the official designation of public spaces including parks; at least 30 days prior to the scheduled public hearing, the initiator of the proposed designation shall submit a copy of the legislation for review and comment to each Advisory Neighborhood Commission (“ANC”) in which the public space is located. Regarding Bill 23-63, ANC 7B was notified of the proposed name of the Ward 7 recreation center when the bill was originally introduced in 2017 and provided no comments. In addition, with regard to the existing Ward 6 recreation center, ANC 6D was notified of the proposed removal of the name and unanimously passed a resolution on October 15, 2018, supporting the new Joy Evans Therapeutic Recreation Center designation in Ward 7. In addition, ANC 6D provided a letter stating that the existing Ward 6 facility name does not provide proper recognition of Joy Evans.

The Act also promulgates requirements that the Mayor must meet prior to consideration of a public space designation by the Council. First, the Mayor shall provide the Council with comments on the proposed designation submitted by any District agency with jurisdiction over the public space to be designated.¹⁴ DPR, which has jurisdiction over the buildings at issue, attended the October 5, 2017 hearing on Bill 22-406 and submitted comments as part of its testimony, thus meeting this requirement. Second, prior to consideration of a designation by the Council, the Mayor shall provide to the Council a surveyor’s plat showing the public space to be designated, including any adjacent and abutting squares to the designation.¹⁵ The Office of the Surveyor provided the Council with a plat of the designation prior to mark up by the Committee of the Whole. The plat is attached to this report.

After the legislation becomes law and all conditions required by the Council and the Act have been satisfied, the Mayor will install signage denoting the public space name.¹⁶ The signage

¹¹ DC Department of Recreation, *Therapeutic Recreation Center*, (Sept. 3, 2019), <https://dpr.dc.gov/page/therapeutic-recreation-center>.

¹² See D.C. Official Code § 9-204.01 *et seq.*

¹³ D.C. Official Code § 9-204.11(2)(A).

¹⁴ D.C. Official Code § 9-204.22(b).

¹⁵ D.C. Official Code § 9-204.22(c)(1)-(3).

¹⁶ D.C. Official Code § 9-204.24(b).

shall conform to the policies of the agency with jurisdiction over the public space, in this case DPR.¹⁷ Additionally, the Surveyor of the District of Columbia shall record a copy of the act and the Surveyor's plat in the Office of the Surveyor.¹⁸

Officially designating the Therapeutic Recreation Center located at 3030 G Street, S.E., in Ward 7, as the Joy Evans Therapeutic Recreation Center will honor the legacy of Joy Evans. Thus, the Committee of the Whole recommends the approval of Bill 23-63, the "Joy Evans Therapeutic Recreation Center Designation Act of 2019."

II. LEGISLATIVE CHRONOLOGY

- July 11, 2017 Bill 22-406, the "Joy Evans Therapeutic Recreation Center Designation Act of 2017" is introduced by Councilmember Gray and referred to the Committee of the Whole.
- July 21, 2017 Notice of Intent to Act on Bill 22-406 is published in the *DC Register*.
- August 11, 2017 Notice of Public Hearing on Bill 22-406 is published in the *DC Register*.
- October 5, 2017 A Public Hearing is held on Bill 22-406 by the Committee of the Whole.
- January 8, 2019 Bill 23-63, the "Joy Evans Therapeutic Recreation Center Designation Act of 2019" is introduced by Councilmember Gray and referred to the Committee of the Whole.
- January 18, 2019 Notice of Intent to Act on Bill 23-63 is published in the *DC Register*.
- September 17, 2019 The Committee of the Whole marks up Bill 23-63.

III. POSITION OF THE EXECUTIVE

Keith Anderson, Director, Department of Parks and Recreation, testified that the Executive supports the intention of the legislation and proposes working to rename the existing Ward 6 facility. His testimony is attached as well as summarized below.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission 6D voted 7-0-0 in support the removal of the designation of the Ward 6 facility contained in Bill 23-63 as amended by the committee print. A letter memorializing that vote is attached.

¹⁷ *Id.*

¹⁸ D.C. Official Code § 9-204.24(c).

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills including Bill 22-406 on Thursday, October 5, 2017. The testimony summarized below pertains to Bill 22-406 (reintroduced as Bill 23-63). Pursuant to Council Period 23 rule 501(a)(2), an additional hearing on Bill 23-63 is not required.

Copies of written testimony are attached to this report.

Keith Anderson, Director, Department of Parks and Recreation, testified that the Executive supports the designation of the Ward 7 facility and proposed to work with the Council on a future designation for the Ward 6 facility. He indicated that the new designation would recognize Ms. Evans's contributions to equal access for all residents.

The Committee received no testimony or comments in opposition to Bill 23-63.

VI. IMPACT ON EXISTING LAW

Bill 23-63 has no impact on existing law. D.C. Official Code § 9-204.01 authorizes the Council to designate (i.e. name) any public space, including facilities.¹⁹ Further, the Act provides that, with limited exception, no public space shall be named in honor of any living person or in honor of any person who has been deceased less than two years.²⁰ Ms. Evans passed away in 1976.

V. VII. FISCAL IMPACT

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the provisions of the proposed legislation. Because the cost to the District Department of Transportation (DDOT) is an estimated \$60 per official sign for fabrication and \$110 for installation, the cost of Bill 23-63 can be absorbed, as noted in the Fiscal Impact Statement (attached).

VIII. SECTION-BY-SECTION ANALYSIS

- | | |
|------------------|--|
| <u>Section 1</u> | States the short title of Bill 23-63. |
| <u>Section 2</u> | Officially designates the Therapeutic Recreation Center located at 3030 G Street, S.E., in Ward 7, as the Joy Evans Therapeutic Recreation Center. |
| <u>Section 3</u> | Remove the existing designation from 555 L Street, S.E., in Ward 6. |

¹⁹ Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201).

²⁰ See D.C. Code § 9-204.05.

Section 4 Adopts the Fiscal Impact Statement.

Section 5 Establishes the effective date by stating the standard 30-day congressional review language.

IX. COMMITTEE ACTION

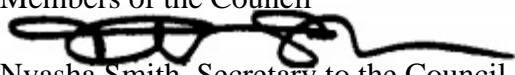
X. ATTACHMENTS

1. Bill 23-63 as introduced
2. Written Testimony
3. Letter from ANC 6D
4. Surveyor's Plats
5. Fiscal Impact Statement for Bill 23-63
6. Legal Sufficiency Determination for Bill 23-63
7. Committee Print for Bill 23-63

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : January 09, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Legislative Meeting on Tuesday, January 8, 2019. Copies are available in Room 10, the Legislative Services Division.

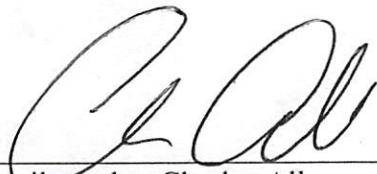
TITLE: "Joy Evans Therapeutic Recreation Center Designation Act of 2019", B23-0063

INTRODUCED BY: Councilmembers Gray, Bonds, Grosso, R. White, Allen, Nadeau, Silverman, and McDuffie

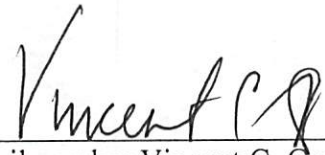
The Chairman is referring this legislation to the Committee of the Whole.

Attachment

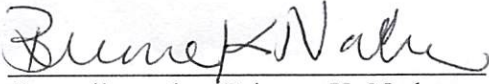
cc: General Counsel
Budget Director
Legislative Services



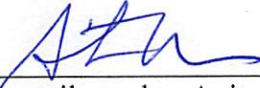
Councilmember Charles Allen



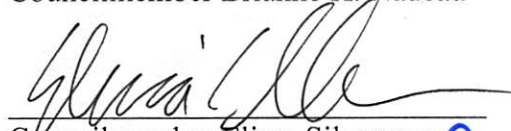
Councilmember Vincent C. Gray




Councilmember Brianne K. Nadeau



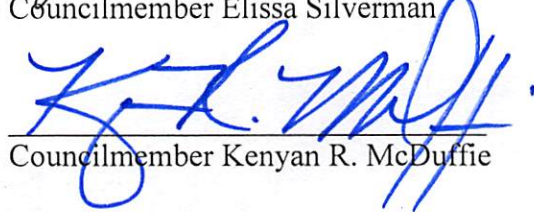
Councilmember Anita Bonds



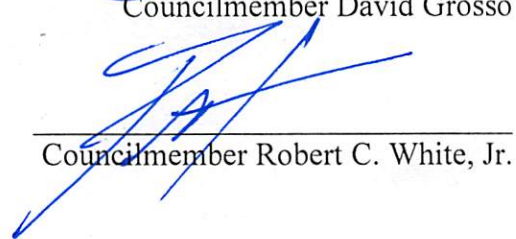
Councilmember Elissa Silverman



Councilmember David Grosso



Councilmember Kenyan R. McDuffie



Councilmember Robert C. White, Jr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To officially designate the Therapeutic Recreation Center located at 3030 G Street, S.E. as the Joy Evans Therapeutic Recreation Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Joy Evans Therapeutic Recreation Center Designation Act of 2019".

Sec. 2. Pursuant to sections 401, 403a and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01, 9-204.03a, and 9-204.23), the Council officially designates the Therapeutic Recreation Center located at 3030 G Street, S.E. as the "Joy Evans Therapeutic Recreation

23 Center”.

24 Sec. 3. Transmittal.

25 The Secretary to the Council shall transmit a copy of this act, upon its effective date, to
26 the Director of the District Department of Transportation.

27 Sec. 4. Fiscal impact statement.

28 The Council adopts the fiscal impact statement in the committee report as the fiscal
29 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
30 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

31 Sec. 5. Effective date.

32 This act shall take effect following approval by the Mayor (or in the event of veto by the
33 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
34 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
35 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
36 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Parks and Recreation



Bill 22-292, the “Ann Hughes Hargrove Park Designation Act of 2017”

&

Bill 22-406, the “Joy Evans Therapeutic Recreation Center Designation Act of 2017”

Testimony of
Keith A. Anderson
Director

The Honorable Chairman Phil Mendelson
Committee of the Whole
Council of the District of Columbia

October 5, 2017
9:30 a.m. Room 123
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Good morning Chairman Mendelson, members of the Committee, and Council staff. I am Keith A. Anderson, Director of the Department of Parks and Recreation (DPR). I am pleased to testify before you today on Bill 22-292, the “Ann Hughes Hargrove Park Designation Act of 2017,” and Bill 22-406, the “Joy Evans Therapeutic Recreation Center Designation Act of 2017.”

Bill 22-292 designates the currently unnamed park between Kalorama Road, NW, 19th Street, NW and Columbia Road, NW as the Ann Hughes Hargrove Park. Bill 22-406 designates the name of the DPR Therapeutic Recreation Center as the Joy Evans Therapeutic Recreation Center. DPR supports both pieces of legislation, though we want to highlight one matter related to B22-406, which I will discuss during my testimony.

The proposed Ann Hughes Hargrove Park is a Ward 1 property south of the Kalorama Recreational Center on Columbia Road. This serene park provides a shaded reprieve from the bustling activity of the surrounding Adams Morgan community. As such, it is an excellent place to honor the life

and achievements of Anne Hughes Hargrove, a proud Washingtonian who fought to preserve the historically and culturally significant landscape of Washington, DC. While her passion for historic preservation and public service took her around the country, her work always brought her back to Washington, DC to serve our great city.

The proposed Joy Evans Therapeutic Recreation Center is located in Ward 7 at 3030 G Street, SE. The facility not only hosts a wealth of recreation amenities and athletic programming aimed at residents of all ages, but it also provides specialized therapeutic recreation services for Washingtonians living with disabilities. Joy Evans's role in bringing needed public attention to the disparity in city resources for disabled residents cannot be overstated. With the Joy Evans Therapeutic Recreation Center, we will both recognize Ms. Evans's commitment to equal access for all residents and honor this Center's role in eliminating barriers to an active lifestyle.

While we support the intention of the legislation, I want to highlight the fact that an existing DPR facility, which is located in Ward 6 at 555 L Street, SE, has already been designated as the Joy Evans Recreation Center. We are open to the idea of renaming this center so that the Joy Evans Therapeutic Recreation Center in Ward 7 can be realized, and would propose continuing to work with Council to rename the current Joy Evans Recreation Center in Ward 6.

I want to thank Councilmembers Nadeau, Gray, Bonds, Silverman, McDuffie, and Grosso for introducing these bills, which honor important figures in DC's past and recognize the importance of these two DPR sites.

In closing, DPR is pleased to support both the "Ann Hughes Hargrove Park Designation Act" and the "Joy Evans Therapeutic Recreation Center Designation Act." We look forward to working with Council on these pieces of legislation should they move forward. This concludes my testimony on these two measures. Chairman Mendelson, thank you for the opportunity to testify

today. I am happy to answer any questions the Committee might have.



Southwest / Navy Yard / Buzzard Point
Advisory Neighborhood Commission 6D

October 22, 2018

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

Chairman Phil Mendelson
1350 Pennsylvania Avenue NW
Suite 504
Washington, DC 20004

OFFICERS

Chairperson
Meredith Fascett
Vice Chairperson
Andy Litsky
Secretary
Gail Fast
Treasurer
Ronald Collins

Transmitted via email

RE: Bill 22-406 Joy Evans Therapeutic Recreation Center Designation Act of 2017

Dear Chairman Mendelson:

At a regularly scheduled and properly noticed public meeting on October 15, 2018 with a quorum being present, a quorum being 4 Commissioners, Advisory Neighborhood Commission (ANC) 6D voted 7-0-0 for the motion to support Bill 22-406 - Joy Evans Therapeutic Recreation Center Designation Act of 2017 that would officially designate the therapeutic recreation center located at 3030 G St. SE as the Joy Evans Therapeutic Recreation Center.

The ANC believes that the Therapeutic Recreation Center at 3030 G St. SE, which, upon the completion of its renovation, will be the District's premiere facility specifically focused on District residents with special needs, should be named after Joy Evans in honor of her legacy.

The ANC also recognizes that the current Joy Evans Therapeutic Recreation building at 555 L St. SE no longer offers therapeutic recreation services and does not provide proper recognition of the efforts of Joy Evans' family on behalf of District residents with disabilities.

Should you have any questions, please contact me at 6D07@anc.dc.gov or 202-750-0295.

Sincerely,

COMMISSIONERS

SMD 1 *Gail Fast*
SMD 2 *Cara Shockley*
SMD 3 *Ronald Collins*
SMD 4 *Andy Litsky*
SMD 5 *Roger Moffatt*
SMD 6 *Rhonda Hamilton*
SMD 7 *Meredith Fascett*

Meredith Fascett
Chair, ANC 6D
Southwest, Navy Yard, & Buzzard Point

CC: Ward 7 Councilmember Vincent Gray
Ward 6 Councilmember Charles Allen
Department of General Services Director Greer Gillis
Department of Parks and Recreation Director Keith Anderson
Department of Parks and Recreation, John Stokes

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **September 17, 2019**
4

5
6 A BILL
7

8
9 23-63
10

11
12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
13
14 _____
15

16 To officially designate the Therapeutic Recreation Center located at 3030 G Street, S.E. as the
17 Joy Evans Therapeutic Recreation Center and undesignated a previous designation.
18

19 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
20 act may be cited as the “Joy Evans Therapeutic Recreation Center Designation Act of 2019”.

21 Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition
22 Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-
23 204.01) (“Act”), and notwithstanding section 422 of the Act (D.C. Official Code § 9-204.22), the
24 Council officially designates the Therapeutic Recreation Center located at 3030 G Street, S.E. as
25 the “Joy Evans Therapeutic Recreation Center”.

26 Sec. 3. Pursuant to section 401 of the Act (D.C. Official Code § 9-204.01), and
27 notwithstanding any other provision of the Act of 1982 (D.C. Official Code § 9-204.01 *et seq.*),
28 the Council removes the “Joy Evans” designation of any public space in lots 807 and 811 of
29 Square 853N.

30 Sec. 3. Fiscal impact statement.

31 The Council adopts the fiscal impact statement in the committee report as the fiscal
32 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
33 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

34 Sec. 4. Effective date.

35 This act shall take effect following approval by the Mayor (or in the event of veto by the
36 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
37 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
38 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
39 Columbia Register.