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Via Email

Marnique Heath, AIA  
Chair, Historic Preservation Review Board  
1100 4th Street, SW, Suite E650  
Washington, DC 20024  
[historic.preservation@dc.gov](mailto:historic.preservation@dc.gov)

**Re: Comments re 3701 Benning Road NE, Case No. 21-01**

Dear Chairperson Heath and Members of the Board:

I submit these comments on behalf of the Council for Court Excellence, a nonpartisan, nonprofit organization dedicated to improving the District of Columbia's justice system. For 38 years, CCE has identified and proposed justice system solutions by collaborating with diverse stakeholders to conduct research, advance policy, educate the public, and increase civic engagement. Please note that no judicial member of CCE participated in the formulation or approval of this comment. This comment does not reflect the specific views of or endorsement by any judicial member of CCE.

The District's only halfway house for men, Hope Village, closed at the end of April, 2020, in part due to ongoing lawsuits over the facility's mismanagement of providing residents with sanitary supplies and enforcing the Center for Disease Control and Prevention's COVID-19 safety measures. Without a halfway house to allow for re-entry inside the city limits, these DC residents are currently facing additional obstacles associated with trying to reenter the community while either being housed in another state (often in Baltimore, MD) or without the important transitional support a halfway house can provide. Either of these circumstances can exacerbate employment hurdles and housing dangers for a vulnerable population in need of support.<sup>1</sup> Plus, all of these obstacles are intensified by the ongoing pandemic.

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<sup>1</sup> See Reentry Action Network Letter to ReOpen DC Taskforce, May 7, 2020, at 2, available at <https://dc-ran.org/wp-content/uploads/2020/08/RAN-COVID-19-Support-Request-to-ReOpen-DC-5.7.20.pdf>.

CCE has long advocated for robust supports for returning citizens in DC, including an improved halfway house that must be located within the District.<sup>2</sup> This is why CCE recognized that the construction of a men's halfway house at 3701 Benning Road NE was an important step towards restoring a critical community service for returning and rehabilitating DC residents.

The location of the property at 3701 Benning Road NE, is crucially important due to the unique status of the District of Columbia as a federal entity with no prison system of its own. As a result, DC Code offenders face a challenge of overlapping jurisdiction: they serve their sentences in federal facilities run by the Federal Bureau of Prisons (BOP), not a DC state facility. Many serve sentences hundreds of miles away from their families and support systems in the city, and even on the West Coast, complicating their reentry after serving their time. To improve successful reentry outcomes, there must be a halfway house within the city limits. Providing men returning home from incarceration with a halfway house in the District will allow them to better connect to community-based reentry service providers, who provide critical supports, strengthen familial connections, and help them get involved and give back to the DC community.

To be clear, this site is the sole option available to serve as the District's men's halfway house. The ownership of this property, along with the benefits associated with the location, were critical criteria used to secure the BOP contract to provide halfway house services.<sup>3</sup> If CORE DC is unable to proceed with their building plans, there is a real chance that its contract would be terminated and DC would again be faced with no prospect for a halfway house for many more years to come. This would have significant negative community consequences.

The instant historic landmark designation application comes from a local Advisory Neighborhood Commission (ANC) concerned about locating what they inaccurately characterized as a "small jail facility" in the neighborhood.<sup>4</sup> While the ANC has claimed its concern is for an appropriate reentry strategy for returning citizens, its steadfast opposition from the outset focused on what it considers appropriate "economic development" of the site, rather than preserving it in its current form for

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<sup>2</sup> For additional information regarding the challenges of reentry and recommendations for addressing those challenges, please see CCE's December 2016 report, *Beyond Second Chances: Returning Citizens' Re-entry Struggles and Successes in the District of Columbia*, available at <http://www.courtexcellence.org/uploads/File/BSC-FINAL-web.pdf>.

<sup>3</sup> See BOP Solicitation RFP-200-1270-ES, at 40, available at <https://beta.sam.gov/opp/a725ea6b04624bf5af296f1f71e32670/view>.

<sup>4</sup> See June 12, 2020 ANC 7F Statement on Federal Bureau of Prisons Awarding CORE DC Contract to open Halfway House at 3701 Benning Road NE, available at <https://www.congressheightsontherise.com/blog/pr-anc-7f-statement-on-federal-bureau-of-prisons-awarding-core-dc-contract-to-open-halfway-house-at-3701-benning-rd-ne>.

any particular or observable historical significance. The ANC opposed the construction of CORE DC's halfway house on the grounds that it would lead to an "oversaturation of supportive services."<sup>5</sup>

The ANC's public concerns relate to considerations that would properly be before another body, such as the "density of housing, businesses, school, and daycare centers."<sup>6</sup> Whatever validity may attach to these concerns, they reflect a rejection of the intended construction of a halfway house instead of an embrace of any potential historic value associated with the old structures on the site. The ANC's meeting minutes are forthright in stating that the historic nomination is part of its "advocacy" and "opposition" efforts, including an effort to oppose the demolition permits on their own merits based on "how that would affect traffic and the air quality of the area."<sup>7</sup> Despite the ANC's opposition to the demolition of the existing structure and the new construction of what it considers "the least attractive facilities,"<sup>8</sup> the fact remains that a new halfway house is a more attractive proposition for the community when compared to the unattractive structure currently occupying the premises.

Although CCE has no expertise in historical preservation, we do note that the Historic Preservation Staff's own assessments of the property are highly relevant. In 2015, the Board's staff acknowledged that "[a]lthough meat production facilities in the District of Columbia were/are rare, the Loeffler Sausage & Provisions Company Building does not appear to retain sufficient integrity to qualify for listing."<sup>9</sup> Five years later, the ANC's current application repeats, nearly verbatim, the same arguments in favor of a landmark designation that were rejected in the site's previous Determination of Eligibility. Yet even since the Board's last evaluation, there have been additional changes to the original site that may have further eroded the historic character and integrity of the original building in the purported period of significance from 1916 to 1933. Starting in 2015, the warehouse was renovated to operate a well-known gay bar, the DC Eagle.<sup>10</sup>

Even more, the Staff Report issued regarding this application notes that the remaining structures were not even the most iconic or important parts of the Loeffler Provisions

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> ANC 7F Special Call Meeting Minutes, August 31, 2020, at 1, available at [https://img1.wsimg.com/blobby/go/ae3d8434-41ea-4933-8762-63cd6f246c66/downloads/8\\_31\\_2020%20Special%20Call%20Meeting%20Minutes%20%20\(2\).pdf?ver=1605718936605](https://img1.wsimg.com/blobby/go/ae3d8434-41ea-4933-8762-63cd6f246c66/downloads/8_31_2020%20Special%20Call%20Meeting%20Minutes%20%20(2).pdf?ver=1605718936605) and <https://anc7f.com/commission-docs>.

<sup>8</sup> ANC 7F June 12 Statement, at 1.

<sup>9</sup> See March 27, 2015 Determination of Eligibility by DC SHPO, p. 16.

<sup>10</sup> See John Riley, "DC Eagle closed after months of mismanagement, employees say," *Metro Weekly*, May 8, 2020, available at <https://www.metroweekly.com/2020/05/did-mismanagement-kill-the-dc-eagle/>.

Company's operations in the area at the time they were in peak operation, and it was quickly shut down by changing forces in the industry. The Staff Report further observes that the property "lack[s] any obvious signs of the original use."<sup>11</sup>

In contrast to the currently crumbling structure, a new halfway house facility offers an opportunity to repair the city's historical failings of some of its most marginalized communities. DC has a long history of struggling to provide equal justice to its residents. It cannot be ignored that this history has disproportionately and systematically harmed disadvantaged communities. Nearly 96% of the people incarcerated under DC law are Black, and the corresponding burden of uncoordinated and improperly located reentry facilities falls on the same population.<sup>12</sup> A landmark designation for this property would have the unintended effect of continuing the city's denial of support services to residents who already face an uphill climb to effectively reenter the community. It would be a shameful use of a "historic preservation" process to further only the kind of "economic development" preferred by the ANC. Instead of preserving history, a designation would effectively preserve the city's dearth of aid to members of its vulnerable populations.

CCE strongly supports the mission and purpose CORE DC seeks to undertake at this location. Constructing a new halfway house for men will alleviate many of the cross-jurisdictional obstacles that have made the transition for returning citizens even more difficult than it has to be. Allowing these men to reside inside the District will avoid needless and disproportionately harmful bureaucratic hurdles like transferring health insurance, healthcare providers, education, identification, and other services. Further, as the DC Reentry Action Network – a coalition of community-based reentry service providers focused on serving DC's justice-involved residents – has observed, the proposed halfway house's "proximity to the District's network of community-based reentry service providers and government agencies will also allow for increased programming and much needed services within the facilities."<sup>13</sup>

In conclusion, the requested use of the historic landmark process would likely be a negative step in the city's difficult history with dispensing criminal justice with fairness and equality. This is particularly problematic because a designation would have the unintended collateral consequence of propping up harmful preconceptions regarding what type of development and residents are desirable. Blocking construction on a specious – and previously rejected – claim of historic significance could contribute to a culture that denigrates returning citizens and brands them as unwelcome in the community.

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<sup>11</sup> Staff Report for 3701 Benning Road NE, Case 21-01, at 3.

<sup>12</sup> *Beyond Second Chances*, at vi.

<sup>13</sup> See Reentry Action Network Letter to Federal Bureau of Prisons, June 25, 2019, at 1-2, available at <https://dc-ran.org/wp-content/uploads/2019/12/RAN-Halfway-House-Statement.pdf>.

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CCE urges the Board to reject the nomination of 3701 Benning Road NE as a historic landmark and allow CORE DC to proceed with its planned construction of the new halfway house for the benefit of the DC community and its returning citizens.

Sincerely,

/s/ Michael Warley

Michael A. Warley

*Counsel for CCE*