

# Human Dignity Also Needs to Be Preserved

By Marc Fisher

The Washington Post

Thursday, January 10, 2008; B01

For more than a year, Richard Lucas has been trying to win permission to cut through his elderly, infirm parents' front porch so they can get from their living quarters onto the street without climbing stairs. And for more than a year, the D.C. historic preservation authorities have found reasons to say no to a ramp.

After all, as the city's architectural historian put it, "repeating porches of similar height and depth create a notable pattern and rhythm" along the Lucas family's Mount Pleasant street, and the District wouldn't want to let that rhythm be broken just to accommodate a couple of old folks who have lived in their house for 47 years.

Again and again, Lucas tried to satisfy the city's preservation police, paying his architect to rework plans for a ramp to minimize its impact on the supposedly pristine look of the 1930s rowhouses on Walbridge Place NW. But each time Lucas tried, the city came up with more objections. And so, at ages 90 and 87, Cornelius and Merry Lucas remain stuck in their basement rooms, able to come and go only through a back door that opens onto an alleyway.

"Again and again, we've tried to please them, but they're intransigent," says Richard Lucas, who has had to take a large chunk of the money he'd set aside for the ramp and waste it on architects and lawyers. "Instead of a ramp, they wanted us to put in a lift, and we rewrote the plans to do that, and then they weren't satisfied with the angle of the lift. So we changed that, and then that wasn't good enough. Suddenly, it was about wheelchair maneuverability."

Now, on the eve of a hearing before an administrative law judge who handles appeals from the historic preservation board, the District is suddenly interested in settling the Lucas case. Why? Well, let's visit with Kim Kendrick, the nation's top fair-housing official, who read my column about the Lucases a year ago and could hardly believe what she was reading.

"I read your column and said, 'Something is wrong here, and we've got to do something,'" says Kendrick, the assistant secretary for fair housing in the [U.S. Department of Housing and Urban Development](#). So she wrote to the District's preservation officials. "Generally in matters like this, people respond with answers promptly. Not the District. In this case, we had to issue subpoenas."

What Kendrick eventually learned disturbed her even more. "I was real concerned when I heard one of the District officials say that they don't have to follow the Fair Housing Act," she says. "One in five persons in this country are disabled, and in a case like this, federal law protecting the disabled applies."

Kendrick visited the Lucas house to see for herself and concluded that "it's just not a good situation for them. For this couple to have to go to the back to get out of their house and to have to live in the bottom level like that is just not the proper accommodation."

A few weeks ago, HUD filed a complaint against the D.C. government, alleging that by denying the Lucases permission to install a ramp, the city is violating anti-discrimination laws. "I hope they would get off the position that historic preservation trumps fair housing or any law that protects the disabled," Kendrick says.

D.C. preservation chief David Maloney said he was prohibited from speaking about the case because of ongoing negotiations. He referred me to city spokesman [Sean Madigan](#), who also declined to comment. Previously, city officials have argued that the Lucases have sufficient access to their house through the alley and that Mount Pleasant, which the city has declared a historic district, needs to preserve the elegant look of the granite retaining wall along the fronts of Walbridge Place rowhouses.

If the city doesn't back down, Kendrick says, the feds will refer the case to the [Justice Department](#) for possible prosecution. That, and a year of pressure from a team of lawyers who took on the Lucas case without charge after my column appeared last year, seems to be having an effect. Last week, the D.C. attorney general's office reached out to the Lucases' lawyers seeking settlement talks, which are now underway.

"We've been trying for a year to compromise with them," says Dominic Perella, a lawyer at Hogan and Hartson who has been working on behalf of the Lucases. "We were prepared to sue the city" before the latest negotiations began.

"The whole point of this was so that my parents could enjoy the neighbors and the front of their house and get a little light," Richard Lucas says. "Now they're in declining health and the months just keep going by as the city delays and delays."

"This is not right," Kendrick says. "Preservation does not trump fair housing. The city must follow federal law."