

Government of the District of Columbia



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MEMORANDUM

TO: Karen Livingston, Chair, ANC 4C
Thomas Pl Defranco, Treasurer, ANC 4C
Casey Swegman, Commissioner ANC 4C01
FR: Denise Wiktor, General Counsel
DT: 07/11/2024
RE: Uptown Community Initiative Grant request for Celebrate Petworth 2024

The OANC has received a copy of a grant request from the Uptown Community Initiative for Celebrate Petworth (2024) a community event to take place in the center of the southern part of ANC 4C. I have reviewed the application sent to the OANC and have found that the request is a permissible expenditure of ANC monies.

There are five prongs a grant must meet to be a permissible expense¹ and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead². They are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”³ A public purpose is one “that includes a significant benefit for the community and is not done for the primary purpose of benefitting a private entity.”⁴ This standard was changed with the Fiscal Year Budget Support Act and the accompanying emergency. Celebrate Petworth 2024 is a community festival designed to bring together the residents of Petworth for fun and interaction. Community events like this encourage the neighbors to get to know each other and celebrate the unique aspects of their community. In doing so, it strengthens neighbor bonds and increases public safety.
2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁵ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.⁶ The event takes place

¹ See, *Letter to Schanette Grant on Seasoned Settlers and Grants Generally*, April 14, 2022, found at <https://oag.dc.gov/sites/default/files/2022-04/Letter-to-OANC-Re-Seasoned-Settlers-Grant-and-Grants-Generally-.pdf>

² D.C. Official Code 1-309.13(m)(2)(D) “No Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”

³ D.C. Official Code § 1-309.13(l)(1).

⁴ *Id.*

⁵ D.C. Official Code § 1-309.13(m)(1).

⁶ See *Letter to Deborah K. Nichols*, Nov. 9, 2006, at 2 n.2 found at [Letter-to-Deborah-Nichols-Re-Whether-an-ANC-may-approve-a-grant-to-commission-plans-and-drawings-.pdf](#) (ANC 4C grant was permissible where the “[b]enefit

entirely within the boundaries of ANC 4C and specifically encourages the participation of all residents and local businesses. The residents of 4C are the primary beneficiaries though residents of other ANCs will likely attend.

3. **Proposed Project.** A grant must be for a proposed project.⁷ This is a discrete single event which falls within the D.C. Official Code meaning of project.
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,⁸ although the organization need not be incorporated.⁹ The applicant is an organization as contemplated by the code
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ The D.C. government does not have events like this one.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹¹ None of the grant monies will be used for overhead as the Code defines it.
7. **Budget.** The applicant supplied a budget for the event and the grant monies will be spent on the rental of tables, chairs and tents. It will also be used for printing posters, flyers for distribution and mailers to be sent to the residents of the ANC. These are permissible uses of grant monies.

Conclusion

For the reasons stated above this grant is an acceptable expenditure of ANC funds.

to other ANCs would be incidental to the benefit conferred on ANC 4C residents,” because a grant’s benefits need not “be exclusive to the ANC that gives the grant funds”); see *Letter to Comm’r Fletcher*, Mar. 15, 2022, at 2, available at <https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.pdf> making the same point with respect to the public-purpose requirement).

⁷D.C. Official Code § 1-309.13(m)(2)(A).

⁸ D.C. Official Code § 1-309.13(m)(1); see also *Letter to Deborah K. Nichols*, Jan. 14, 2010, at 4, available at <https://oag.dc.gov/sites/default/files/2018-02/ANC-January-14-2010-Guidelines-for-Use-of-ANC-Funds.pdf>

⁹ See *Letter to Deborah K. Nichols*, Aug., 4, 2000 at 3, available at <https://oag.dc.gov/sites/default/files/201802/ANC-August-4-2000-Grants-by-ANCs-Public-Purpose-and-Corporate-Status-of-Recipients.pdf> (“The plain meaning of the term ‘organization’ includes unincorporated associations”).

¹⁰ D.C. Official Code § 1-309.13(m)(1).

¹¹ D.C. Official Code §1-309.13(m)(1)(2)(D).