

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM-AMENDED

TO: Jamila White, Chair, ANC 8A
Laverne Glenn, Treasurer ANC 8a
FR: Denise Wiktor, General Counsel
DT: 11/20/2024
RE: Grant Application from UNIFI

The OANC has received a copy of a grant request from UNIFI. I have reviewed the application, budget and amendment to the application sent to the OANC. UNIFI sent an amended budget to the OANC subsequent to the previous memo. The Amendments remove impermissible expenses for permissible expenses and as a result to full requested amount is permissible if the ANC chooses to fund it. UNIFI understands that it must submit matching receipts for the expenses. The approved budget is as follows:

\$ 300	location rental
\$1900	instruction, testing, certification for certification with a healthy food preparation demonstration
\$150	Supplies
\$100	Marketing
\$75	Event Transportation
\$2525	Total

The application was originally written for funds to support the ongoing operations. The applicant changed the application to focus on a project per the D.C. Code. The permissible section of the application is for a Food Manager Certification Program that will be open to residents of ANC 8A.

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 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."

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.⁵

Providing a food certification course that is open to all members of the ANC even in the class size is limited serves a public purpose.

2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁶ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.⁷ A class specifically for residents and businesses located within ANC 8A is a local benefit.
3. **Proposed Project.** A grant must be for a proposed project.⁸ This is a discrete single event.
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,⁹ although the organization need not be incorporated.¹⁰ UNIFI meets the definition of an organization as defined by the code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹¹ The D.C. government does not offer free food certification programs.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹² None of the grant monies will be used for overhead as the Code defines it.

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

⁴ D.C. Official Code § 1-309.13(m)(1) This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes handouts to volunteers such as t-shirts and the purchase of items non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

⁵ This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes the purchase of non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

⁶ D.C. Official Code § 1-309.13(m)(1).

⁷ 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 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).

⁸ D.C. Official Code § 1-309.13(m)(2)(A).

⁹ 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>

¹⁰ 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”).

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

¹² D.C. Official Code §1-309.13(m)(1)(2)(D).

Conclusion

For the reasons stated above this grant is a **permissible/impermissible** expenditure of ANC funds.