

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: ANC 3B
FR: Denise Wiktor, General Counsel
DT: 8/26/2025
RE: Miracle in the Alley Revisited (or Memo #3)

The Office of Advisory Neighborhood Commissions (“OANC”) has received a copy of a grant request from the 3800 W Decorating Committee regarding a grant for a revision of their previous request. The previous request has changed in that costs for light installation have increased \$250 and costs for food and related supplies for the grand opening have increased by \$250.00 for a total of **\$2500.00**. This is for the alley light display. I believe the ANC would not have yet issued a check. I had previously recommended that a check wait until closer to the event so that the receipts and check are relatively close in time, and in this case, in the same fiscal year. An increase in already reviewed permissible categories would not normally need a new application, the ANC is free to increase or decrease a grant amount. The only thing that may have required action is if the ANC has already voted, the would need to vote again on the increase.

I have reviewed the application sent to OANC and have found that the request is a **permissible** expenditure of ANC monies, as outlined below. Once a grant has been voted on by the ANC *the purpose of the grant cannot be changed without an additional vote by the ANC*.

Analysis

There are five prongs a grant must meet to be a permissible expense¹, and there is also a sixth requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead². These are, respectively:

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) provides that “[n]o 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 is a community event in a public space that is open to everyone in the ANC and meets the public purpose requirement. The reviewer continues to admit to a bias towards big showy light displays for the winter holidays, all of them⁵—but it is up to the ANC to determine if this is something they support based upon their budget and priorities. In addition to being festive the additional lighting adds a safety element to the alley.
1. **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 This is an alley within the ANC and the most immediate beneficiaries are ANC residents.
2. **Proposed Project:** A grant must be for a proposed project.⁸ This is a discrete single event, with a proposed beginning date and end date.
3. **Organization:** A grant must be to an “organization,” not an individual or a government entity,⁹ although the organization need not be incorporated¹⁰. The 3800 W Decorating Committee **is** an organization within the meaning of the code. However, as I suspect they are not incorporated they will need a fiscal agent to have the check made out to. This could be a local non-profit, main street or business. Checks should not be made out to individuals.
4. **Non-Duplication:** A grant cannot duplicate any services offered by the District of Columbia government.¹¹ This grant is not duplicative of any service or program provided by the District government.

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

⁴ *Id.*

⁵ Diwali, Hannukah, Christmas, New year, Solstice and Kwanzaa.

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).

5. **Overhead:** Overhead cannot exceed 15% of the grant amount.¹² None of the grant monies would be used here for overhead costs.

Conclusion

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

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