

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: ANC 4D
FR: Denise Wiktor, General Counsel
DT: 3/11/2026
RE: Peabody Community Garden Grant Application

The Applicant actually applied to ANC 4D; however, I routed the memo to 4B because the garden is physically in 4B. I apologize for not checking with the Applicant before I did so. An ANC may award a grant for an event physically outside of their ANC if the ANC will significantly benefit from the grant. 4D is one block west of the garden and two blocks south so it is likely that 4D residents may be volunteers on the project, gardeners in the garden or will greatly benefit from the trash removal and plants as they pass through.

The Office of Advisory Neighborhood Commissions (“OANC”) has received a copy of a grant request from the Peabody Community Garden regarding a grant for A spring cleanup and planting initiative. The applicant states that the area in question is under the jurisdiction of the National Park Service¹ and provides pictures to show dumping and general lack of maintenance. They are proposing to bring out a large group of neighbors to clean up the area, mulch, plant native plants and place educational signage.

The applicant is requesting a grant amount of 1559.83 which will be spent on plants, mulch and signage.

I have reviewed the application sent to OANC and have found that the request is a **permissible** expenditure of ANC monies, as outlined below.

Additionally, 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

¹ Projects by ANCs are allowed on NPS land. See *Letter to Commissioner Whatley*, March 8, 2012 found at <https://oag.dc.gov/sites/default/files/2022-07/ANC-4A-Letter-to-Commissioner-Whatley-Re-Potential-ANC-4A-Grant-to-Potomac-Appalachian-Trail-Club-.pdf>

There are five prongs a grant must meet to be a permissible expense², 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 overhead³. These are, respectively:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”⁴ 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.”⁵ This grant serves a public purpose to improve, beautify and make walkable an area along Peabody Street.
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 Peabody Community Gardens is located in ANC 4B. Residents of 4D will see the benefit of this project as they are located a block west and two blocks south and it will also be enjoyed by residents passing through from a neighboring ANC. It will also greatly enhance the view from the school across the street where many 4D students likely attend. The ANC can judge if the benefit is significant. An ANC may receive benefit from a project outside of their ANC if it is in close proximity and provides a direct benefit.
3. **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.
4. **Organization:** A grant must be to an “organization,” not an individual or a government entity,⁹ although the organization need not be incorporated¹⁰. Peabody Community Gardens is an organization as defined by the Code for ANC grants. If they do not have their own bank account they will need to use a fiscal agent.

² 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>.

³ 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.”

⁴ D.C. Official Code § 1-309.13(l)(1).

⁵ *Id.*

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](https://oag.dc.gov/sites/default/files/2022-03/ANC-4C-Letter-to-Commissioner-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”).

5. **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.
6. **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.

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

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