

Government of the District of Columbia



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**MEMORANDUM**

TO: ANC 3F  
Dawn Dickerson, OANC  
FR: Denise Wiktor, General Counsel  
DT: 3/13/2024  
RE: Van Ness Main Street grant request 2024

The OANC General Counsel was asked to review a grant request from Van Ness Main Street for their spring planting 2024. I have reviewed the application sent to the OANC and the budget and have found that the request is a **permissible** expenditure of ANC monies though review was made more difficult by several issues.

The OANC would note that this grant application was not submitted on a standard form 100. I note that the form 100 for grants is now on 3F's website. This application was not signed or dated and provided no contact information. Had this been other than a planting it would have been difficult to ascertain the public benefit of the grant. I used the check to date the grant as it was granted before the change in the ANC law.

There are five prongs a grant must meet to be a permissible expense<sup>1</sup> and a 6<sup>th</sup> requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead<sup>2</sup>. They are:

1. **Public Purpose:** ANC grants must be for "public purposes within the Commission area."<sup>3</sup> A Public Purpose is one "that benefits the community as a whole and is not done for the primary purpose of benefitting a private entity."<sup>4</sup> This standard was changed with the Fiscal Year Budget Support Act and the accompanying emergency.
2. **Local Benefit:** A grant must "benefit persons who work or reside in the Commission area."<sup>5</sup> This does not mean the grant may only benefit Commission residents; it simply

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<sup>1</sup> 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>

<sup>2</sup> 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."

<sup>3</sup> D.C. Official Code § 1-309.13(l)(1).

<sup>4</sup> *Id.* The section of the code prior to the change in July 2024

<sup>5</sup> D.C. Official Code § 1-309.13(m)(1).

means the grant's benefits should be focused on those residents.<sup>6</sup> The area of planning is squarely in the middle of ANC 3F. While some passersby will get enjoyment from the flowers, the primary beneficiaries are the residents and businesses of 3F.

3. **Proposed Project.** A grant must be for a proposed project.<sup>7</sup> This means that it must be for a specific undertaking, not for general support of an organization. It also means that a grant cannot reimburse an organization for expenses connected to an existing or completed project. **This is a discrete single event.**
4. **Organization.** A grant must be to an "organization," not an individual or a government entity,<sup>8</sup> although the organization need not be incorporated.<sup>9</sup> Van Ness Main Street is an organization as defined by the D.C. Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.<sup>10</sup> The District of Columbia government does not plant flowers in the tree boxes.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.<sup>11</sup> None of the grant monies will be used for overhead as the Code defines it.

## Conclusion

For the reasons stated above this grant is a **permissible** expenditure of ANC funds if used as outlined above.

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<sup>6</sup> 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).

<sup>7</sup>D.C. Official Code § 1-309.13(m)(2)(A).

<sup>8</sup> 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>

<sup>9</sup> 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").

<sup>10</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>11</sup> D.C. Official Code §1-309.13(m)(1)(2)(D).