

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: Karen Wirt, Chairperson, ANC 6C
Jay Adelstein, Treasurer, ANC 6C
FR: Denise Wiktor, General Counsel
DT: May 23, 2025
RE: Grant Request for Creative Aging and the Chorale Arts

The Office of Advisory Neighborhood Commissions (“OANC”) has received a copy of a grant request from ANC 6C for the applicant Encore Creativity for Older Adults (“applicant”) regarding its program Creative Aging and the Chorale Arts. The applicant’s website states that its mission is “to create meaningful arts experiences supporting lifelong learning, wellness, and fun for all older adults. Encore Creativity for Older Adults is the nation’s largest choral arts organization for adults 55 and over.”

The applicant is requesting support for two six (6)-week, 1½ hours each non-auditioned chorales to be located at the Hayes Senior Resource Center, their current site-partner. The application states that “[c]horale tuition will be on a “pay what you will basis”. The applicant is requesting \$4,000 under this grant request.

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

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

The grant requested here may or may not satisfy this prong. In this vein, it must be asked whether this program is available to all adults in ANC 6C who are fifty-five (55) years of age or older, regardless of skill or ability. If not, then it would not include a significant benefit for the community because it would restrict certain eligible individuals from participating in it. The program would be charging a fee, even a pay what you can fee, to participants further removes this from serving a public purpose. Fees of an kind ensure that the activity is not equally available to everyone in the ANC.

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 requested grant does not satisfy this prong, however, because the activity which is the subject of the requested grant does not appear to be restricted only to adults fifty-five (55) years of age or older who are residents of ANC 6C, or even only who are residents of Ward 6. It appears, instead, to be available to such adults city-wide. Therefore, the grant request is not permissible under this particular prong of the test.

3. **Proposed Project:** A grant must be for a proposed project.⁷ 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,⁸ although the organization need not be incorporated⁹. The applicant is an organization under this prong of the test.

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 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).

⁷ D.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”).

5. **Non-Duplication:** A grant cannot duplicate any services offered by the District of Columbia government.¹⁰ The services provided by the applicant do not appear to be duplicative of any provided by the District government.
6. **Overhead:** Overhead cannot exceed 15% of the grant amount.¹¹ The amount of overhead costs here, as stated and defined in the application, is \$1,200, which would be 30% of the grant amount. Therefore, the grant also does not meet this prong of the overall test.

Conclusion

For the reasons stated above, this grant is an **impermissible** expenditure of ANC funds.

Review by AG

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

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