

Government of the District of Columbia



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MEMORANDUM

TO: ANC 1D
FR: Denise Wiktor, General Counsel
DT: 06/10/2025
RE: Parkwood Place Block Party 2025

First let me apologize. The OANC received this application to the main mailbox on May 22, 2025, and it, for some reason, was not logged in. I found it today when I was checking that mailbox to see if any grants had been missed.

The OANC has received a copy of a grant request from the Ward 1 Back 2 School Committee for their 8th annual Parkwood Place block party. I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies as long as the money is not spent on the backpack. There are sufficient other expenses such as the music/DC, table chair and tent rentals and event/banners/ flyers that will meet the amount requested of the ANC. New this year, is should those receipts not total \$2,000, receipts for a portion of the food expense could also be used. See attached policy.

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. **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 event is open to the entire ANC community is a public event that will bring the community together and reinforce community bonds. As long as none of the grant is used for the backpacks and other giveaways it meets the public purpose requirement.

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.”

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

⁴ *Id.*

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 This is a very local event in ANC 1D. While the entire ANC is not expected to show for this event, the event is open to the entire ANC.
3. **Proposed Project.** A grant must be for a proposed project.⁷ This is a discrete single event.
4. **Organization.** A grant must be to an “organization,” not an individual or a government entity,⁸ although the organization need not be incorporated.⁹ The Ward One Back 2 School Committee is an organization within the meaning of the code and is also a 501(c)(3) organization.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ The District does not offer this type of event.
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹¹ 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.

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”).

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

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

Government of the District of Columbia



Policy for Reviewing and Processing Grants that have a Food Component

1. Purpose

The Official Code of the District of Columbia requires that “[a]n applicant for a grant shall submit an application in writing to the Commission and to the OANC.”¹ When received by the OANC it is assigned to a staff member to review for compliance with the requirements within the D.C. Code. Ideally, the OANC receives these in advance enabling them to review the application before an ANC vote and work with the applicant if there are deficiencies in the application.

Historically expenditures on food by a grant applicant have been categorically prohibited by the D.C. Code. The removal of this prohibition removes some restrictions. Grants still have to comply with all the public purpose requirements and since food is something that is consumed by individuals conferring a benefit to a private party. However, in some cases food is ancillary to the event such as candy at a Halloween event or is otherwise not the sole purpose of the grant.

2. Authority

The Funds ANCs receive are appropriated by Congress, and the funds appropriated by Congress may not be used for food or entertainment without explicit statutory authorization ² Changes to the DC Code removing the absolute prohibition on food also allows ANCs to issue grants that may have a food component. Therefore, staff of the OANC will apply the following factors beginning Fiscal Year 2025 in accordance with the requirement of the D.C. Code.

¹ D.C. Official Code 1-309.13(m)(2)

² See, e.g., GOV'T ACCOUNTABILITY OFFICE ("GAO"), *PRINCIPLES OF FED. APPROPRIATIONS LAW* ("PRINCIPLES") 4-100 (3d ed. 2004). This volume, as well as the other two volumes in this set, can be found at <https://www.gao.gov/legal/appropriations-law/red-book>

3. Applicability

This policy applies to Full and part-time employees of the OANC who review grant applications.

4. Policy

While the absolute prohibition against grant monies being used on food has been lifted, it is inherently something that is consumed by an individual. That needs to be balanced with the other grant requirement that a grant must provide a “significant benefit for the community and is not done for the primary purpose of benefitting a private entity.” As noted in an OAG advice letter with the removal of the prohibition on food, the primary legal hurdle that needs to be overcome is the public purpose requirement.³ The OANC recognizes that food can be intertwined with an event that inherently serves a public purpose but is not the focus of the event. Small candy giveaways at Halloween events are one example. In that vein the OANC has set some factors to consider when a grant request has a food component. Some of these appear to overlap but they are set down with the different types of grants presented to ANC. One would look at all of these factors.

Keep in mind ANCs themselves still have a prohibition against spending monies on food other than the \$100.00 limit for snacks at a regular public meeting.⁴

Factors:

- **Is one of the primary or significant expenses of the grant food?** An example of this would be a grant for mutual aid which gives food or cartons of food to individuals. In this case, the primary beneficiaries are a number of private entities. This can be viewed no differently than a grant that pays for coats, gloves or backpacks which results in benefits to individuals and not the community. However, the OANC in the past has supported non-food expenses related to seasonal food distribution as supporting the distribution to the community and as such the community benefits not individuals with that particular expense. Similarly, the OANC has supported grants where the expense is for table and chair rentals where any member of the community may be seated and shaded, not just those eating.
- **Is food a significant component of the overall grant?** Would the ANC monies be primarily used for purchasing food.
- **Is food a significant component of the overall project?** A senior luncheon, awards dinner, or mutual aid for food are examples. The OANC will follow up by examining how the ANC money is being used in the project: for the food or for support infrastructure for the event – e.g. tables and chair rental, entertainment or games.
- **Is it open and available to all persons in the ANC?** Is the event where candy may be distributed or chicken wings given out available to anyone in the community or is it limited to a particular

³ See, *Letter to Commissioner Israel re proposed ANC 4D grants* July 19, 2022 found at <https://oag.dc.gov/sites/default/files/2022-07/ANC-4D-Letter-to-Commissioner-Israel-re-Proposed-ANC-4D-Grants-.pdf>

⁴ D.C. Official Code 1-309.13(l)(1)

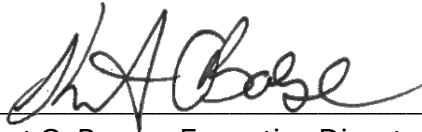
population (volunteers) or geography such as a block party for only persons on the block. This does not mean that there has to be enough candy at a Halloween event for everyone in the ANC, just that everyone in the ANC would have the same opportunity to avail themselves of it before it runs out or the block party is open to the whole ANC even though the likely attendees are only going to be immediate neighbors.

- **Is the grant being used for a full meal?** This factor is an indication that the primary beneficiary is an individual and not the community.
- **Can the food be severed from the event and the event still happen?** Most of the Halloween and community festivals can happen without a food expense to the ANC and not affect the benefit of the event.
- **Does the requestor make a compelling argument for how the food improves the grant objective and the substantial benefit to the Community?** Halloween events and film events promote safety by having fun activities in a controlled environment. They also help to build neighborhood cohesion by bringing neighbors together in a collegial environment. A little candy or popcorn available to everyone makes the event just a little bit nicer but is not the primary purpose of the grant and may assist in bringing more neighbors to the event.

OFFICE OF ADVISORY NEIGHBORHOOD COMMISSIONS

March 13, 2025

Date



By: Kent C. Boese, Executive Director