

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: ANC 8A
FR: Denise Wiktor, General Counsel
DT: 7/16/2025
RE: L'Efant Trust grant application

The OANC has received a copy of a grant request from L'Efant Trust for artwork to be installed on the fence during the renovation of the Big Green. I have reviewed the application sent to the OANC and have found that the request, with some revisions to the budget, is a **permissible** expenditure of ANC monies as outlined below. Please use the revised budget when reviewing the application. The categories of expenditure which are permissible are the Consultant Fee, Production and Installation and Marketing for a total of \$6250.00. Since overhead must be limited to 15% of the grant only 937.50 of the Administrative fees would be permissible. To keep the grant at the \$7,000 request, only \$750.00 of the Admin fee should be covered by ANC grant monies.

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 The proposal is for local artists to produce art for panels to cover the fence surrounding the Big Green while the renovations are going on. The public will benefit from the art during renovation, the covering of an eyesore and if the panels survive that period of being outdoors perhaps being reused elsewhere.

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 art will benefit those who live and work in ANC 8A as well as those who drive by the location.
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 L’Efant Trust is an organization within the meaning of the code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹¹ I the ANC votes to give the full amount of the grant, \$750.00 of the grant will be used for overhead which is beneath the 15% limit.

Conclusion

For the reasons stated above this grant is a **permissible/impermissible** 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).