

Government of the District of Columbia



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MEMORANDUM

TO: ANC 3A
FR: Denise Wiktor, General Counsel
DT: 06/17/2025
RE: Historic Preservation Impact Study

The OANC has received a copy of a grant request from the D.C. Preservation League.¹ I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies as outlined below. The OANC only looks at grant applications to see if they meet the financial restrictions on ANC grants to help inform the ANCs. The ANC will determine if it meets their budget and spending priorities.

The study intends to measure the economic, Social and Equity impacts of historic preservation in the District. As part of that study, they will be looking at 5 different historic districts in 7 different ANCs. While it will be one study, the grant to each ANC is to fund the portion of the study that looks specifically on the historic district that affects them. The grant request to 3A asks for assistance in funding the Cleveland Park study. ANC 3C has also been requested to contribute to the Cleveland Park study so if this granted, the OANC will have to ensure in the QFR process that you each have funded different aspects of the study.

There are five prongs a grant must meet to be a permissible expense² and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead³. They are:

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. The study will

¹ OANC Director Kent Boese is recused from anything related to this grant application. As such he has not seen the application nor opined on its appropriateness or inappropriateness. Should anyone take issue with this opinion please share it with me, Andrew Gerst or the OANC Chief of Staff Taylor Woods.

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) “No 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).

look at what the various effects that making part of ANC 3A a historic district has had. It meets the public purpose test but it would be best if the ANC will use the information such as for formulating its input into the Comprehensive Plan update.

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 benefits are local to ANC 3A in that it will look at the impact historic designation has had on its residents and business and can be used for future planning. Ideally, the results will be made available to everyone in the ANC, perhaps on the 3A website.

Proposed Project. A grant must be for a proposed project.⁷ This is a discrete single event.

3. **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 D.C. Preservation League is an organization within the meaning of the code.
4. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ .”¹¹ This study while being done by a private entity is in partnership with the Office of Planning with the intent for it to be used in the Comprehensive Plan 2050 planning. It will not duplicate what the District is doing.
5. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹² 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 the ANC chooses to fund it.

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](https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.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 *Id.*

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

