Government of the District of Columbia

Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: Dave Wethington, Chair ANC 6A
Roberta Shapiro, Treasurer ANC 6A
FR: Denise Wiktor, General Counsel
DT: 2/26/2025 (date corrected)
RE: Hill Family Biking-Maury Crosswalk Grant

The OANC received a copy of a grant from Hill Family Biking for an Art in the Right of Way project to paint the crosswalk by Maury Elementary. This was done in conjunction with the Maury PTO. I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies.

There are five prongs a grant must meet to be a permissible expense[1] and a 6th requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead[2]. 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 standard was changed with the Fiscal Year Budget Support Act and the accompanying emergency.[5] This project is a combination of art, beautification and public safety project. It brings attention to a crosswalk at a large intersection by an Elementary school thereby improving pedestrian safety but in a visually pleasing manner. This project provides a substantial benefit to the residents of ANC 6A in improved safety for those crossing and visual appeal to those driving by.

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[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."

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

[4] *Id.* This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes handouts to volunteers such as t-shirts and the purchase of items non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

[5] D.C. Official Code § 1-309.13(m)(1).

2. **Local Benefit**: A grant must "benefit persons who work or reside in the Commission area."[6] This does not mean the grant may only benefit Commission residents; it simply means the grant's benefits should be focused on those residents.[7] This project primarily benefits the residents of ANC 6A though will provide some visual appeal to anyone driving by.

3. **Proposed Project.** A grant must be for a proposed project.[8] 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,[9] although the organization need not be incorporated.[10] Hill Family Biking **is** an organization as defined by the D.C. Code. It is also a 501(c)(3) organization.

5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.[11] The D,C, Government specifically does not provide this service and the DDOT has created a mechanism to streamline private entities that wish to put art in the Right of Way.

6. **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 used as outlined above.

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[6] *Id*.

[7] 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).

[8] D.C. Official Code § 1-309.13(m)(2)(A).

[9] 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

[10] 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").

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

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