

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
1350 Pennsylvania Avenue, NW
Suite 11
Washington, DC 20004
(202) 727-9945

MEMORANDUM

TO: Jackie Blumenthal, Chair ANC 3B
Keven Lavezzo, Treasurer ANC 3B
FR: Denise Wiktor, General Counsel
DT: 04/08/2024
RE: Glover Park Citizens Association Grant Request

The OANC has received a copy of a grant request to ANC 3B from the Glover Park Citizens Association for funding for Glover Park Day 2024. The Association plans to use the money for the rental of tables, chairs, and a stage. I have reviewed the grant and found it to be a permissible use of ANC monies should the ANC decide to fund it.

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 benefits the community as a whole and is not done for the primary purpose of benefitting a private entity.”⁴ Glover Park day is a community event open to all residents and businesses in the ANC 3B and meets the Public Purpose test.
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 primary beneficiary of Glover Park day are the residents and businesses in Glover Park.

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.*

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).

3. **Proposed Project.** A grant must be for a proposed project.⁷ This grant is for a one-day discrete event and qualifies as a project as defined by the D.C. Official Code and OAG interpretations of the Code.
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 Glover Park Citizens Association is an organization as defined by the D.C. Official Code.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.¹⁰ The D.C. government does not offer a service like this. There is no similar event offered by the D.C. Government
6. **Overhead.** Overhead cannot exceed 15% of the grant amount.¹¹ 100% of this grant goes for operational expenses not overhead.

ANCs are prohibited from direct expenditures for entertainment which the stage could potentially be. However, this prohibition does not apply to expenditures by grantees.¹²

Conclusion

For the reasons stated above this grant is a permissible expenditure of ANC funds should the ANC choose to support it.

⁷D.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).

¹² *ANC: Expending ANC Grant Funds for Food and Entertainment at Block Parties* found at <https://oag.dc.gov/sites/default/files/2018-02/ANC-July-7-2017-Expending-Grant-Funds-for-Food-and-Entertainment-at-Block-Parties.pdf>