

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: Denise Wiktor  
FR: Kathy S. Williams\*  
DT: September 12, 2024  
RE: Grant Request from the Friends of the Soldiers Home

Pursuant to your request, I reviewed the grant application and accompanying documents sent to the OANC on September 3<sup>rd</sup> from ANC 1E. I find that the request is a **permissible** expenditure of ANC monies so long as no monies are used for food or giveaways to individuals.

There are five (5) prongs, all of which a grant must meet to be a permissible expenditure of ANC funds. Also, a 6<sup>th</sup> prong limits the amount of proposed overhead for any requested grant.[\[2\]](#)  
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 legislation.

Among other things, the proposer requests funds for a Fall Fest [annually attended by about “1,000” persons], which “features food, drink, live music, activities for children and an opportunity for people to walk, run and bike on the spacious grounds.” The proposer states that “[t]he event is free for people who walk or bike in, and . . . a \$10-per-carload donation for people who drive in to discourage cars because parking is limited.” The requested amount is to assist with costs for the necessary rental of tent, tables, and chairs.

The proposed charge for parking was a concern in that it would not provide equal access for persons unable to walk or bike in. The applicant was contacted by the OANC and was told that the parking fee was voluntary and that the event volunteers explain that clearly. Volunteers, veterans, and disabled person are allowed to park for free, though he emphasized the parking fee was a donation and not required.

**Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”<sup>[5]</sup> This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.<sup>[6]</sup>

This grant is presented by ANC 1E on behalf of the Friends of the Soldiers Home. The Soldiers Home is located, in part, in ANC 1E and the Fall Fest is specifically presented to benefit same. The grant succeeds on this prong.

**Proposed Project.** A grant must be for a proposed project.<sup>[7]</sup> This is a discrete single event.

The project is proposed for September 28<sup>th</sup>. It is timely; the grant succeeds on this prong.

**Organization.** A grant must be to an “organization,” not an individual or a government entity,<sup>[8]</sup> although the organization need not be incorporated.<sup>[9]</sup>

The Friends of the Soldiers Home presents itself as a “501(c)(3)” formed in 2014 with a specified EIN number. It is an organization; the grant succeeds on this prong.

**Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.<sup>[10]</sup>

The proposer accurately represents that “[t]he DC government provides no access to the Soldiers Home ground[s] and provides no activities on the grounds.” Accordingly, the grant does not duplicate any services offered by the DC government. The grant succeeds on this prong.

**Overhead.** Overhead cannot exceed 15% of the grant amount.<sup>[11]</sup>

The projected total cost of the grant is \$9,200 and the requested amount is \$1,000. The amount of \$1,000 represents less than 9% of the grant. If that amount is designated to overhead, it does not exceed the statutory limit. The grant succeeds on this prong.

## **Conclusion**

This grant does meet the multi-prong test of being a permissible expenditure of ANC funds. For the reason stated above, this proposed grant is an acceptable expenditure of ANC funds.

\*The conclusions of this memo were edited by DW after receiving updated information from the applicant.

<sup>[1]</sup> 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>

<sup>[2]</sup> 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.”

<sup>[3]</sup> D.C. Official Code § 1-309.13(l)(1).

<sup>[4]</sup> *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,

<sup>[5]</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>[6]</sup> 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).

<sup>[7]</sup> D.C. Official Code § 1-309.13(m)(2)(A).

<sup>[8]</sup> 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>

<sup>[9]</sup> 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”).

<sup>[10]</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>[11]</sup> D.C. Official Code § 1-309.13(m)(1)(2)(D).