

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

June 30, 2017

Zach Teutsch
Chairperson, ANC 4C
1323 Shepherd Street, NW
Washington, DC 20011

Joseph Martin
Vice-Chairperson, ANC 4C
4230 4th Street NW
Washington, DC 20011

Re: Block Party Grants and the Public Purpose Requirement

Commissioners:

Your Advisory Neighborhood Commission (“ANC”) asked us whether a grant to support a block party¹ for an individual street would benefit a large enough portion of the community to satisfy the public purpose requirement in the Advisory Neighborhood Commissions Act of 1975 (“ANC Act”).² It depends on how open the party is to the broader ANC community.

The ANC Act requires that any ANC grant serve “public purposes within the Commission area.”³ This means that the grant must “confer[] a direct public benefit of a reasonably general character, that is to say, to a significant part of the public, as distinguished from a remote and theoretical benefit.”⁴ Each proposed ANC grant must be carefully scrutinized to ensure that it will benefit a significant part of the public, not just a few individuals. For example, we have cautioned that a grant designed to benefit only 15 ANC residents, or a grant that would benefit

¹ As used in District law, a “block party” is “an activity of a recreational or civic nature sponsored by the residents of a neighborhood, for which the residents seek to close a block of a street in their neighborhood and for which there is no admission or entrance fee.” D.C. Official Code § 9-631(1) (2016 Supp.).

² Effective October 1, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.* (2012 Repl. and 2016 Supp.)).

³ ANC Act § 16(l)(1) (D.C. Official Code § 1-309.13(l)(1) (2012 Repl. and 2016 Supp.)).

⁴ Letter to Stanley Allen, Chairperson, ANC 1E, May 19, 1986, at 4, *available at* <https://oag.dc.gov/sites/default/files/dc/sites/oag/publication/attachments/19860519.pdf> (last visited June 23, 2017) (internal citations omitted); *see* Letter to Sinclair Skinner, Vice-Chairperson, ANC 1B, Feb. 20, 2004, at 2, *available at* <http://app.occ.dc.gov/documents/2004/20040220.pdf> (last visited June 23, 2017).

“only a small number of children,” would not meet the public-purpose requirement.⁵ By contrast, we have advised that a grant that would benefit a large number of people in the community, or even the community at large, can serve a public purpose.⁶ Whether an ANC grant in support of a block party would satisfy the public purpose requirement would therefore depend on whether, and to what extent, it will benefit residents of the ANC area.

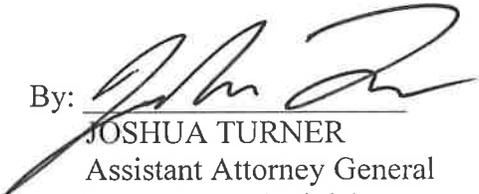
With these principles in mind, an ANC considering a proposed block party grant is responsible for assessing whether that event is likely to benefit a significant portion of the neighborhood area. We caution, however, that any grant related to a block party must be consistent with other legal requirements, including applicable restrictions on the use of ANC funds.⁷ If you have questions about whether a particular grant will meet the public purpose threshold, or will otherwise be compatible with existing law, we would be happy to address those questions, and to do so on an expedited basis if circumstances so require.

If you have any questions, please contact Josh Turner, Assistant Attorney General, at 442-9834, or Janet M. Robins, Deputy Attorney General, Legal Counsel Division, at 724-5524.

Sincerely,

KARL A. RACINE
Attorney General for the District of Columbia

By:


JOSHUA TURNER
Assistant Attorney General
Legal Counsel Division

⁵ See Letter to Fredericka Shaw, ANC Staff Assistant, Oct. 4, 2011, at 3 (on file); Letter to Deborah K Nichols, Dist. of Columbia Auditor, Jan. 14, 2010, at 4, available at <http://app.occ.dc.gov/documents/2010/20100114.pdf> (last visited June 23, 2017).

⁶ See, e.g., Letter to Fredericka Shaw, *supra* n.5, at 3 (discussing a day care grant); Letter to Stephen A. Whatley, Comm’r, ANC 4A, Mar. 8, 2012, at 3 (on file) (approving a grant to replace trail signs in Rock Creek Park would serve a public purpose because it would benefit the whole community by “[i]mproving directional guidance for trail users in a park open to everyone”).

⁷ See, e.g., D.C. Official Code § 1-309.13(1)(2) (2012 Repl. and 2016 Supp.) (restrictions on ANC funds).