

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



**ATTORNEY GENERAL
KARL A. RACINE**

Legal Counsel Division

July 20, 2021

Randy Speck
Chairperson, ANC 3G03
2940 Northampton Street, N.W.
Washington, D.C. 20015

Re: Grant to Feed the Family Pantry

Commissioner Speck:

You asked our Division about a grant your Advisory Neighborhood Commission (“ANC”) recently made to an organization known as Feed the Family Pantry. The grant enables the organization to purchase a refrigerator and a cooler so it can provide fresh food to individuals in need. Your question is whether this grant was consistent with the requirement that grants from ANCs be for “public purposes within the Commission area.” The Office of Advisory Neighborhood Commissions (“OANC”) initially concluded that it was not. Based on the updated application the grantee applicant ultimately submitted, however, we conclude that the grant likely serves a public purpose.

The public-purpose requirement comes from section 16(l) of the Advisory Neighborhood Commissions Act of 1975,¹ which says that grant funds, like other funds not spent for an ANC’s office, must be spent “for public purposes within the Commission area.”² We have, in the past, read this language to mean that a grant must “benefit[] or potentially benefit[] a significant number of persons who either reside or work within the Commission area.”³ A grant cannot satisfy this requirement unless the specific activities it would support would either benefit a large number of people in the ANC area⁴ or be open to (and therefore able to benefit) the community

¹ Effective Mar. 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(l)).

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

³ 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> (all websites last visited July 15, 2021); *see* Letter to Comm’r Kazmierczak, May 2, 2013 (on file).

⁴ *See, e.g.*, Letter to Comm’rs Teutsch and Martin, June 30, 2017, at 1-2 *available at* <https://oag.dc.gov/sites/default/files/2018-02/ANC-4-C-June-30-2017-Block-Grants-and-Public-Purpose-Requirement.pdf> (discussing prior letters).

at large.⁵ Recently, the Council tightened up this requirement even further by clarifying that 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.”⁶

According to the information you have provided, Feed the Family DC serves food-insecure neighbors in and beyond Ward 3. The primary purpose of the refrigerator and cooler would be to provide weekly deliveries of fresh produce to 15 low-income residents who live within your ANC area. If that benefit were limited to these residents, we would agree with OANC that, based on available information, this grant would not satisfy the public-purpose requirement because it would not benefit the community as a whole. Yet the updated application also suggests, and you have indicated, that the food stored in the refrigerator and cooler would be more generally available for residents in the ANC area (and the whole ward) who are similarly in need, and would help Feed the Family DC supply food (in conjunction with other organizations) to many other residents in need. That changes the analysis. If the food stored in the refrigerator and cooler supported by the grant will be broadly available to needy residents across the community, the community at large will benefit from the refrigerator and cooler, which would mean that this grant will serve (and the ANC had reason to believe it will serve) a public purpose. That is true even though the refrigerator and cooler may be able to support only a limited number of meals on any particular day, just a public park that may be open to the public may be limited in how many people it can accommodate at one time.

Sincerely,

KARL A. RACINE
Attorney General for the District of Columbia

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(AL-21-461)

⁵ See Letter to Comm’r Silverstein, May 1, 2019, at 2-3, available at <https://oag.dc.gov/sites/default/files/2019-05/ANC-2B-Use-of-Car-and-Throws-in-Capital-Pride-Parade.pdf> (citing prior letters).

⁶ Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, § 2(h)(6)(A)(ii), effective Apr. 7, 2017 (D.C. Law 21-269; D.C. Official Code § 1-309.13(l)).