

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



**Legal Counsel Division**

July 8, 2010

Lynard Barnum  
Financial Auditor/ANC Program Manager  
Office of the District of Columbia Auditor  
717 14th Street, N.W.  
Suite 900  
Washington, DC 20005

Re: Whether an ANC can issue a grant to support a community market?

Dear Mr. Barnum:

This letter responds to your July 6, 2010 request for advice as to whether an Advisory Neighborhood Commission (“ANC”) may make a grant of public funds to partially fund a community market.

Specifically, ANC 6C received a grant application from the Mt. Vernon Triangle Community Improvement District, in cooperation with the Mt. Vernon Square Neighborhood Association, Downtown Neighborhood Association, and Shaw Together, to assist in funding an outdoor open-air public market in a parking lot located at 5th and Eye Streets, N.W. The market would begin in August and finish in December.

Pursuant to section 16(m) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.13(m) (2009 Supp.), as amended, Commissions have the authority to issue grants as follows:

(m)(1) ... A Commission may approve grants only to organizations that are public in nature and benefit persons who reside or work within the Commission area. The services provided by the grantee organization must not be duplicative of any that are already performed by the District government.

Based on the information provided in the grant application, it appears the proposed grant to the Mt. Vernon Triangle Community Improvement District meets these criteria. The location of the proposed market is an outdoor parking lot within the Commission area. The market would include local vendors, providing local businesses an opportunity to sell

their products, and would allow residents and visitors to explore new businesses and shop within the community. Further, the market is a benefit to the Commission area by making positive use of a vacant parking lot. Finally, the service provided is not duplicative of any service already performed by the District government.

The grant application indicates that the funding will be used to offset a number of costs, including clerical, advertising, and “day-of management” expenses. Assuming the truth of the information contained in the application and further assuming that none of the expenditures are for entertainment or another prohibited purpose, the proposed grant to the Mt. Vernon Triangle Community Improvement District is permissible.

I hope that this information has been helpful to you.

Sincerely,

Peter Nickles  
Attorney General

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/s/

PN/dps