

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Corporation Counsel



Office of Government Operations
Legal Counsel Division

May 27, 2003

Mr. Nik Apostolides
Commissioner
P.O. Box 21652, N.W.
Washington, D.C. 20009

RE: Legal Permissibility Concerning Grant By
Advisory Neighborhood Commission 1C

Dear Mr. Apostolides:

This is to respond to your letter dated May 16, 2003, addressed to Interim Corporation Counsel Arabella Teal regarding grant funds for Jubilee Housing Inc. You have asked the Office of Corporation Counsel ("OCC") whether our office has any comments on Jubilee Housing Inc.'s grant application which Advisory Neighborhood Commission ("ANC") 1C has approved subject to objections from the Office of the Auditor or OCC.

According to your letter, a grant application was submitted by Jubilee Housing Inc., a section 501(c)(3) non-profit organization that provides affordable housing for low-income residents of Adams Morgan. According to the request, the organization is seeking funding to help defray the costs of installing cameras, which will be used to help provide enhanced building security at The Ritz, 1631 Euclid Street, N.W., Washington, D.C., to discourage and deter drug dealers from conducting drug transactions in and around the building. The cameras may also be used at other Jubilee Housing locations during the time period when Jubilee Housing Inc. is renovating the Ritz building premises and will be reinstalled once the renovations are completed.

The law governing grants by ANCs is found in section 16 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective July 27, 2000, D.C. Law 13-135, § 3(d), D.C. Official Code. § 1-309.13 (2001), and provides as follows:

(l)(1) [E]xpenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to section (m) of this section.

* * * * *

(m)(1) A grant may not be awarded unless the grant is awarded pursuant to a vote of the Commission at a public meeting following the public presentation of the grant request. 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.

D.C. Official Code § 1-309.13(m)(1) (2001).

Under the law, grant awards are not permitted where they do not benefit the general public or meet a public purpose. The issue presented by this case is whether this grant complies with the public purpose requirement of ANC law since the grant would provide a public benefit to a select population that resides at 1631 Euclid Street.

In this case, the purpose of the grant is to discourage and deter drug dealers from establishing a place from which to conduct drug transactions by installing cameras to monitor drug activity. The facts support a finding that a public purpose is being served since drug dealers need to be rooted out of any community step by step and location by location. Accordingly, I conclude that the grant to Jubilee Housing meets the requirements of the law giving ANCs the authority to make grant awards.

If you have any further questions, please contact Nancy Alper, Assistant Corporation Counsel, at 724-5508 or me at 724-5493.

Sincerely,

ARABELLA W. TEAL
Interim Corporation Counsel



By: DARRYL G. GORMAN
Senior Deputy Corporation Counsel
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Legal Counsel Division

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(AL-03-319)