

APPLICATION PACKET FOR USE OF REAL PROPERTY
AT
PUBLIC BENEFIT ALLOWANCE FOR HOMELESS PURPOSES

This packet includes the following materials:

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| 1. Program Fact Sheet
(Conditions & Restrictions) | 4. Environmental Questionnaire |
| 2. Application Instructions | 5. Federal Property Management
Regulations, Subpart 101-47.49 |
| 3. Resolution | 6. Evaluation Factors |

Information and Instructions

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| 1. Program Fact Sheet | The program, its conditions, restrictions and eligibility requirements are described in the fact sheet in order to understand the approach to take when filing your application (page 3). |
| 2. Application Instructions | These are step by step instructions for the body of the application. Please follow these instructions in detail. Be sure to include all necessary attachments and label them for easy reference (pages 4-9). |
| 3. Resolution | Your application must be accompanied by a Board resolution authorizing a representative to act on behalf of the organization. This resolution provides the format to be followed. Please note that the person named in the resolution is the same person who signs the application (pages 10-11). |
| 4. Environmental Questionnaire | The National Environmental Policy Act of 1969 (PL 91-190 42 U.S.C. Sections 4321-4347) requires consideration of the environmental effects which may occur from any Federal action, including real property conveyances. The Environmental Questionnaire requests information which will be used in evaluating potential environmental effects of your proposal (pages 12-15). |
| 5. FPMR, Subpart 101-47.49 | This section provides guidelines for the protection and maintenance of excess and surplus real property referred to in Item 12 of the Application Instructions (p. 17-20). |
| 6. Evaluation Factors | An application will be judged on the basis of the following factors which are listed in descending order of priority except that items D and E are of equal value: |

- A. Services offered - The extent and range of proposed services such as meals, shelter, job training, counseling, etc.;
- B. Need - The demand for the program and the degree to which the available property will be fully utilized;
- C. Experience - Demonstrated prior success in operating similar programs and recommendations attesting to that fact by local, State, and Federal authorities;
- D. Financial Ability - The adequacy and availability of funding to fully and properly run the programs and operate the facility; and
- E. Implementation Time - How soon each proposed service can be operational.

Special Note:

Please submit an original and two (2) copies of all required materials by _____. If this date cannot be met, requests for extensions will be considered.

Paperwork Reduction Act Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to vary from 20 to 1,000 hours with an average 200 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data necessary, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Program Support Center Reports Clearance Officer
Room 17A-08, Parklawn Building
5600 Fishers Lane
Rockville, MD 20857

INFORMATION REGARDING CONDITIONS AND RESTRICTIONS
IN LEASES FOR REAL PROPERTY

Transfers of real property made by lease are subject to the following conditions which are contained in the lease document:

1. For the period of the lease and/or any renewal thereof the property must be utilized in accordance with the approved application.
2. Where construction or major renovation is not required or proposed, the Property must be placed into use within twelve (12) months from the date of the transfer. Where construction or major renovation is contemplated at the time of transfer, the Property must be placed into use within thirty-six (36) months from the date of the lease.
3. Lessee may not sublease or otherwise encumber the property without prior consent of the lessor in writing.
4. Lessee must make annual utilization reports.
5. Lessee must comply with section 606 of the Federal Property and Administrative Services Act of 1949; the Fair Housing Act (42 U.S.C. § 3601-19) and implementing regulations; and as applicable, Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federal Assisted Programs) and implementing regulations; Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and implementing regulations; the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07) and implementing regulations; and the prohibitions against otherwise qualified individuals with handicaps under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations, and the Uniform Federal Accessibility Standards (UFAS), 41 CFR Subpart 101-19.6, Appendix A, and all requirements imposed by or pursuant to the Regulations of the lessor (45 CFR Parts 12, 80, 84 and 91) issued pursuant to said Acts and now in effect.
6. Lessee must remain tax supported or a non-profit tax-exempt organization under section 501(c)(3) of the IRS code of 1986 throughout the period of restrictions.

Upon breach of any of the conditions contained in lease, the lessor may elect to cancel the lease.

If utilization of the property has not commenced within 12 months or 36 months where construction or major renovations is contemplated, the lease will be rescinded.

INSTRUCTIONS FOR PREPARING APPLICATION FOR USE
OF REAL PROPERTY AT PUBLIC BENEFIT ALLOWANCE
FOR HOMELESS PURPOSES

(ON SITE)

NOTE: Please study entire outline before preparing application.

INSTRUCTIONS: An application for Federal surplus real property must provide all of the information called for under each of the below numbered requests for information. In your responses, please use complete sentences and cite at the beginning of each response to a request for information, the number and the heading to which you are responding. In an instance where a request for information is not applicable to your program, please include the heading and state "Not Applicable." You must submit an original and two (2) copies of the application.

Applications should be submitted to the Department of Health and Human Services office listed below:

Director, Division of Property Management
Program Support Center
Room 5B-17, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857
Phone: (301) 443-2265

1. Identification of Applicant

- A. The legal name of government entity or nonprofit institution to which conveyance is to be made and a statement whether applicant is State, political subdivision of the State, or a private nonprofit institution, tax exempt under section 501(c)(3) of the 1986 Internal Revenue Code must be shown. (If tax exempt, include copy of formal exemption letter from Internal Revenue Service.)
- B. The applicant must provide a copy of the document showing statutory or other authority under which it is authorized by law to acquire and hold title to real property for the purpose for which it is to be transferred. If the applicant is a nonprofit corporation, evidence must be presented that said corporation is authorized, under its charter, to acquire and hold title to the real estate for which it has applied.
- C. The person authorized to complete transfer (name, title, and address) should be listed. The authorized representative must be the same as named in resolution.
- D. Give the address and telephone number of applicant institution.

2. Accreditation

Indicate whether applicant institution is accredited, approved, or licensed by Federal or State accrediting, approving, or licensing authority. If so, give name of such authority.

3. Federal Installation

Name of the Federal installation where property is located.

4. Description of Real Property Desired

- A. Give general description of the acreage being requested. The amount of property requested should not be excessive to normal operating requirements. The description should include the amount of acreage and improvements, e.g., buildings, structures, etc. A legal description by metes and bounds is not required at this time, but may be required later.
- B. Give information for items (1), (2), (3) and (4) as applicable:
- (1) Indicate the zoning restrictions, if any, applicable to subject property.
 - (2) State that the renovation of existing buildings (if any), or construction of any new buildings, will meet State and local building regulations for the proposed program of use.
 - (3) Complete the exact description of utilities requested and a statement of how arrangements will be made for securing all needed utility services.
 - (4) If any easements are reported with the property, or are to be otherwise acquired for use in connection with the property, identify such easements.
- C. Related personal property included with the available real property may generally be acquired if the need and program of use is specifically included and justified in the application. It is subject to the same discount allowance as the real property for which you have applied. Such related personal property is to be identified by an inventory attached to each copy of the application showing description, serial number, or other adequate identification. This information may be obtained from the landholding and/or disposal agency.

5. Proposed Program for Facilities Requested - Submit Complete Data as Follows:

Note: Applicant must use the facility within 12 months from the date of transfer, or 36 months where construction or major renovations are required.

- A. Provide a detailed narrative description of the proposed program showing the specific use or need for the program to be realized by acquisition of the property. Indicate any anticipated improvements, the time required for completion of each component and for bringing the property to full utilization, and the number of homeless clients to be served after full utilization.

Applications must be adequately documented to reflect well-planned utilization, and should be effectively supported by written recommendations, endorsements, and studies of appropriate State agency, public officials of State and local governments, and recognized national or local sponsoring associations or organizations. Only information pertinent to the program of use need be submitted.

- B. Give information for homeless utilization as applicable:

- (1) The number of clients and/or the number of beds in existing facilities;
- (2) Need for expansion of existing facilities;
- (3) The number of present and proposed professional and support staff;
- (4) Any anticipated expansion of services or improvement of facilities resulting from acquisition of property, if applicable; and
- (5) Describe any training programs, other services, or research resulting from acquisition of the property.

- C. If need stems from any emergency resulting from a disaster, explain fully.

- D. If need is a result of requirements to meet or comply with established State standards, explain and enclose certifications from appropriate State departments (i.e. State statutes, court decisions, etc.).

- E. Include statement that entity has no real estate suitable for the proposed program of utilization.

6. Physical Layout, Plans, and Cost Estimates

- A. Give statements as to suitability of the property for the proposed use and/or plans for its conversion. If there are any easements, rights of use, zoning regulations, or other encumbrances, existing or proposed, which would impede the homeless, please identify.
- B. Submit a rough draft plat of the property requested. Indicate the location of any proposed new improvements.
- C. List and indicate proposed use of:
 - (1) Existing improvements;
 - (2) New improvements; and
 - (3) Land areas.
- D. Give estimated costs anticipated to place the various property components in condition for full proposed utilization.

7. Ability to Finance and Operate

- A. Give estimated costs anticipated to place the various property components in condition for full proposed utilization.
- B. Give statement of source of present financing for operations and for development of new facilities. Include a statement that funds are currently available for expenditure on the requested property to carry out the proposed use. (Complete budget or treasurer's report is not required.)
- C. If program contemplates major development costs and funds are not currently available, give plans and sources of funds to carry out proposed program and development. Please include the estimated amount of funds to be obtained from each source.

8. Local Government Notification

State that the applicant has informed, in writing, the applicable unit of general local government responsible for providing sewer, water, police, and fire services of its proposed program.

9. Assurance of Compliance with Nondiscrimination Requirements

The applicant *[insert your organization name here]* must certify in writing that it will comply with section 606 of the Federal Property and Administrative Services Act of 1949; the Fair Housing Act (42 U.S.C. § 3601-19) and implementing regulations;

and as applicable, Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations; Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and implementing regulations; the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07) and implementing regulations; and the prohibitions against otherwise qualified individuals with handicaps under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations and the Uniform Federal Accessibility Standards (UFAS), 41 CFR Subpart 101-19.6, Appendix A.

The applicant must state that it will not discriminate on the basis of race, color, national origin, religion, sex, age, familial status, or handicap in the use of the property, and will maintain the required records to demonstrate compliance with Federal laws.

10. Insurance Provision

Insert the following statement if there are any buildings, structures, or improvements located on the property, which are to be used in the proposed program:

The applicant [*insert your organization name here*] agrees, for itself, its successors and assigns, that it shall cause any conveyed improvements to be insured against loss, damage, or destruction. If any such loss, damage, or destruction shall occur during the period lessee holds title to said property subject to said conditions 1 through 5, said insurance and all monies shall be held in trust by the lessee, its successors or assigns, and shall be promptly used by the lessee for the purpose of repairing such improvements and restoring the same to their former condition and use or for the purpose of replacing said improvements with equivalent or more suitable improvements or, if not so used, the lessee shall cause to be paid over to the Treasurer of the United States that part of the insurance proceeds that is attributable to the Government's residual interest in the property lost, damaged, or destroyed, determined on the basis of the fair market value of the facilities at the time of the loss, damage, or destruction.

11. Protection and Maintenance of the Property

Your application [*insert the name of your organization here*] must include the following statement:

The applicant covenants and agrees for itself, and its successors and assigns that in the event the lessor exercises its option to terminate the lease, or the lessee voluntarily returns the property, then the lessee shall provide

protection to and maintenance of the property at all times until such time as the property is actually returned to and is accepted by the lessor. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the General Services Administration in its regulations FPMR 101-47.4913 (41 CFR 101) in effect as of the date of the lease, a copy of which is attached to the application.

(PLEASE ASSURE THAT A COPY OF THE FPMR IS ATTACHED TO EACH COPY OF YOUR APPLICATION)

12. Environmental Compliance

Submit factors for consideration of anticipated environmental impact, in accordance with the outline, Environmental Questionnaire, furnished herewith.

(Signature) _____

(Title) _____

Date of Application _____

The application, properly dated, shall be signed by the official authorized by the Governing Board Resolution to act for the applicant institution. A certified copy of the Board Resolution shall be attached to the original and each copy of the application, in the form attached hereto. Certifying Officer cannot be the representative authorized to perform actions required to consummate proposed transfer.

NOTE: Approval of any application by the Department of Health and Human Services (HHS) to acquire surplus Federal real property for homeless purposes does not constitute final authorization of the transaction. The decision whether property should be assigned to HHS for its conveyance for homeless purposes or whether other disposition of the property should be made is vested by law in the disposal agency.

OMB #0937-0191
Exp. Date: 05/31/2001

RESOLUTION FORMAT FOR USE OF FEDERAL REAL PROPERTY

Whereas, certain real property owned by the United States, located in the County of _____, State of _____, has been declared surplus and is subject to assignment for disposal for homeless purposes by the Secretary of Health and Human Services under the provisions of Section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows [Please insert property name and description below (full legal description is not required at this time)]:

Whereas, _____
(Legal name of applicant)

needs and can utilize said property for homeless purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Board is fully informed, including commitments regarding use and time such use shall commence.

Now, Therefore, Be It Resolved, that _____
(Legal name of applicant)

has legal authority, is willing, and is in a position financially and otherwise to assume immediate care and maintenance of the property, and that

(Name of Official(s) legally authorized)

(Title of Official(s) (is/are)

_____ hereby authorized, for
(is/are)
and on behalf of the _____ to do and
(Legal name of applicant)

perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, leases and other instruments pertaining to the transfer of said property; and the payment of any and all sums necessary on account of the purchase price thereof, including fees or costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs.

If the applicant is unable to place the property into use within the 12 months after the date of the lease, or 36 months where construction or major renovation is contemplated, it is understood that the _____ will rescind the lease.

(Legal name of the applicant)

If the application is approved, a copy of the application and standard lease will be filed with the permanent minutes of the Board.

Legal Title of Governing Body of Applicant

Address

City, State Zip Code

I, _____, hereby certify that I am the
(Name of Certifying Officer)

_____, of the _____
(Title of Certifying Officer) (Title of Governing Body)
and that the foregoing resolution is a true and correct copy of the
resolution adopted by the vote of a majority of members of said
_____ present at a meeting of said Board on
(Title of Governing Board)
_____ day _____, 19__ at which a quorum was
present.

(Signature of Certifying Officer)

Note: The person named in the Resolution cannot sign as the
Certifying Officer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PROGRAM SUPPORT CENTER
FEDERAL PROPERTY ASSISTANCE PROGRAM

ENVIRONMENTAL INFORMATION

PROPERTY NAME: _____

APPLICANT NAME: _____

Why is this information required?

The Department of Health and Human Services (HHS) is required to include environmental information in its decisionmaking activities, including the consideration of applications for the use of excess and surplus real property for public health purposes under the Federal Property Assistance Program. It is, therefore, necessary for you, the applicant, to submit environmental information for use by HHS in reaching a decision on your application. The following guidance is provided to assist you in that effort. If difficulty is encountered in acquiring the information or if questions arise, please call 301-443-2265.

How will this information be used?

This information will be used by HHS to evaluate the potential environmental impacts of your proposed program of use, as described in your application.

Hasn't this already been done by GSA?

The General Services Administration (GSA), as well as other agencies, have included environmental information in their management of the property, including the decision to make it available for this program.

HHS must now consider your application, including your proposed program of use. Your specific proposal may include various actions and/or activities which were unknown to the other agencies.

Must I repeat what has already been done?

No. Please do not duplicate any efforts that may have been made elsewhere. If an environmental assessment has been prepared on the proposed project for another local, state, or Federal agency which addresses all of the following information requirements, then simply include that assessment in your application package. Otherwise, using the resources available to you, answer the attached questions completely.

What is HHS's responsibility in this?

Because this application is a request for HHS action, HHS retains the responsibility to evaluate independently the adequacy and accuracy of the information submitted, and to make its own evaluation of the environmental issues which may arise. Therefore, please provide all the information requested. Failure to provide this information will necessitate returning the application to you for completion.

NOTE: Additional environmental information may be required for major construction or renovation projects.

Thank you.

ENVIRONMENTAL INFORMATION AND DOCUMENTATION

Property: _____ Location: _____ Applicant: _____

Category	Determination (Yes or No)	Basis for Determination (Documentation, see last page)
PART I		
<p>1 <u>Historic Preservation</u>. Will the proposed use of the property adversely affect properties listed, or eligible for listing on the National Register of Historic places (buildings, archaeological sites, objects of significance)?</p> <p>If a property is more than 50 years old and no determination of eligibility was done, contact the State Historic Preservation Officer (SHPO) and document the contact and SHPO response.</p>		
<p>2 Will the proposed use of the property generate or use any hazardous substances, hazardous wastes, or medial wastes? Activities that generate those items include dry cleaning, air conditioning repair and service, motor pools, automobile repair, welding, services stations, gas stations, landscaping, agricultural and farming activities, print shops, hospitals, clinics, medical centers, etc.</p>		<i>(If yes, state your proposed mitigation plan.)</i>
<p>3 Will the proposed use of the property result in a known violation or continuance of a violation of applicable (Federal, Tribal, State, or local) laws or requirements for protection of environment or public health and safety?</p>		
<p>4 Will the proposed use of the property result in a conflict with existing or proposed Federal, State, and local land use plans?</p>		
<p>5 Is the proposed use of the property significantly greater in scope than normal for the area or does the proposed use of the property have significant unusual characteristics?</p>		
<p>6 Does the proposed use of the property have significant adverse direct or indirect effect on park land, other public lands, or areas of recognized scenic or recreational value?</p>		
<p>7 Is there a controversy with respect to environmental effects of the proposed use of the property based on reasonable and substantial issues?</p>		

Property: _____ Location: _____ Applicant: _____

Category	Determination (Yes or No)	Basis for Determination (Documentation, see last page)
PART II		
8 Will the proposed use of the property require major sedimentation and erosion control measures?		
9 Will the proposed use of the property adversely affect community noise levels?		
10 Will the proposed use of the property adversely affect community air pollution?		
11 Will the proposed use of the property create a need of additional capacity in educational facilities?		
12 Will the proposed use of the property create a need for additional capacity in health care facilities and for health care services?		
13 Will the proposed use of the property create a need for additional energy supply or generation? (Contact the local utility or supplier and document the name and date of contact.)		
14 Will the proposed use of the property create a need for additional capacity at solid waste disposal facilities?		
15 Will the proposed use of the property create a need for additional capacity at wastewater treatment facilities?		
16 Will the proposed use of the property create a need for or require a storm water control plan?		
17 Will the proposed use of the property create a need for additional drinking water supply?		
18 Will the proposed use of the property create a need for additional capacity in transportation systems?		
19 Are there other considerations about the proposed program of use for the requested property that could adversely affect the environment and/or public health and safety?		

Supplemental Instructions

Basis for Determination and Documentation

The basis for determination and documentation information must be traceable and establish the factual data to support the response to each question. Types of information to be included in this column are outlined below:

1. PRINTED MATERIALS. These are useful sources of detailed information materials such as comprehensive land use plans, zoning maps, city master plans, environmental baseline survey, environmental assessments, environmental impact statements and studies. Information must be current and must represent accepted methodologies, i.e., not so old that changing conditions make them irrelevant. Citations for the material should include enough information so that an outside reviewer can locate the specific reference, e.g., author, document title, publication date, and page number.

Examples include the Record or Decision, Finding of Suitability to Transfer, Finding of Suitability to Lease, GSA¹ Property Suitability Determination Form., Federal Property Information Checklist, Environmental Baseline Surveys, Preliminary Assessments Reports, Environmental Assessments, draft or final Environmental Impact Statements, and City/County master plan or zoning map.

Possible sources of the above document include as appropriate, GSA, HUD², the property owner, military base environmental office, local governmental organizations, local public library, and City/County planning office.

2. PERSONAL CONTACT Personal contacts are useful when the individual contacted is an accepted authority on the subject(s), and the interview is documented. Supporting documentation should include the name, organization, and title of the person contacted and the date of the conversation. Examples include officials from State and local planning offices and environmental offices, or an environmental officer of the agency that owns the property.
3. SITE VISIT A site visit does not usually involve any testing or measurements. A site visit is an important method for initial screening of the issues, but for some of the categories it may be inadequate for final evaluation. Supporting documentation should include date of the site visit, by whom, and the support observation.

Pollution Prevention. The applicant is urged to include pollution prevention considerations in the siting, design, construction, and operation of the project or facility.

Are there any pollution prevention activities that can be included in the applicant's program of use (e.g., source reduction, recycling, etc.)?

The questionnaire items on sedimentation and erosion control measures and storm water control plan are also pollution prevention related.

¹ General Services Administration

² Department of Housing and Urban Development

§ 101-47.4911

and do not appear in the FEDERAL REGISTER of the Code of Federal Regulations.

[40 FR 12080, Mar. 17, 1975]

§ 101-47.4911 Outline for explanatory statements for negotiated sales.

NOTE: The illustration listed in § 101-47.4911 is filed as part of the original document and does not appear in the FEDERAL REGISTER or the Code of Federal Regulations.

41 CFR Ch. 101 (7-1-92 Edition)

[42 FR 31455, June 21, 1977]

§ 101-47.4912 Regional offices of the Bureau of Outdoor Recreation, Department of the Interior.

Address communications to: Regional Director, Bureau of Outdoor Recreation, Department of the Interior.

Region and jurisdiction	Address and telephone
Northeast region: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia.	Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106. Code 215-597-7989
Southeast region: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.	148 Cain St., Atlanta, Ga. 30303. Code 404, 526-4405.
Lake Central region: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	3853 Research Park Dr., Ann Arbor, Mich. 48104. Code 313, 769-3211
Midcontinent region: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Building 41, Denver Federal Center, P.O. Box 25387, Denver, Colo. 80225. Code 303, 234-2634
South Central region: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.	Patio Plaza Bldg., 5000 Marble Ave., NE, Albuquerque, N. Mex. 87110. Code 505, 843-3514
Northwest region: Alaska, Idaho, Oregon, and Washington.	United Pacific Bldg., 1000 Second Ave., Seattle, Wash. 98104. Code 206, 442-4706
Pacific Southwest region: American Samoa, Arizona, California, Guam, Hawaii, and Nevada.	Box 36062, 450 Golden Gate Ave., San Francisco, Calif. 94102. Code 415, 556-0182

[40 FR 22260, May 22, 1975]

§ 101-47.4913 Outline for protection and maintenance of excess and surplus real property.

A. *General.* In protecting and maintaining excess and surplus properties, the adoption of the principle of "calculated risk" is considered to be essential. In taking what is termed a "calculated risk," the expected losses and deteriorations in terms of realizable values are anticipated to be less in the overall than expenditures to minimize the risks. In determining the amount of protection to be supplied under this procedure, a number of factors should be considered; such as, the availability of, and the distance to, local, public, or private protection facilities; the size and value of the facility; general characteristics of structures; physical protection involving fencing, number of gates, etc.; the location and availability of communication facilities; and the amount and type of activity at the facility. Conditions at the various excess and surplus properties are so diverse that it is impracticable to establish a

definite or fixed formula for determining the extent of protection and maintenance that should be applied. The standards or criteria set forth in B and C, below, are furnished as a guide in making such determinations.

B. *Protection Standards.* The following standards are furnished as a guide in determining the amount and limits of protection.

1. *Properties not Requiring Protection Personnel.* Fire protection or security personnel are not needed at:

- (a) Facilities where there are no structures or related personal property;
- (b) Facilities where the realizable or recoverable value of the improvements and related personal property subject to loss is less than the estimated cost of protection for a one-year period;
- (c) Facilities of little value located within public fire and police department limits, which can be locked or boarded up;
- (d) Facilities where the major buildings are equipped with automatic sprinklers, supervised by American District Telegraph

Company or other central station service, which do not contain large quantities of readily removable personal property, and which are in an area patrolled regularly by local police; and

(e) Facilities where agreements can be made with a lessee of a portion of the property to protect the remaining portions, at nominal, or without additional cost.

2. Properties Requiring a Resident Custodian. A resident custodian or guard only is required at facilities of the following classes:

(a) Facilities containing little removable personal property but having a considerable number of buildings to be sold for off-site use when (a) the buildings are of low realizable value and so spaced that loss of more than a few buildings in a single fire is improbable, or (b) the buildings are so located that water for firefighting purposes is available and municipal or other fire department services will respond promptly;

(b) Small, inactive industrial and commercial facilities which must be kept open for inspection and which are so located that public fire and police protection can be secured by telephone;

(c) Facilities where the highest and best use has been determined to be salvage; and

(d) Facilities of little, or salvage, value but potentially dangerous and attractive to children and curiosity seekers where the posting of signs is not sufficient to protect the public.

3. Properties Requiring Continuous Guard Service. One guard on duty at all times (a total of 5 guards required) is required at facilities of high market value which are fenced; require only one open gate which can be locked during patrols; all buildings of which can be locked; and where local police and fire protection can be secured by telephone.

4. Properties Requiring High Degree of Protection. More than one firefighter-guard will be required to be on duty at all times at facilities of the classes listed below. The number, and the assignment, of firefighter-guards in such cases should be determined by taking into consideration all pertinent factors.

(a) Facilities of high market value which are distant from public assistance and require an on-the-site firefighting force adequate to hold fires in check until outside assistance can be obtained.

(b) Facilities of high market value which can obtain no outside assistance and require an on-the-site firefighting force adequate to extinguish fires.

(c) Facilities of high market value at which the patrolling of large areas is necessary.

(d) Facilities of high market value not fenced and containing large quantities of personal property of a nature inviting pilferage.

(e) Facilities of high market value at which several gates must be kept open for operating purposes.

5. Standards for All Protected Properties.

(a) All facilities within the range of municipal or other public protection, but outside the geographic limits of such public body, should be covered by advance arrangements with appropriate authorities for police and fire protection service, at a monthly or other service fee if necessary.

(b) Patrolling of all facilities with large areas to be protected should be accomplished by use of automotive vehicles.

(c) At fenced facilities, a minimum number of gates should be kept open.

6. Firefighter-Guards. Firefighters and guards are the normal means for carrying out the fire protection and security programs at excess and surplus real properties where both such programs are required. The duties of firefighters and guards should be combined to the maximum extent possible in the interest of both economy and efficiency. Such personnel would also be available in many cases for other miscellaneous services, such as, removing grass and weeds or other fire hazards, servicing fire extinguishers, and other activities related to general protection of property.

7. Operating Requirements of Protection Units. Firefighter-guards or guards, should be required to make periodic rounds of facilities requiring protection. The frequency of these rounds would be based upon a number of factors; such as, location and size of the facility, type of structures and physical barriers, and the amount and type of activity at the facility. There may be instances where some form of central station supervision, such as American District Telegraph Company, will effect reduction in costs by reducing the number of firefighter-guards, or guards, required to adequately protect the premises.

8. Watchman's Clock. To insure adequate coverage of the entire property by the guards, or firefighter-guards, an approved watchman's clock should be provided, with key stations strategically located so that, in passing from one to the other, the guards will cover all portions of the property.

9. Protection Alarm Equipment. Automatic fire detection devices and allied equipment and services may materially assist in minimizing protection costs. However, use of devices of this type, like guards, are purely secondary fire protection and are primarily a means of obtaining fire and police protection facilities at the property in an emergency. There are various types of devices, each of which can be considered separately or in combination as supplementing guard patrols, which may assist in reduction of costs and, in some instances, it may be possible to eliminate all guards.

10. *Sentry Dogs.* Frequently there are facilities of high market value, or which cover large areas, or are so isolated that they invite intrusion by curiosity seekers, hunters, vagrants, etc., which require extra or special protection measures. This has usually been taken care of by staffing with additional guards so that the "buddy system" of patrolling may be used. In such cases, the use of sentry dogs should be considered in arriving at the appropriate method of offsetting the need for additional guards, as well as possible reductions in personnel. If it is determined to be in the Government's interest to use this type of protection, advice should be obtained as to acquisition (lease, purchase, or donation), training, use, and care, from the nearest police department using sentry dogs. When sentry dogs are used, the property should be clearly posted "Warning—This Government Property Patrolled by Sentry Dogs."

C. Maintenance Standards. The following standards or criteria are furnished as a guide in connection with the upkeep of excess and surplus real properties:

1. *Temporary Type Buildings and Structures.* Temporary buildings housing personal property which cannot be readily removed to permanent type storage should be maintained only to the extent necessary to protect the personal property. Vacant temporary structures should not be maintained except in unusual circumstances.

2. *Permanent Type Buildings and Structures.* (a) No interior painting should be done. Where exterior wood or metal surfaces require treatment to prevent serious deterioration, spot painting only should be done when practicable.

(b) Carpentry and glazing should be limited to work necessary to close openings against weather and pilferage; making necessary repairs to floors, roofs, and sidewalls as a protection against further damage; shoring and bracing of structures to preclude structural failures; and similar operations.

(c) Any necessary roofing and sheet metal repairs should, as a rule, be on a patch basis.

(d) Masonry repairs, including brick, tile, and concrete construction, should be undertaken only to prevent leakage or disintegration, or to protect against imminent structural failure.

(e) No buildings should be heated for maintenance purposes except in unusual circumstances.

3. *Mechanical and Electrical Installations.* These include plumbing, heating, ventilating, air conditioning, sprinkler systems, fire alarm systems, electrical equipment, elevators, and similar items.

(a) At facilities in inactive status, maintenance of mechanical and electrical installations should be limited to that which is necessary to prevent or arrest serious deteriora-

tion. In most cases, personnel should not be employed for this work except on a temporary basis at periodic intervals when it is determined by inspections that the work is necessary. Wherever possible electrical systems should be deenergized, water drained from all fixtures, heat turned off, and buildings secured against unauthorized entry. Sprinkler systems should be drained during freezing weather and reactivated when danger of freezing has passed.

(b) At facilities in active status, such as multiple-tenancy operations, equipment should be kept in reasonable operating condition. Operation of equipment to furnish services to private tenants, as well as the procurement of utility services for distribution to tenants, should be carried on only to the extent necessary to comply with lease or permit conditions, or in cases where it is impracticable for tenants to obtain such services directly from utility companies or other sources.

(c) At facilities where elevators and/or high-pressure boilers and related equipment are in operation, arrangements should be made for periodic inspections by qualified and licensed inspectors to insure that injury to personnel, loss of life, or damage to property does not occur.

(d) Individual heaters should be used, when practicable, in lieu of operating heating plants.

4. *Grounds, Roads, Railroads, and Fencing.* (a) Maintenance of grounds should be confined largely to removal of vegetation where necessary to avoid fire hazards and to control poisonous and noxious plant growth in accordance with local and State laws and regulations; plowing of fire lanes where needed; and removal of snow from roads and other areas only to the extent necessary to provide access for maintenance, fire protection, and similar activities. Wherever practicable, hay crops should be sold to the highest bidders with the purchaser performing all labor in connection with cutting and removal. Also, agricultural and/or grazing leases may be resorted to, if practicable, as other means of reducing the cost of grounds maintenance. Any such leases shall be subject to the provisions of § 101-47.203-9 or § 101-47.312.

(b) Only that portion of the road network necessary for firetruck and other minimum traffic should be maintained. The degree to which such roads are to be maintained should be only that necessary to permit safe passage at a reasonable speed.

(c) Railroads should not be maintained except as might be required for protection and maintenance operations, or as required under the provisions of a lease or permit.

(d) Ditches and other drainage facilities should be kept sufficiently clear to permit surface water to run off.

(e) Fencing, or other physical barrier, should be kept in repair sufficiently to afford protection against unauthorized entry.

5. *Utilities.* (a) At inactive properties, water systems, sewage disposal systems, electrical distribution systems, etc., should be maintained only to the extent necessary to provide the minimum services required. Buildings or areas not requiring electrical service or water should be deenergized electrically and the water valved off. Utilities not in use, or which are serving dismantled or abandoned structures, should not be maintained.

(b) At active properties, water supply, electrical power, and sewage disposal facilities frequently must be operated at rates much below designed capacities. Engineering studies should determine the structural and operating changes necessary for maximum economy. Where leakage is found in water distribution lines, such lines may be valved off rather than repaired, unless necessary for fire protection or other purposes.

(c) Where utilities are purchased by contract, such contracts should be reviewed to determine if costs can be reduced by revision of the contracts.

6. *Properties to be Disposed of as Salvage.* No funds should be expended for maintenance on properties where the highest and best use has been determined to be salvage.

D. *Repairs.* Repairs should be limited to those additions or changes that are necessary for the preservation and maintenance of the property to deter or prevent excessive, rapid, or dangerous deterioration or obsolescence and to restore property damaged by storm, flood, fire, accident, or earthquake only where it has been determined that restoration is required.

E. *Improvements.* No costs should be incurred to increase the sales value of a property, and no costs should be incurred to make a property disposable without the prior approval of GSA. (See § 101-47.401-5.)

[29 FR 16126, Dec. 3, 1964, as amended at 30 FR 11281, Aug. 2, 1965]

~~§ 101-47.4914 Executive Order 12512~~

~~NOTE: The illustrations in § 101-47.4914 are filed as part of the original document and do not appear in this volume.~~

~~[50 FR 194, Jan. 3, 1986]~~

PART 101-48—UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED PERSONAL PROPERTY

- Sec
- 101-48.000 Scope of part.
 - 101-48.001 Definitions.
 - 101-48.001-1 Abandoned or other unclaimed property.
 - 101-48.001-2 Distilled spirits.
 - 101-48.001-3 Eleemosynary institution.
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 - 101-48.001-7 Property.
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Subpart 101-48.1—Utilization of Abandoned and Forfeited Personal Property

- 101-48.100 Scope of subpart.
- 101-48.101 Forfeited or voluntarily abandoned property.
- 101-48.101-1 Sources of property available for utilization.
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- 101-48.101-8 Billing.
- 101-48.101-9 Disposition of proceeds.
- 101-48.102 Abandoned or other unclaimed property.
- 101-48.102-1 Vesting of title in the United States.
- 101-48.102-2 Reporting.
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Subpart 101-48.2—Donation of Abandoned and Forfeited Personal Property

- 101-48.200 Scope of subpart.
- 101-48.201 Donation of forfeited distilled spirits, wine, and malt beverages.
- 101-48.201-1 General.
- 101-48.201-2 Establishment of eligibility.
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- 101-48.201-5 Donation of lots not required to be reported.
- 101-48.201-6 Packing and shipping costs.
- 101-48.202 Donation of forfeited drug paraphernalia.