

APPLICATION INSTRUCTION BOOKLET

FOR THE

DEPARTMENT OF HEALTH & HUMAN SERVICES FEDERAL PROPERTY ASSISTANCE PROGRAM HOMELESS

PROGRAM SUPPORT CENTER

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0937-0191. The time required to complete this information collection is estimated to average 200 hours/ minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Health & Human Services, OS/OCIO/PRA, 200 Independence Ave., S.W., Suite 336-E, Washington D.C. 20201, Attention: PRA Reports Clearance Officer

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**APPLICATION INSTRUCTIONS
FEDERAL PROPERTY ASSISTANCE PROGRAM
HOMELESS PURPOSES**

(ON SITE: UNDERUTILIZED)

Please provide complete responses to *each* item in the application format. For ease of reference, begin each response with its respective item number and heading. In an instance where a request for information is not applicable to your program, please include the heading and state “Not Applicable.” A good presentation of an application reflects a well thought out plan and objective for the property.

You must submit an original and two (2) copies of the application, along with all attachments.

Applications determined incomplete will either result in a disapproval of the application or a request for additional information. It is to the applicant’s benefit to err on the side of providing too much information as opposed to omitting information or not providing enough detail. It the applicant’s responsibility to ensure their application presents all the information requested in a detailed and complete manner.

Submit completed applications to the Department of Health and Human Services office, listed below, by the date specified in the accompanying transmittal letter. If the applicant cannot meet this date, HHS will consider requests for extensions.

Federal Property Assistance Program
Program Support Center
Room 12-07, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

If you have any difficulties with the application, or have other questions or concerns, please contact a Realty Specialist at (301)443-2265 or rps@psc.hhs.gov.

INFORMATION REGARDING CONDITIONS AND RESTRICTIONS IN LEASE

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.
1. 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.
2. Lessee may not sublease or otherwise encumber the property without prior consent of the lessor in writing.
3. Lessee must make annual utilization reports.
4. 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); Executive Order 11063 (Equal Opportunity in Housing), as applicable; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federal Assisted Programs); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681); the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07); the prohibitions against otherwise qualified individuals with handicaps under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); and the Architectural Barriers Act Accessibility Standards (ABAAS) (36 CFR 1191, Appendices C and D); all implementing regulations of the above listed statutes, including all requirements imposed by or pursuant to the regulations of the Grantor (45 CFR Parts 12, 12a, 80, 84 and 91) issued pursuant to said Acts and now in effect.
5. 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.

APPLICATION CHECKLIST

Please use the following checklist to ensure that your application is complete before sending it to HHS. If HHS finds an application to be incomplete, HHS may deny the application.

- ___1. Provide a detailed response to items 1-5 of the application
- ___2. Certify accuracy of application by signing item 7 of the application
- ___3. Attach any requested documents, along with other documents the applicant feels will present a more complete understanding of the proposed use of the property
- ___4. Certify applicant's compliance with applicable Federal laws by signing **Attachment A**
- ___5. Complete and sign the Resolution to Lease On-Site Property in **Attachment B**
- ___6. Complete and certify the Environmental Questionnaire in **Attachment C**
- ___7. Provide copies of all relevant documentation for the Environmental Questionnaire
- ___8. Provide one original and two copies of the completed application, including all requested attachments

APPLICATION FORMAT

Use the following format to complete your application. Include any supporting documentation as attachments.

- ✓ At the top of the first page state the official name, address of the Federal installation where the surplus property is located (include city, county, and State when giving address), and GSA and/or landholding agency number assigned to the property.
- ✓ Put the GSA and/or landholding agency number assigned to the property at the top of each additional page.

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.)
- A. 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.
- B. The person authorized to complete transfer (name, title, and address) should be listed. The authorized representative must be the same as named in **Attachment B**.
- C. 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 a general description of the property 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.
- A. Give information for items (1), (2), (3) and (4) as applicable:
 - (1) Indicate the zoning restrictions, if any, applicable to subject property.

- (1) 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.
 - (1) Complete the exact description of utilities requested and a statement of how arrangements will be made for securing all needed utility services.
 - (2) 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

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.

- A. 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. Completion of Attachments A, B, and C

- A. The applicant must sign **Attachment A**.

B. Complete the governing board resolution, enclosed as **Attachment B**, authorizing a representative to act on behalf of the applicant organization. Be sure to fill out the information regarding the property name and description.

Note: The certifying officer must be an official other than the representative named in the Resolution. Please provide a copy with the original and each copy of the application.

C. The National Environmental Policy Act of 1969 (P.L. 91-190 42 U.S.C. Sections 4321-4347) requires consideration of the environmental effects that may result from major Federal actions significantly affecting the quality of the human environment, including real property conveyances. Your completion of the Environmental Questionnaire found in **Attachment C** will assist us in evaluating any potential environmental effects arising from your proposal. **You are required to provide the documentation supporting your questionnaire responses and may be required to provide more detailed information at a later time.**

10. Certification

I, _____, certify that the information in this application
(Name of authorized official)

is correct and accurate to the best of my knowledge. I also understand that the Department of Health and Human Services' (HHS') approval of this application does not constitute the final decision on whether to transfer the property. Authority to assign the property for transfer rests with the land-holding agency, not HHS.

Name of Applicant

Signature and Title of Authorized Official

Date

Print Name of Authorized Official

If you have any questions regarding the application, or the application process, please call the Office of Enterprise Support Programs, Federal Real Property Assistance Program, at (301)443-2265. Applicants can receive additional assistance if they have any problems with the application/transfer process by contacting the National Law Center on Homelessness and Poverty at (202)638-2535.

ATTACHMENT A: APPLICANT CERTIFICATION

1. The applicant 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 records required to demonstrate compliance with the following Federal laws: section 606 of the Federal Property and Administrative Services Act of 1949; the Fair Housing Act (42 U.S.C. § 3601-19); Executive Order 11063 (Equal Opportunity in Housing), as applicable; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d to d-4) (Nondiscrimination in Federally Assisted Programs); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681); 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); the Architectural Barriers Act Accessibility Standards (ABAAS) (36 CFR 1191, Appendices C and D); and all other implementing regulations for the above listed statutes.

2. The applicant agrees for itself, its successors and assigns, that it shall insure all conveyed improvements against loss, damage, or destruction. If any such loss, damage, or destruction shall occur during the period grantee holds title to said property subject to conditions subsequent 1 through 5, said insurance and all monies shall be held in trust by the grantee, its successors or assigns, and shall be promptly used by the grantee 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 grantee 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 reversionary 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.

3. The applicant covenants and agrees for itself, its successors and assigns, that in the event the grantor exercises its option to revert all right, title, and interest in the property to the grantor, or the grantee voluntarily returns title to the property, the grantee shall provide protection to and maintenance of the property until such time as the title reverts to and is accepted by the grantor. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the General Services Administration in its Customer Guidance for Real Property Disposal in effect as of the date of the deed, as referred to in the Federal Management Regulations (FMR) §102-75.965 (41 CFR 102-75.965). A copy of the applicable portions are attached (**Attachment D**) to the application.

Name of Applicant

Signature and Title of Authorized Official

Date

Print Name of Authorized Official

ATTACHMENT B: RESOLUTION FORMAT FOR OFF-SITE 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 Title V of the McKinney-Vento Homeless Assistance Act, as amended; and the rules and regulations promulgated pursuant thereto, more particularly described as follows [*Please insert property name and description below*]:

Whereas, _____
(Legal name of applicant)

needs and can utilize said property for homeless purposes in accordance with the requirements of said Acts and the rules and regulations promulgated pursuant thereto, of which this Board is fully informed, including commitments regarding use and time within which 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)

_____, is/are hereby authorized, for and on behalf of the
(Title of Official(s))

_____ to do and perform any
(Legal name of applicant)

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, together with any payments by virtue of nonuse or deferral of use of the property.

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 Department of Health and Human Services approves the application, the board will file a copy of the application and standard lease with their permanent minutes.

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 _____ present at a meeting of said
(Title of Governing Board)

Board on _____ day _____, 20____ at which a quorum was present.

Signature of Certifying Officer

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

ATTACHMENT C: ENVIRONMENTAL QUESTIONNAIRE

Introduction

The Department of Health and Human Services (HHS) is required to include environmental information in its decision-making activities, including the consideration of applications for the use of excess and surplus real property for Homeless purposes under the Federal Property Assistance Program. It is therefore necessary for the applicant to submit environmental information to HHS. HHS uses this information to evaluate the potential environmental impacts of your proposed program of use, as described in your application.

The General Services Administration (GSA) and other agencies (when appropriate) have included environmental information in their management of the property, including the decision to make it available for this program. However, the information provided by GSA or other agencies does not include information about your program's use of the property including various actions and/or activities which were unknown to the other agencies at the time of their disposal decisions.

This application is a request for HHS action (the transfer of Federal property). Therefore, 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.

HHS will use the requested information to determine if the requested action is a Categorical Exclusion (CatEx) in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. If the action is a CatEx, no further environmental review is required. However, if there is insufficient information to make a determination, additional information will be required. In some circumstances, such as the renovation of a Historic Property or major construction, HHS may approve an otherwise approvable application, subject to the completion of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). If the applicant does not cooperate or refuse to provide requested information for either an EA or an EIS, HHS will consider the application incomplete, and thus disapproved.

Instructions

Please give a detailed response for each question. If a question is not applicable, state as such along with any information that lead to that determination. Applicants must provide a basis for determination for each answer and attach all relevant documents used to answer the questions. Number and answer each question as presented, and include the applicant organization's name and the property's name and location (municipality, and State) on the top of each page.

There is no need to duplicate any efforts made elsewhere. If an EA or an EIS has been prepared on the proposed project for another local, state, or Federal agency which addresses all of the requested information, attach the EA or EIS in lieu of attaching a completed questionnaire.

Failure to provide the requested information will necessitate returning the application for completion.

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 of 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 the date of the site visit, by whom, and the support observation.

Pollution Prevention

The applicant is urged to include pollution prevention considerations in the site, 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 plans are also pollution prevention related.

ENVIRONMENTAL INFORMATION AND DOCUMENTATION

1 General Services Administration

2 Department of Housing and Urban Development

Property: _____ Location: _____ Applicant: _____

Category	Determination (Yes or No)	Basis for Determination (Documentation, see page 12)
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>		
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?		

PART III		
20	<u>Safe Drinking Water.</u> Will the proposed use of the property impact an EPA designated sole source aquifer?	
21	<u>Floodplains.</u> Will the proposed use of the property endanger people who occupy the property, involve construction in a flood plain, or encourage floodplain development?	
22	<u>Wetlands and Water Resources (lakes, rivers, streams, etc.).</u> Will the proposed use of the property adversely affect wetlands and water resources or will there be construction in wetlands?	
23	<u>Costal Zone Management.</u> Will the proposed use of the property directly affect a Coastal Zone in a manner inconsistent with the State Coastal Zone Management Plan? (Each coastal State should have a State office to manage its coastal zone development and use.)	
24	<u>Wild and Scenic Rivers.</u> Will the proposed use of the property impact a wild, scenic, or recreational river area or create conditions inconsistent with the character of the river?	
25	<u>Farmland Protection.</u> Will the proposed use of the property convert significant agricultural lands to non-agricultural uses?	
26	<u>Wilderness.</u> Will the proposed use of the property adversely impact a Wilderness Area?	
27	<u>Endangered Species.</u> Is the proposed use of the property likely to adversely affect a plant or animal species listed on the Federal or State list of endangered or threatened species or a specific critical habitat of an endangered or threatened species?	

I certify that to the best of my knowledge and ability the information presented herein is true and correct.

Applicant's signature

Title or Position

Date

ATTACHMENT D: PROTECTION AND MAINTENANCE STANDARDS

The following is an excerpt from the GSA's Customer Guide to Real Property Disposal, as referred to in the Federal Management Regulations (FMR) §102-75.965 (41 CFR 102-75.965):

Protection Standards

For all protected properties--

- If a property is within the range of municipal or other public protection services but is outside the geographic boundaries of the service provider, then advance arrangements should be made with the local authorities to provide police and fire protection.
- If a property or facility has large areas that need protection, then use automobiles to patrol the area.
- If a property is fenced, only keep open a minimum number of gates.

Fire protection or security personnel are not needed at--

- Facilities that have no buildings, structures or related personal property.
- Facilities where the value of the improvements and/or related personal property (or realizable recovery of their value) is less than the cost to protect and maintain the property for one year.
- Facilities with little value, which can be locked or boarded up and are located within public police and fire department service areas.
- Facilities where major buildings do not contain large quantities of easily removable personal property and also are equipped with automatic sprinklers supervised by a monitoring service.
- Facilities where agreements can be made with a lessee of a portion of the property to protect the remaining portion(s) at no cost or nominal cost.

Properties that need a resident custodian (guard) are--

- Facilities containing little removable personal property but have many buildings that will be sold for off-site use when
 - the buildings have low realizable value.
 - the buildings are spaced far enough apart that loss of more than a few buildings in a single fire is improbable.
 - the buildings are located near water for firefighting purposes and the local public fire and police protection services will respond promptly.
- Small inactive industrial and commercial facilities that need to remain open for inspection and public fire and police protection can be secured by telephone.
- Facilities whose highest and best use is salvage.
- Facilities with only salvage value but are potentially dangerous and attractive to children or curiosity seekers and posting signs is not sufficient to protect the public or the property.

Properties needing continuous guard service are--

- Fenced facilities with high market value require one guard on duty at all times (5 guards in total are required).
- These properties are permitted one open gate which can be locked during patrols.
- All buildings can be locked.
- Local fire and police protection can be secured by telephone.

Properties needing a high degree of protection

At a minimum, two firefighter-guards will be on duty at all times for the classes of facilities listed below. Consider all relevant and pertinent factors when deciding on the number and assignment of the guards.

- Facilities with a high market value that require an on-site fire-fighting force adequate to subdue fires until outside help arrives.
- Facilities with a high market value without access to outside assistance require an on-site fire-fighting force adequate to extinguish fires.
- Facilities with a high market value with large areas to patrol.
- Facilities with a high market value with no fencing and containing large quantities of personal property susceptible to pilferage.
- Facilities with a high market value needing several gates open for operating purposes.

Firefighter-Guards

Firefighters and guards provide fire protection and security for excess and surplus real property requiring both forms of protection. Combine the duties of each to the maximum extent possible. In the interest of cost savings, they can also be used for various miscellaneous services such as grass/weed removal, servicing fire extinguishers and other activities related to the general protection of the property.

Operating Requirements of Protection Units

Firefighter-guards or guards should periodically patrol facilities requiring protection. The frequency of the patrols will be determined by the location and size of the facility, type of structures and physical barriers, and the amount and type of activity at the facility. In some instances, a centralized monitoring service provider will suffice.

Watchman's Clock

To ensure adequate coverage of the entire property by firefighter-guards or guards, an approved watchman's clock should be provided, with key stations strategically located to enable guards to cover the entire property.

Protection Alarm Equipment

Automatic fire detection devices and related equipment and services can substantially reduce protection costs. However, using these devices are primarily for obtaining fire and police protection in an emergency. Such devices can supplement or in some cases, eliminate the need for guard patrols.

Sentry Dogs

Some high market value facilities that cover a large area and/or are in remote locations, invite intrusion by curiosity seekers, hunters, vagrants, etc. These facilities require special protection measures. Using sentry dogs is a cost effective alternative to additional security personnel. Get advice on the use, care, and training from the nearest police department using sentry dogs. Also, when sentry dogs are used to protect government property, post a sign with view unobstructed that says "Warning—This Government Property Patrolled by Sentry Dogs."

Maintenance Standards

The following standards or criteria should be used as a guide for the upkeep of excess and surplus real property:

Temporary Buildings and Structures

Vacant temporary structures should not be maintained except in unusual circumstances.

Temporary buildings housing personal property that cannot be readily removed to permanent structures should be maintained only to the extent necessary to protect the personal property.

Permanent Buildings and Structures

- (a) Don't paint the interior. Only spot paint exterior wood or metal surfaces to prevent serious deterioration.
- (b) Limit carpentry and glazing to only that which is necessary to close openings to prevent weather damage and pilferage, repair damage to floors, roofs, and side-walls to prevent further damage, shoring and bracing to prevent structural damage, and other similar operations.
- (c) Patch damage to roofing and sheet metal as necessary.
- (d) Perform masonry repairs, such as brick, tile, and concrete work only to prevent leakage or disintegration or to protect against imminent structural damage.
- (e) Don't heat buildings for maintenance purposes except in unusual circumstances.

Mechanical and Electrical Installations

These include plumbing, heating, ventilating, air conditioning, sprinkler systems, fire alarm systems, electrical equipment, elevators, and other similar systems.

For inactive facilities:

- Maintain mechanical and electrical systems only when necessary to stop or prevent serious deterioration.
- Employ personnel for this work temporarily, at periodic intervals when an inspection indicates that this work is necessary.
- De-energize electrical systems, drain water from all fixtures, turn off heat, and secure the building against unauthorized entry.
- Drain sprinkler systems during freezing weather and reactivate when there is no danger of freezing.

For active facilities:

- Keep equipment in reasonable operating condition.
- Operate equipment to service private tenants or procure utility services to distribute to private tenants only to the extent necessary to comply with a lease or permit, or in cases where tenants can't get these services directly from utility companies or other sources.
- Inspect (periodically) facilities that have elevators and/or high-pressure boilers and related equipment. Inspections should be made by qualified, licensed inspectors to protect against injury or death to personnel and damage to property.
- Use individual heaters, when practical, instead of operating heating plants.

Grounds, Roads, Railroads, and Fencing

- Limit grounds maintenance to the removal of vegetation in order to avoid fire hazards and to control poisonous or noxious plant growth in accordance with State and local laws and regulations.

- Plow fire lanes where needed.
- Remove snow from roads and other areas to the extent necessary for access for maintenance, fire protection, and other similar activities.
- Sell hay crops (wherever practicable) to the highest bidder (s) with the purchaser performing all labor in connection with cutting and removal.
- Use agricultural and/or grazing leases to reduce costs of grounds maintenance, where practical.
- Maintain the portion of road network necessary for fire trucks and other minimum traffic. These roads should be maintained to the extent necessary to allow safe passage at a reasonable speed.
- Maintain railroads to the extent necessary for protection and maintenance operations or as required in lease or permit provisions.
- Clear ditches and drainage facilities to allow surface water run-off.
- Fencing and other physical barriers should be sufficient to protect against unauthorized entry.

Utilities

In cases where utilities are purchased by contract, review the utility contracts to see if you can save money by revising them.

For inactive properties:

- Maintain water systems, sewage disposal systems, electrical distribution systems, etc., to the extent necessary to provide minimum service.
- De-energize electrical systems and turn off the water in buildings or areas that don't require these services.
- Don't maintain utilities not in use or that service dismantled or abandoned buildings/structures.

For active properties:

- Operation rates for water supply, electrical power, and sewage disposal facilities should be far below normal capacities.
- Use engineering studies to determine structural and operating changes necessary for maximum economy.
- Turn off, rather than repair, leaky water lines unless they are necessary for fire protection or other purposes.

Properties Disposed of as Salvage

Do not spend money to maintain property whose highest and best use is salvage.

Repairs

Limit repairs to additions or changes necessary for preservation and maintenance of the property to--

- Deter or prevent excessive, rapid, or dangerous deterioration or obsolescence.
- Restore property damaged by storm, flood, fire, accident, or earthquake when restoration is required.

ATTACHMENT E: RULES GOVERNING PERMANENT SUPPORTIVE HOUSING

Federal Register: July 10, 2006 (Volume 71, Number 131)]

[Notices]

[Page 38882-38883]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center; Use of Federal Real Property To Assist the Homeless

AGENCY: Program Support Center, HHS

ACTION: Final notice

[Page 38882]

SUMMARY: Title V of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11411 (Title V) authorizes the Secretary of Health and Human Services (the Secretary) to make suitable Federal properties categorized as excess or surplus available to representatives of persons experiencing homelessness as a permissible use in the protection of public health. This notice finalizes a policy revision under Title V to include permanent supportive housing as an allowable use of surplus real property to assist persons experiencing homelessness. The purpose of this policy revision is to increase the supportive housing and service opportunities available to communities as they respond to homelessness, and is consistent with efforts within Federal, State, and local governments, and communities themselves, to end chronic homelessness. This final notice follows publication of a notice and request for comments on January 26, 2006.

DATES: Effective Date: September 1, 2006.

FOR FURTHER INFORMATION CONTACT: John G. Hicks, Chief, Space Management Branch, Division of Property Management, Administrative Operations Service, Program Support Center, Room 5B-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone number (301) 443-2265.

SUPPLEMENTARY INFORMATION:

I. Discussion of the Public Comments on the Proposed Policy Revision

On January 26, 2006 (71 FR 4366), the U.S. Department of Health and Human Services (HHS) published a notice and request for comments that described a proposed policy revision under Title V to include permanent supportive housing as an allowable use of surplus real property to assist persons experiencing homelessness. The public comment period closed on February 28, 2006. HHS received comments from 16 respondents representing a variety of organizations and entities. Comments were received from: homeless service providers; homeless advocacy groups; a public housing authority; and Federal, State, and city government agencies.

II. General Comments About the Draft Notice

All of the comments received expressed support for the proposed policy revision. Eight of the respondents expressed support for the policy revision with no further comment.

Comment: Five of the respondents suggested that HHS should further revise the policy to allow all forms of non-supportive affordable permanent housing to be included as an eligible use under Title V.

HHS Response: Title V of the McKinney Act directs HHS to include, as a permissible use in the protection of public health, the furnishing of surplus real property to assist homeless individuals and families. The Secretary exercises the authority to approve permanent supportive housing programs for Title V, consistent with HHS' mission to protect the public health. The provision of low-income housing (i.e. the Section 8 Housing Choice Voucher Program) is under the purview of the U.S. Department of Housing and Urban Development (HUD). HHS, as the nation's public health agency, does not operate low-income housing programs, and does not intend to duplicate already existing programs operated by HUD. The proposed policy revision is intended to reaffirm HHS' 1992 determination that the provision of low-income housing does not constitute an appropriate public health use of surplus real property under Title V. In contrast, we are proposing a permanent supportive housing program that is long-term, community-based, and linked to supportive services for homeless persons with disabilities.

Comment: Three of the respondents recommended that the definition for permanent supportive housing should include the term "affordable."

HHS Response: HHS has modified the definition of permanent supportive housing to include the term affordable.

Comment: Three of the respondents recommended that the term "disability" should be explicitly defined.

HHS Response: HHS has included a definition for disability in the final Notice.

III. Background

The HHS Program Support Center (PSC) administers the Federal Real Property Assistance Program, the program that governs the transfer of surplus Federal real property for public health purposes under Title 40, section 550 of the United States Code, "Public Buildings, Property, and Works," and the transfer of excess and surplus Federal real property pursuant to Title V.

Under Title V, a representative of persons experiencing homelessness may submit an application to the Secretary of HHS to acquire suitable excess or surplus Federal real property for use in the assistance of persons experiencing homelessness. In 1991, HHS, HUD, and the General Services Administration (GSA) jointly published a regulation implementing the provisions of Title V, codified at 45 CFR part 12a (the joint regulation). Title V authorizes the Secretary to make

property in these categories available to representatives of persons experiencing homelessness, by lease or deed, as a public health use pursuant to subsections (a) to (d) of section 550 of Title 40, United States Code. In accordance with subsection (d) of Title 40, the Secretary may propose to sell or lease property assigned to the Secretary for use in the protection of the public health, including research. To implement both Title V and section 550 of Title 40, the Secretary determines whether an applicant's proposed program of utilization is an approvable public health program, and then recommends to the Administrator of GSA which excess and surplus real property is needed for that approved program in the protection of the public health. 40 U.S.C. 550(d); 45 CFR 12.3(a).

Title V directs HHS to include, as a permissible use in the protection of public health, the furnishing of surplus real property to assist homeless individuals and families. Title V does not prescribe appropriate homeless assistance programs.

HHS concluded in 1992 that long-term housing did not constitute an appropriate public health use of surplus real property under Title V. HHS subsequently adopted the HUD standard, limiting occupancy in Title V's transitional housing programs to 24 months. Until now, HHS has not considered whether the provision of long-term, community-based housing linked with supportive services for persons experiencing homelessness was a permissible public health use.

The Secretary exercises the authority to approve permanent supportive housing programs for Title V, consistent with HHS' mission to protect the public health. There are several critical distinctions between the policy decision in 1992 regarding the use of surplus real property for low-income housing and the current policy revision to allow surplus real property to be used for permanent supportive housing. Low-income housing is defined as subsidized housing opportunities for individuals with low incomes. The provision of low-income housing (i.e. the Section 8 Housing Choice Voucher Program) is [Page 38883] under the purview of HUD. HHS, as the nation's public health agency, does not operate low-income housing programs, and does not possess the experience or expertise to complement HUD's mission. The policy revision is intended to reaffirm HHS' 1992 determination that the provision of low-income housing does not constitute an appropriate public health use of surplus real property under Title V. In contrast, we are proposing a permanent supportive housing program that is long-term, affordable, community-based, and linked to supportive services for homeless persons with disabilities.

IV. Policy Revision

HHS has historically been involved in the provision of permanent supportive housing, such as through the Projects for Assistance in Transition from Homelessness (PATH) program that is operated in the Substance Abuse and Mental Health Services Administration (SAMHSA). Given HHS' history of involvement in the health service component of supportive housing programs, there is precedent to suggest that this would be an appropriate public health use of surplus real property under Title V.

Permanent supportive housing is a service model that links housing and services together, without the 24-month time limit traditionally imposed by a transitional housing program. Initial research thus far suggests the effectiveness of permanent supportive housing for individuals with

disabilities and those who are chronically homeless. In several studies, this model has been successful at achieving housing stability. For example, placement of homeless people with severe mental illness in permanent supportive housing is associated with reductions in subsequent use of shelters, hospitalizations, and incarcerations (Culhane et al., 2001). Early outcomes in a study of supportive housing with integrated services suggest that these services reduced the use of emergency health care rooms, psychiatric and detoxification programs as well as inpatient care (Corporation for Supportive Housing, 2000). Experimental studies comparing the relative impact of case management and housing resources suggest that long-term housing resources are distinctively effective in reducing homelessness (Rosenheck, 2003).

The policy revision will allow property acquired through the Title V process to be utilized for the development of permanent supportive housing programs that provide permanent housing along with supportive services to homeless people in need of public health assistance and/or services (e.g., substance abuse, mental health, case management, medical care services, and disabled and frail elderly homeless services). This revision would not preclude communities from using surplus property to develop transitional housing programs, emergency shelter programs, or any other homeless assistance program currently approvable by HHS, but simply expands the options available under Title V.

For the purpose of the Title V program, permanent supportive housing means long-term, affordable, community-based housing that is linked to appropriate supportive health and social services (e.g., substance abuse, mental health, case management, medical care services, and disabled and frail elderly services) that enable homeless individuals and homeless families with disabilities to maintain housing. Permanent means there is no time limit to residency, provided a tenant meets conditions of occupancy as established by the program. Affordable means that generally households or tenants pay no more than 30 percent of the occupant's annual income on rent. Eligible populations for this program include homeless individuals with a disability, homeless families with a disabled family member (either parent or child), and homeless frail elderly populations. For the purposes of this program, a disability is defined as a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions. A disabling condition limits an individual's ability to work or perform one or more activities of daily living. This definition of disability was developed collaboratively by HHS, HUD, and the Department of Veterans Affairs for the Chronic Homelessness Initiative.

The same evaluation criteria outlined in the joint regulation will continue to apply to all applications received for consideration under Title V, including those requesting property to be used for permanent supportive housing. Applicants must fully describe the proposed program, demonstrate how the services to be provided will address the needs of the homeless population to be served, and otherwise comply with the requirements of Title V and the joint regulation.

Existing grantees or lessees interested in changing current programs to include permanent supportive housing are requested to provide a written expression of interest to the Division of Property Management, Administrative Operations Service, Program Support Center, Room 5B-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Grantees and lessees will be required to submit an amended application.