

**SURPLUS FEDERAL REAL PROPERTY PUBLIC BENEFIT CONVEYANCE
PROGRAM APPLICATION AND GUIDANCE FOR FEDERAL EMERGENCY
MANAGEMENT RESPONSE AND FIRE AND RESCUE USE**

ELIGIBILITY

The fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands.

DEADLINE

The completed application is due within 60 days of the announcement date on the NOTICE OF SURPLUS DETERMINATION (or within 30 days of the expiration date of the NOTICE OF SURPLUS DETERMINATION).

CONTACT INFORMATION

PBC Coordinator
Federal Emergency Management Agency
Installations & Infrastructure - Real Property
Suite 100, 400 C Street, SW, Washington, DC 20472
202-212-3631 (office)
PBC-BRAC-Coordinator@fema.dhs.gov

**SURPLUS FEDERAL REAL PROPERTY PUBLIC BENEFIT CONVEYANCE (PBC)
AND BASE REALIGNMENT AND CLOSURE (BRAC) PROGRAMS**

BACKGROUND

Excess Federal Real property is defined as property that is no longer mission critical to the needs of the Federal government. The conveyance and disposal of excess real property is governed by the Federal Property and Administrative Services Act of 1949 (Property Act) as amended, 40 U.S.C. 541, et. seq., and applicable regulations (Title 40 U.S.C. 553 and 41 C.F.R. parts 102-75.750 through 102-75.815). Under the sponsorship of Federal Emergency Management Agency (FEMA), the Act gives the Administrator of the General Services Administration (GSA) authority to convey Federal real and related personal property (without monetary consideration) to units of State and local government for emergency management response purposes, including fire and rescue services.

PBC - GSA and other Federal and local government land holding agencies are tasked with regularly surveying government-owned properties to determine if properties are being fully utilized, under utilized, or not put to best use. GSA reviews the resulting reports and makes a determination as to the availability of these properties. If available, GSA categorizes them as excess and the properties are offered to other Federal government agencies for acquisition*. If no other Federal agency expresses an interest in the excess properties, the properties are then deemed surplus and are offered to State and local government agencies for acquisition via negotiated sale or through the vehicle known as *public benefit conveyance (PBC)*. GSA will determine the appropriate program for which the properties are best suited and will inform the proper sponsoring agency of availabilities. GSA is responsible for enforcing compliance with the terms and conditions of disposals of property to be used for emergency management response purposes.

BRAC - Under the Department of Defense Base Realignment And Closure (BRAC) Act of 1990, PBC sponsoring agencies, such as FEMA, work under the auspices of the Office of Economic Adjustment (OEA) and in conjunction with Local Redevelopment Authorities (LRA) to efficiently utilize military base locations that have been approved for public use*. The LRA is responsible for developing a reuse plan that appropriately balances the needs of the various communities affected by these modifications. OEA manages and directs the Defense Economic Adjustment Program and coordinates the involvement of other federal agencies and Local Redevelopment Authorities in assisting communities that may be adversely impacted by such program changes. While GSA assumes primary administration responsibilities for BRAC properties, final disposition rests solely with DoD.

FEMA

FEMA reviews all applications to make recommendations to the GSA Administrator or the Secretary for Defense, as to whether: (1) the use proposed by the state or unit of local government meets the requirements of the statute; and/or (2) the environmental impact of the proposed transfer has been properly assessed under the National Environmental Policy Act (NEPA).

FEMA is also responsible for providing interested parties with an application kit, which requests relevant information so that FEMA can determine if the proposed use is appropriate and in compliance with applicable Federal laws.

**In 1987, Congress enacted the Stewart B. McKinney Homeless Assistance Act. Title V of this Act made serving the homeless the first priority for use of all surplus Federal properties, including military installations. The Department of Housing and Urban Development (HUD) reviews all LRA plans to determine compliance with the statute.*

DISCLAIMER

Please note under 40 U.S.C. 553, the GSA Administrator and/or the Secretary for Defense has final approval authority with respect to any and all surplus property conveyances.

ELIGIBILITY

The fifty states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands, or any political subdivision or instrumentality thereof, may authorize applications for conveyance of surplus real property for correctional facility, law enforcement or emergency management response purposes.

STIPULATIONS AND COMPLIANCE

The deed of conveyance for each and every Program surplus property, stipulates that all of the subject property must always be used and maintained for the purpose(s) set forth in the Program application. Periodic inspections of properties will be made by GSA and FEMA to ensure continuing compliance with the terms and conditions of the conveyance. Recipients can suffer hardship and financial loss when properties revert back to Federal ownership for noncompliance. For example, if a facility is constructed on property conveyed for Federal emergency management response use, and is later found, instead, as being used for mental health facility purposes, the recipient would be deemed in non-compliance and the property would be subject to reversion to the Federal Government. Recipients must coordinate any proposed deviation, however minor, with FEMA and GSA. Recipients must also file an annual self-certification with their respective regional GSA representatives stating that their current program of use is consistent with those identified in the application.

NON-DISCRIMINATION CLAUSE

Section 102-75.360: The Grantee covenants for itself, its heirs, successors, and assigns and every successor in interest to the property hereby conveyed, or any part thereof, that the said Grantee and such heirs, successors, and assigns shall not discriminate upon the basis of race, creed, color, religion, sex, disability, age, or national origin in the use, occupancy, sale, or lease of the property, or in their employment practices conducted thereon.

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

To foster intergovernmental partnerships between the States and their local governments, your intent to apply for excess Federal property must be communicated to your State's Single Point of Contact (SPOC) for review as per Executive Order 12372: <https://www.fws.gov/policy/library/rgeo12372.pdf>.

APPLICATION

Please complete and sign the attached application and submit with required attachments via e-mail to: PBC-BRAC-Coordinator@fema.dhs.gov

Mail: Suite 100, 400 C Street, SW, Washington, DC 20472

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 4.5 hours per response. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington DC, 20472, Paperwork Reduction Project (1660-0080). NOTE: Send completed form to Federal Emergency Management Agency, Installations & Infrastructure Division - Real Property, 400 C Street SW, Suite 100, Washington DC 20472.

PRIVACY NOTICE

AUTHORITY: FEMA collects, uses, maintains, retrieves, and disseminates the records in this system under the authority of the Federal Property and Administrative Services Act of 1949 (Property Act) as amended, and 40 U.S.C. §§ 541,553, and 41 C.F.R. 102-75.750-102-75.815.

PRINCIPAL PURPOSES: This information is being collected for the primary purpose of processing applications for Public Benefit Conveyance (PBC) and Base Realignment and Closure (BRAC) programs whereby state, local or tribal governments may acquire federal surplus property for emergency management purposes at no cost.

USES: The information on this form will be used by FEMA for the purpose described above and will be shared with the General Services Administration (GSA) and the applicant. FEMA will retain these records for 3 years, but longer retention is authorized if required for business use; pursuant to the General Records Schedule 5-4, item 40.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: The disclosure of information on this form is voluntary; however, failure to provide the information requested may result in the inability to process applications for excess real property.

SECTION I - APPLICANT INFORMATION

1. STATE, LOCAL, OR TRIBAL GOVERNMENT NAME		2. ORGANIZATION		
3. ADDRESS	4. COUNTY	5. CITY	6. STATE	7. ZIP CODE
8. CONGRESSIONAL DISTRICT(S)		9. NAME OF PRINCIPAL POINT OF CONTACT		
10. TELEPHONE NUMBER		11. EMAIL ADDRESS		

SECTION II - ACQUISITION AUTHORITY

1. IDENTIFY THE STATE AND LOCAL GOVERNMENT AGENCY THAT IS AUTHORIZED BY LAW TO ENTER INTO CONTRACTS WITH THE FEDERAL GOVERNMENT FOR THE CONVEYANCE OF REAL PROPERTY. (Please provide a copy of the State enabling legislation and cite the actual paragraph or portion of the legislation that establishes that authority)

2. IF THE ABOVE-AUTHORIZED AGENCY IS NOT THE APPLICANT AGENCY, PROVIDE WRITTEN DELEGATION FROM THE AUTHORIZED AGENCY TO PROCURE THE REQUESTED PROPERTY.

3. **ACQUISITION AUTHORITY:** Name, title, address, telephone number, and email address of official with legal authority to enter into contracts with the federal government.

3a. NAME/TITLE	3b. ADDRESS (Include city, state, and zip code)
3c. TELEPHONE NUMBER	3d. EMAIL ADDRESS

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SECTION III - PROPERTY INFORMATION

1. PROPERTY IDENTIFICATION* (Name, city, county, and state)	2. GSA NUMBER (if applicable) OR BASE REALIGNMENT ID NO.	
3a. DATE APPLICANT NOTIFIED GSA OR LOCAL REDEVELOPMENT AUTHORITY (LRA) OF INTEREST (Please attach notice)	3b. DATE APPLICANT NOTIFIED FEMA (Please attach notice)	3c. DATE PROPERTY WILL BE AVILABLE FOR CONVEYANCE

4. DESCRIPTION OF PROPERTY (Attach separate sheet, as necessary)

- a. Provide a legal description of the subject property and identify all buildings, structures, and current use. Attach metes and bounds survey with aerial photos. Mark property area to be conveyed.
- b. Identify the property's current zoning classification.
- c. Attach or itemize all inventories (personal property) to be conveyed as described in Notice of Availability.

*Attach copy of Determination of Surplus Announcement or BRAC announcement.

SECTION III - PROPERTY INFORMATION (continued)

5. ASSIGNED FEDERAL GSA OR OEA PROPERTY SPECIALIST

5a. NAME

5b. REGIONAL OFFICE LOCATION

5c. TELEPHONE NUMBER

5d. EMAIL ADDRESS

If you are seeking a determination for property under the Base Realignment and Closure (BRAC) program, please complete items #6 and #7.

6. **BRAC ONLY:** APPLICANT'S LOCAL REDEVELOPMENT AUTHORITY (Recognized LRA name, address, telephone, & contact person; please attach copy of final LRA Plan)

7. **BRAC ONLY:** DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) DETERMINATION (Please attach letter)

SECTION IV - PROJECT INFORMATION

1. PROJECT TITLE

2. **PROPOSAL:** PROVIDE A DETAILED DESCRIPTION OF THE APPLICANT'S PROJECT AND INCLUDE THE FOLLOWING INFORMATION

- a. Describe the applicant's mission, problems to be addressed, and how it will benefit from the proposed PBC.
- b. Describe the activities to be conducted (e.g., training), the population the PBC will serve, and the anticipated benefits to that population
- c. Federal Emergency Management Response and Fire and Rescue Renovation: Describe the State, local or national authority standards or guidelines that will be met in designing, renovating, and operating an emergency management facility and the process and procedural requirements that must be met to assure compliance. Provide detailed description of design, type, and size of structure and interior floor plans.
- d. Provide a schedule for accomplishing renovation/construction and implementing activities after conveyance.

SECTION V - BUDGET

- a. Provide an estimate of the total funds needed to renovate, furnish, and/or remodel requested property or to construct on requested property and the projected cost to maintain it. (Include monthly upkeep, maintenance, utilities, landscaping, telephone, Internet, etc.)
- b. Give source of funds, process to obtain the funds, and projected date of availability of funds.
- c. Provide a timetable for acquiring funds and maintaining funding to sustain requested property.

SECTION VI - INTERGOVERNMENTAL REVIEW

- a. **Applicable.** Attach a copy of the cover letter addressed to the applicant's State Single Point of Contact (SPOC) for review.
- b. **State Single Point of Contact.** Attach response from SPOC to above notification.
- c. **Not Applicable.** Applicant's State does not require an Intergovernmental Review.

SECTION VII - ENVIRONMENTAL IMPACT

NATIONAL ENVIRONMENTAL POLICY ACT: All applicants for surplus property for corrections facility, emergency management, or law enforcement purposes or use must complete the attached environmental questionnaire to comply with Title 41 C.F.R. part 102-75.785(d) which states in part: "Any determination that DOJ or FEMA submits to the disposal agency must provide complete information concerning the correctional facility, law enforcement, or emergency management response use, including... (d) The environmental impact of the proposed correctional facility, law enforcement, or emergency management response use." Please complete the attached Environmental Questionnaire. GSA will consult with the State Historic Preservation Officer, if required.

SECTION VIII - CERTIFICATIONS

- 1. Equal Employment Opportunity:** Applicant agrees that for receiving federal surplus real property, it will not discriminate upon the basis of race, color, national origin, sex, age, disability, or religion in the use, occupancy, or lease of the property for the period during which the real property is used for the purpose under which the federal financial assistance is extended.
- 2. Perpetual Use:** Applicant understands that the property transfer is pursuant to 40 U.S.C. 553, and agrees that the property will be used and maintained for Federal emergency management response purposes in perpetuity and that in the event the property ceases to be used or maintained for the purposes for which the property was conveyed, all or any portion of the property shall in its then existing condition at the option of the grantor, revert to the grantor.
- 3. Application Certification:** I certify that to the best of my knowledge, the information provided in this application is true and correct and the application has been duly authorized by the governing body of the applicant.

TITLE	PRINTED NAME
CERTIFYING REPRESENTATIVE SIGNATURE	DATE

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**APPLICATION FOR FEDERAL SURPLUS PROPERTY PUBLIC BENEFIT CONVEYANCE (PBC)
SECTION VII - ENVIRONMENTAL QUESTIONNAIRE**

**PROPERTY:
ADDRESS:
CITY, STATE, AND ZIP CODE:**

Provide a narrative explanation of the probable environmental effects of the proposed program of use on the particular property and its surrounding community, both in the short and long term, based on the following criteria. Attach separate sheet, as necessary.

1. Please describe the specific property that will be directly affected in terms of its current use and proposed use. If the land is in a natural state, please provide a brief description with respect to plant and animal life.
2. Describe the surrounding area. Is it primarily residential, industrial, agricultural, etc.? Is the property in a rural, urban, or suburban area? Has the area been formally zoned for specific uses? Please provide a map of the immediate area covering approximately one square mile.
3. Broadly and briefly discuss the geography of the area, wildlife, water and air quality, area population, and potential users of the service to be provided, the economy of the area, any current environmental concerns, and historic and cultural resources.
4. If the proposed action is in a floodplain or affects a floodplain, please list all pertinent restrictions (with citations) on land use under Federal, State, and local laws and regulations, and any actions the Applicant proposes to mitigate foreseeable adverse effects.
5. Will the proposed action directly or indirectly affect a wetland? Please list any pertinent Federal, State, and local wetland regulations and any actions the Applicant proposes to mitigate foreseeable adverse effects.
6. Will the proposed action have a direct or indirect effect on any Federally-listed or State-listed endangered species? If so, please describe any impacts as well as any actions the Applicant proposes in order to mitigate foreseeable adverse effects.
7. Is it reasonably foreseeable that the proposed activity will have a direct or indirect effect on natural resources, land uses, or water uses in the coastal zone? If so, describe how the Applicant will comply with the State's enforceable and mandatory coastal zone policies. Please describe any impacts as well as any actions the Applicant proposes in order to mitigate foreseeable adverse effects.
8. Approximately how many vehicles will be introduced into the area on a daily basis as a result of the operation of the facility? Will there be any identifiable increased traffic in the surrounding area as a result of the proposed use of the property?
9. How much water will the Applicant use on the property in a normal day? What system will provide the water (name and address of system)? Will the sewage be handled by a sewage treatment facility? If so, please provide the name and address of the system.
10. Will the proposed use of the property likely result in the use, storage, release and/or disposal of toxic, hazardous, or radioactive materials, or in the exposure of people to those materials? If so, please describe these proposed activities and under what authority they will be regulated.
11. Will the proposed use of the property affect historic, cultural, or archaeological resources that exist either on the property or in the vicinity of the property? Please describe any actions the Applicant proposes to mitigate any adverse effects on, or access to, historic, cultural, or archaeological resources resulting from the proposed use. Please describe any plans for preservation or mitigation of foreseeable adverse effects the Applicant proposes for such resources existing on the subject property.

12. Will the proposed use of the property require a variance from any Federal, Tribal, State, or local laws pertaining to any of the following: land, air, or water pollution; the visual environment; odors; public health; or noise? If so, please specify, and describe any impacts as well as any actions the Applicant proposes in order to mitigate foreseeable adverse effects.

Name of Preparer:	Preparer's Contact Information (including mailing address, telephone number, fax, and email address):
Qualifications of Preparer:	
Signature of Certifying Official:	Date:
Title:	Agency:

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APPLICATION INSTRUCTIONS AND REQUIRED ATTACHMENTS

Please mark any field on the application that is not applicable as "N/A" or "Not Applicable"

SECTION I - APPLICANT INFORMATION

1. Provide state, local, or tribal government name.
2. For Organization, this is usually the agency, department, or office that will occupy the property if granted (e.g., Office of Emergency Management)

SECTION II - ACQUISITION AUTHORITY

Provide a copy of the governing legislation enabling applicant to receive or act on behalf of applicant for the purpose of receiving Federal property. Attach copy and cite.

SECTION III - PROPERTY INFORMATION

- 3a. Applicant's Notice of Interest: Attach Notice of Interest to the General Services Administration or Department of Defense.
- 3b. Applicant's Notice of Interest: Attach Notice of Interest to FEMA.
4. Property's Legal Description: Attach the legal description of subject property and identification of all buildings and structures and current use(s). Attach list of personal inventory to be conveyed with the property as found in the Notice of Availability.

**NOTE: Attach copy of Determination of Surplus Announcement or DoD (BRAC) announcement.*

6. BRAC Only: Attach applicant's Local Redevelopment Authority (LRA) Plan.
7. BRAC Only: Department of Housing and Urban Development's determination in compliance with the Stewart B. McKinney Homeless Assistance Act. This can be received from your LRA or:

Base Realignment and Closure Coordinator
Department of Housing and Urban Development
Office of Special Need Assistance Programs
451 Seventh Street, SW., Room 7266
Washington, D.C. 20410
202-402-2595 (Office) / 202-401-0053 (Fax)

SECTION IV - PROJECT/PROPOSAL INFORMATION

Please submit as an attachment.

SECTION V - BUDGET

Please submit as an attachment. Applicant must show ability to maintain requested property.

SECTION VI - INTERGOVERNMENTAL REVIEW

Does your State require an Intergovernmental Review? www.OMB.gov and search Intergovernmental Review - State Point of Contact (SPOC). If your state is listed, submit your application to your SPOC for review, obtain the SPOC's response, and attach to this application when submitted to FEMA. If your state is not listed, please check "C" for not applicable.

SECTION VII - ENVIRONMENTAL IMPACT/ NATIONAL ENVIRONMENTAL POLICY ACT

Read and complete the attached Environmental Questionnaire. Sign and attach supporting documentation as needed.

SECTION VIII - CERTIFICATIONS

Confirm you have read and agree to the terms of #1, #2, #3 before you sign this PBC Program Application by checking the box below.

I agree with the terms of this application.