

LIVING QUARTERS ELIGIBILITY QUESTIONNAIRE

(See Privacy Act and Paperwork Reduction Act Statements on page 4)

OMB Control Number: 3090-0331

Expiration Date: 10/31/2026

INSTRUCTIONS

Living quarters allowance (LQA) is provided to reimburse employees for suitable, adequate living quarters at posts where the U.S. Government does not provide quarters. LQA may be used to pay for rent, utilities, taxes, and related fees (see the Department of State Standardized Regulations at [DSSR 130](#) for a complete listing).

LQA is a discretionary housing allowance granted to candidates recruited in the United States or outside the U.S. under certain circumstances. It is not an entitlement.

Not all job candidates are eligible to receive LQA and not all existing LQA recipients are eligible for continuation of LQA upon appointment to a different agency.

All applicants complete Section A. Members of the Uniformed Service complete Section B. Current civilian employees living overseas must complete Section C.

Job candidates currently living in the Continental United States (CONUS), Alaska, Hawaii, or U.S. territories or possessions do not have to complete this form.

SECTION A - ALL JOB CANDIDATES

First Name	Last Name	Middle Initial	Email Address
Postal Mailing Address		Permanent Address (if different)	Work Address
Federal Agency or Military Component			

SECTION B - UNIFORMED SERVICES JOB CANDIDATES

(Attach a copy of your most recent DD-214 - Report of Transfer or Discharge)

Place of Entry into Current Active Service (Item 22 from DD-214)	Home of Record at Time of Entry into Active Service (Item 23 from DD-214)	Station at the Time of Discharge (Item 11b from DD-214)	Separation Date from Uniformed Service (Item 11b from DD-214)
Do you have Military Permanent Change of Station (PCS) orders, or other documentation, to demonstrate an intent to return to the U.S? ☐ YES ☐ NO			
Following the date of military separation, have you had other subsequent employers, such as local employment or employment with U.S. firms (e.g., as a contractor)? ☐ YES ☐ NO			

SECTION C - CIVILIAN JOB CANDIDATES

Date of First Arrival at Foreign Post (dd/mm/yyyy)	Expiration Date of Return Transport Agreement (dd/mm/yyyy)
Is your spouse or domestic partner a member of the uniformed services who is receiving a Basic Allowance for Housing under the United States Code at 37 U.S.C. § 403 and/or an Overseas Housing Allowance (37 U.S.C. § 405)? ☐ YES ☐ NO	
What is the applicant's actual place of residence in the United States? (Authority: DSSR 031.11)	
City	County State

For overseas applicants, if your current actual place of residence is in a foreign area, is that foreign residence fairly attributable to only your work relationship with the U.S. Government (civilian or military) or is it due instead to personal reasons? (Authority: DSSR 031.12a)

☐ My foreign place of residence is fairly attributable only to my work with the U.S. Government.

☐ My foreign place of residence is instead primarily due to personal reasons.

For overseas applicants, what type of employer did you previously have before applying to the position at GSA? Check all that apply. (Authority: DSSR 031.12b)

- ☐ The United States Government, including its Armed Forces;
- ☐ A United States firm, organization, or interest;
- ☐ An international organization in which the United States Government participates; or
- ☐ A foreign government

For overseas applicants, while overseas, did you have a single employer or multiple employers?

Note: The U.S. Government is considered a single employer, military or civilian, regardless of transfers between departments or agencies. (Authority: DSSR 031.12b, Footnote)

- ☐ I had just one single employer while overseas.
- ☐ I have had multiple employers while overseas (e.g., U.S. Government, a U.S. firm as a contract employee, appointment to the United Nations, etc.)

SECTION D - CHECKLIST OF REQUIRED DOCUMENTS

Retrieve the following documents and attach to this form. Check which documents are available below:

- ☐ 1. PCS Orders CONUS to Outside the Continental United States (OCONUS)
- ☐ 2. All Subsequent PCS Orders
- ☐ 3. DD-214 and/or Separation Location Memo (if Uniformed Services)
- ☐ 4. Retirement/Separation Orders (if Uniformed Services)
- ☐ 5. Transportation Agreement back to the U.S. (e.g. DD-1617)
- ☐ 6. DD-2367: Uniformed Services Overseas Housing Allowance

CERTIFICATION

I certify the information provided above is true and accurate, to the best of my knowledge. I understand if I provide information that is false I may be determined ineligible for LQA and may be indebted to the U.S. Government. I understand if I fail to answer all of the above questions I may be denied eligibility to receive LQA.

Printed Name

Signature

Date

DEFINITIONS

1. Actual Place of Residence: The employee's legal residence or domicile. B-62267, January 15, 1947, 26 Comp. Gen. 488. While "residence" means living in a particular locality, "domicile" means living in that locality with the intent to make it a fixed and permanent home. In re Newcomb, 192 N.Y. 238, 250, 84 N.E. 950, 954 (1908). The "actual place of residence" is most often the principal, actual dwelling place in fact at the time of selection for appointment, promotion, or transfer, overseas. See the Code of Federal Regulations (CFR) at 41 CFR § 302-3.505. However, in some circumstances, another location is more appropriate, based upon such considerations as voting records or property ownership. (Bureau of Budget Circular A-56, June 1, 1962). Administrative law has therefore established an "intent to remain," or an "intent to return," with consideration of factors such as: physical presence, agency records, employment history, family and community ties, and the exercise of civic duties. Rafael Arroyo, B-197205, May 16, 1980. The determination of an "actual place of residence" is important primarily for budget control purposes, since it limits reimbursement for foreign permanent change of station (5 U.S.C. § 5722) and renewal agreement travel (5 U.S.C. § 5728). It is also used for eligibility purposes for the 45-day (i.e., 360 hour) annual leave ceiling under 5 U.S.C. § 6304(b), home leave (5 U.S.C. § 6305), and living quarters allowance (5 U.S.C. § 5923(a)(2)). Essentially, eligibility for all of these authorities requires the employee to maintain some level of permanent connection to the United States if living abroad for long periods of time. In a situation in which a candidate is already living in the foreign area of selection, and has essentially severed all (or most) economic and/or social ties with the United States, he or she is often deemed **not eligible** for these special pay, leave and travel authorities. For foreign (i.e. "local") hires, to demonstrate eligibility, the leave and allowance authorities require continuous employment by the U.S. government (without breaks for local employment) as well as a continuous and documented written obligation of the U.S. government agency or eligible employer to return the individual to the United States at the conclusion of foreign employment. Employees should consider submitting a [GSA 5047](#) which can help the agency identify, and designate, the most appropriate actual place of residence.

2. Single Employer Test: The annual leave act (5 U.S.C. § 6304(b)), home leave authority (5 U.S.C. § 6304(b)) and the State Department regulations for living quarters allowance (DSSR 031.12b) have a test for “local hires” (i.e. hires already living in a foreign area) known as the “continuous employment” or “single employer” test. Under this test, local hires are only eligible for the higher annual leave accrual ceiling, home leave, and living quarters allowance if they can clearly demonstrate a continuous span of prior employment with a U.S. federal agency, or a sequence of multiple U.S. federal agencies, without a break in employment. The test also permits the candidate to be working for a few other types of eligible employers, such as an international organization (e.g., the United Nations or the North Atlantic Treaty Organization (NATO)), under the Federal Employees’ International Organization Service Act of 1958 (Pub. L. 85-795, 5 U.S.C. § 3581 et. seq.). For the meaning of “break in service,” agencies typically use the criteria of 3 calendar days or less, under the retirement system regulations found within 5 CFR §§ 831.303 and 842.303. Candidates living long-term in a foreign area often cannot meet the “single employer test” because they may be an employee of a government contractor that does not promise return relocation benefits (which are expensive), or, may have significant chronological gaps between discharge from a civilian agency or the Department of War (military or civilian) and employment with the new hiring agency. The candidate may also have a period of self-employment within the foreign country, or have worked for a foreign or locally-owned company or partnership. In these types of situations, the candidate is determined by the hiring agency to be truly a “local hire” and therefore not eligible for the large portfolio of foreign allowances, transportation, and leave benefits.

3. Personal Reasons: This GSA 5039 includes a question on the bottom of page 1 that asks additional information about the employee’s “actual place of residence” when that geographic location is already within the foreign area and there may be minimal continuing connections with the United States. The living quarters allowance authority (5 U.S.C. § 5923(a)(2)) includes within its eligibility criteria a State Department regulatory provision (DSSR 031.12a) that requires the candidate to demonstrate that existing physical presence within the foreign area is primarily due to employment with the U.S. government, with its foreign mission needs, and not instead for personal reasons or convenience. In this context, “personal reasons” generally mean circumstances, or needs, unrelated to U.S. government service.

For example, such circumstances may include:

- (a) living with, and/or caring for, a foreign national family member,
- (b) marriage to a local foreign national, particularly one who is not a U.S. citizen or dual citizen, and/or
- (c) dual employment with a non-qualifying employer, such as a local home business, partnership or foreign establishment.

In these types of circumstances, a candidate who is already residing in the foreign area may be treated as a “local hire” by the hiring agency and therefore deemed legally ineligible by that agency for a living quarters allowance. This purpose of residence regulatory requirement is considered an additional, and separate, requirement beyond the other requirements of continuous employment history and the existence of an active transportation agreement (DSSR 031.12b). Unlike the policy within DSSR 031.12b, the policy requirement in State Department regulation DSSR 031.12a, i.e., the purpose of residency, **cannot** be waived by a senior agency official with delegated authority.

LIVING QUARTERS ELIGIBILITY CRITERIA

The Overseas Differentials and Allowances Act of 1960 (Pub. L. 86-707, 74 Stat. 792, September 6, 1960) established the authority for agencies to provide a living quarters allowance in foreign areas when the government does not furnish quarters. Executive Order 10903, January 9, 1961, delegated regulatory authority to the Department of State. In response to this delegation, the Department of State developed regulation 031.11 and 031.12. Below is a paraphrased summary of the statutory and regulatory requirements.

5 U.S.C. § 5923(a)(2): When Government owned or rented quarters are not provided without charge for an employee in a foreign area, a living quarters allowance may be provided by the agency for rent, heat, light, fuel, gas, electricity, and water.

DSSR 031.11: This allowance may be provided when the candidate is recruited by the agency in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the possessions of the United States.

DSSR 031.12: The allowance may only be provided to a candidate already living in the foreign area if all of the following conditions are met:

- (a) The reason for the employee’s current foreign residence is fairly (i.e. primarily) attributable to his or her employment by the United States government (and its foreign mission) and not instead for personal reasons or convenience;

- (b) Prior to current appointment, the candidate was formerly recruited in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the former Canal Zone, or a possession of the United States, by the United States government (including its Armed Forces), a United States firm, organization, or interest, an international organization in which the United States Government participates, or a foreign government;
- (c) Has had substantially continuous employment by such employer; and
- (d) The foreign employment was subject to a written return transportation agreement (meaning, the previous agency was contractually bound to provide for return relocation to the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the former Canal Zone, or a possession of the United States).

In most circumstances, candidates already residing in the foreign country cannot satisfy the above requirements in:

- (a), related to residency purpose,
- (b), related to continuous employment, and
- (c) related to a current and legally-binding return transportation agreement.

The longer a candidate has resided in the foreign country, the less likely he or she is to satisfy the above regulatory requirements.

PRIVACY ACT STATEMENT

Information collected via this form is pursuant to federal law, in particular: 5 U.S.C. § 3301 and 5 U.S.C. § 3302. The information collected also facilitates the correct benefits determination decisions for the accumulation of annual leave (5 U.S.C. § 6304(b)), home leave and related renewal agreement travel (5 U.S.C. § 6305(a) and 5 U.S.C. § 5728), and permanent change of station (5 U.S.C. §§ 5722, 2724a, and 5724(d)). Disclosure of information related to the candidate and position is mandatory under these authorities so that the correct pay and benefits can be provided upon appointment, transfer or reassignment to a foreign area. Use of this information is governed by Civil Service regulations found within 5 U.S.C. Part 630 and the Federal Travel Regulations under the Code of Federal Regulations at F.T.R. (41 C.F.R) Part 302. Such information will be stored within the Office of Personnel Management's Electronic Personnel Folder (eOPF) application, under System of Record Notice (SORN) OPM/GOVT-1 at 77 FR 73694 (12/11/2012), 87 FR 5874 (2/2/2022), and 88 FR 56058 (8/17/2023). A job candidate's failure to provide the information requested on this form may lead to the erroneous payment of compensation and benefits, or, the non-payment of eligible compensation and benefits.

PAPERWORK REDUCTION ACT STATEMENT

This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 3090-0331. We estimate that it will take 2 hours to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW, Washington, DC 20405.