

Homeless Assistance: Federal Surplus Property to Address Homelessness

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Administering agencies: HUD, Health and Human Services (HHS), General Services Administration (GSA)

Year program started: 1987

Number of persons/households served: More than 2 million

Populations targeted: Homeless persons

FY16 funding: The Title V program does not receive an appropriation.

Also see: *McKinney-Vento Homeless Assistance Programs, Continuum of Care Planning*

The federal government owns real property that it no longer uses, including both land and buildings. When the government no longer has use for a particular property, it may be declared excess or surplus. Under Title V of the McKinney-Vento Homeless Assistance Act of 1987, homeless service providers have a right of first refusal to acquire these properties by deed or long-term lease at no cost before they can be sold or otherwise disposed of by the federal government.

If determined by HUD to be suitable and available, federal properties are published in the *Federal Register* or advertised on the U.S. Department of Housing & Urban Development's website. Homeless service providers, including local governments and nonprofit organizations, can then apply for properties through the U.S. Department of Health and Human Services (HHS). If a property transfer is approved, that transfer is negotiated with the U.S. General Services Administration (GSA), the federal agency broadly responsible for government real property.

HISTORY AND PURPOSE

The McKinney-Vento Act was first passed in 1987. Title V was included in the law in recognition of the fact that homeless service providers working to end homelessness often cannot afford real property to provide needed homeless programming, while the

federal government has property that it no longer needs. Title V originally included properties on newly closed military bases. In 1994, the law was amended to provide a separate process for ensuring that a portion of Base Realignment and Closure (BRAC) properties are used to provide affordable housing and prevent homelessness. In 2016, Title V was amended by the Federal Assets Sale and Transfer Act of 2016 (H.R. 4465) which made several improvements to the law, including making explicit that the provision of permanent housing is an eligible use for properties transferred under the Title V program.

PROGRAM SUMMARY

Screening. Landholding agencies report the status of their real estate holdings to HUD on a quarterly basis. HUD screens unutilized, underutilized, excess, and surplus properties to determine whether they are suitable for homeless services organizations. Then, all suitable properties are published in the *Federal Register* or on HUD's website.

Expression of Interest. When a homeless service provider identifies a property of interest, it has 30 days to submit a written expression of interest to HHS. This is simply a brief letter identifying the group, the property of interest, and a brief description of the proposed use. Once HHS receives this letter, it provides the nonprofit or public agency with a full application.

Application. Groups have 75 days to complete an initial application. Unlike the short expression of interest letter, the application is detailed and requires information about the services that will be offered, the need for such services, and the ability of the applicant to offer such services. Once HHS receives the completed initial application, the agency has 10 days to make an approval or disapproval determination. If an initial application is approved by HHS, the applicant has an additional 45 days to set forth a reasonable plan to finance the approved program. No later than 15 days after receipt of this information, HHS has 15 days to make a final determination.

FUNDING

The Title V program does not receive an appropriation.

FORECAST FOR 2017

In December 2016, the Federal Assets Sale and Transfer Act of 2016 (H.R. 4465) was signed into law by President Barack Obama. The law amends the Title V program, but preserves the application of Title V disposal requirements to all but the first \$500 to \$750 million in “high value” properties recommended for disposal by the newly established Public Buildings Reform Board. While this law is now in effect, amendments to federal regulations governing the Title V program will be made in 2017.

In addition to streamlining the Title V application process as described above, the new law improves the Title V program in several important ways. For example, it clarifies that permanent housing, with or without supportive services, is an eligible use to assist the homeless. It also provides homeless service providers with important flexibility in determining whether to accept the approved property by lease or by deed.

TIPS FOR LOCAL SUCCESS

To successfully apply for Title V property, an applicant must be financially stable and have a firm and workable plan to use the property that is to be acquired. It should be noted that the application timeline is short, so applicants must be prepared to act quickly when a suitable property becomes available.

WHAT TO SAY TO LEGISLATORS

Advocates should meet with their Members of Congress with the message that Title V is a no-cost way to advance the national goal of ending homelessness, and ask the government to improve its efforts to make local governments and nonprofit agencies aware of the program. Also, advocates should meet with their Members of Congress to urge that the government improve compliance with the Title V program and ensure that suitable properties no longer needed by the federal government are quickly conveyed to local homeless service providers.

FOR MORE INFORMATION

For information about how to search and successfully apply for surplus federal properties, you may contact the National Law Center on Homelessness & Poverty, 202-638-2535, www.nlchp.org