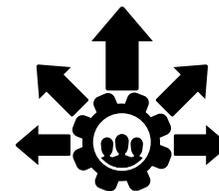


Homeless Assistance: Federal Surplus Property to Address Homelessness



By *Jeremy Rosen*,
*Director of Advocacy, National Law Center
on Homelessness & Poverty*

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, food bank customers

FY15 funding: The Title V program does not receive an appropriation.

See also: *McKinney-Vento Homeless Assistance Programs, Continuum of Care Planning, Ten-Year Plans to End Homelessness*

The federal government owns land and buildings across the country. When the government no longer has use for a particular property, it will often be declared 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 at no cost before they can be offered to state or local governments or be sold to generate revenue for the federal government.

If determined by HUD to be suitable and available, surplus federal properties are published in the *Federal Register*. Homeless service providers apply for properties through the Department of Health and Human Services (HHS). If a property transfer is approved, that transfer is negotiated with the 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 many nonprofit community agencies working to end homelessness have difficulty affording and acquiring property in order to

provide housing or supportive services, 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.

PROGRAM SUMMARY

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

Expression of interest. When a homeless service provider identifies a property of interest in the *Federal Register*, it has 60 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 90 days to complete the application. Unlike the short expression of interest letter, the application is very detailed, and requires extensive supporting documentation in order to prove that the applicant has the financial and program capacity to best utilize the federal property. Once HHS receives the completed application, the agency has 25 days to make a decision on the application. If an application is approved, then the GSA will negotiate a deed or lease to convey the property to the applicant.

FUNDING

The Title V program does not receive an appropriation.

FORECAST FOR 2015

The Title V program is under attack on Capitol Hill. In recent years, both Congress and the

Administration have made proposals to amend, or even eliminate, the law. These proposals were revisited in 2014, and will continue to be debated in 2015. Advocates are hopeful that 2014 negotiations will lead to an outcome that continues to provide homeless service providers with needed property at no charge, while efficiently disposing of properties that homeless service providers cannot use or do not want. Legislators should be urged to support the position of the advocacy community.

Administration. In 2011, the Office of Management and Budget proposed replacing Title V with a process similar to BRAC, where a commission would review properties and determine how they should be disposed. This proposal would eliminate Title V's right of first refusal for homeless service providers, and potentially allow properties to be sold even if a homeless service organization wanted to use them. The Administration continues to support a modified version of this proposal.

House of Representatives. Representative Jason Chaffetz (R-UT) introduced H.R. 328, the Excess Federal Building and Property Disposal Act of 2013. The bill proposed a pilot program to allow a limited number of federal properties to be sold outside the confines of Title V. Three percent of sale proceeds would be given to homeless service providers. While advocates would prefer not to see the law changed, they recognized the Chaffetz bill as a reasonable compromise that would have a modest impact on homeless people. The bill was reported out of the House Committee on Oversight and Government Reform, but did not receive a floor vote.

Senate. Senator Tom Carper (D-DE) introduced S. 1398, the Federal Real Property Asset Management

Reform Act of 2013. Advocates have strongly opposed this bill because it went far beyond the House bill and proposed a much larger pilot program to sell federal properties. The bill passed out of the Senate Homeland Security and Governmental Affairs Committee, but also did not receive a floor vote. Late in 2014, Senator Carper's staff signaled a willingness to move closer to the House position.

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. Organizations should recognize that, at any given time, property may not be available in a particular area, and consequently be prepared to wait for the right property to be available. When a property does become available, applicants must move quickly, before their right of first refusal expires. If a property is too large for one organization, several local groups may want to file an application in partnership.

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. Advocates should ask Members to work to preserve the ability of homeless service providers to access and productively use appropriate surplus properties to provide housing and supportive services to homeless people. ■

FOR MORE INFORMATION

National Law Center on Homelessness & Poverty,
202-638-2535, www.nlchp.org