

Homeless Assistance: Federal Surplus Property to Address Homelessness

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(formerly National Law Center on
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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 each year

Populations Targeted: Homeless people

Funding: The Title V program does not receive an appropriation.

See Also: For further information, reference the *McKinney-Vento Homeless Assistance Programs*, *Continuum of Care Planning*, and *Ten-Year Plans to End Homelessness* sections of this guide.

Title V of the “McKinney-Vento Homeless Assistance Act of 1987” (Title V) makes HUD responsible for leading a cross-agency effort to identify unneeded federal properties suitable for use by non-profit agencies and local governments to house and serve homeless people. Once suitable and available properties are identified, homeless service providers have a right of first refusal to acquire the federal property through an application process administered by HHS. Approved applicants are able to obtain title to the property - or long-term lease of the property at the applicant’s option – for free.

Title V has enabled service providers and local government agencies to acquire highly valuable real property to provide housing, emergency shelter, food, job training, medical care, and other critical services to over 2 million homeless Americans throughout the country each year. Moreover, Title V saves taxpayer dollars by reducing operations and maintenance costs associated with unused and unneeded federal properties.

To date, over 500 buildings in at least 30 states and the District of Columbia have been transferred to nonprofit organizations and local governments under Title V. Despite this impressive number, Title V is a significantly underutilized program.

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 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. All such suitable properties are published online at <https://www.hudexchange.info/programs/title-v/suitability-listing> on a weekly basis. Properties that are listed as suitable and available may be conveyed via deed or lease at no charge to nonprofit groups, state agencies, and local governments following successful application

to the U.S. Department of Health and Human Services (HHS).

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. HHS has 15 days after receipt of the full application to make a final determination.

FUNDING

The Title V program does not receive an appropriation.

FORECAST FOR 2021

There is no pending legislation that would affect the Title V program as amended by the “Fixing America’s Transportation Act (FAST) of 2016.”

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.

The National Homelessness Law Center

published a toolkit to assist homeless service providers with completing successful applications for property under Title V. The toolkit, *Public Property/Public Need: A Toolkit for Using Vacant Federal Property to End Homelessness*, is available at <https://www.nlchp.org/documents/Public-Property-Public-Need>.

WHAT TO SAY TO LEGISLATORS

Advocates should meet with their Members of Congress with the message that Title V saves tax dollars and is an immediately available resource to advance the national goal of ending homelessness. Advocates should ask their Members of Congress to urge HUD, HHS, and GSA to improve outreach efforts to make local governments and nonprofit agencies aware of the program. Also, advocates should meet with their Members of Congress to urge that HUD, HHS, and GSA improve compliance with the Title V program by ensuring that all suitable and unneeded federal properties are made available for application under Title V and that applications for suitable properties are not unduly denied.

FOR MORE INFORMATION

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