

Fact Sheet: Surplus Federal Property

Background

Title V of the McKinney-Vento Homeless Assistance Act of 1987 makes vacant federal properties available at no cost to non-profits, including state and local government agencies, for use as facilities to assist homeless people. Eligible uses include providing shelter, childcare, job training, transitional housing, permanent supportive housing, food banks, mental health services and substance abuse treatment services. Properties may be made available by lease or deed.

The National Law Center on Homelessness & Poverty (NLCHP) was instrumental in the Act's passage, and has helped enforce Title V for the last sixteen years. Initially, federal agencies responsible for the program failed to implement it. Advocates filed suit against the agencies in federal court and obtained a permanent injunction requiring the agencies to carry out the program (National Law Center on Homelessness & Poverty v. U.S. Department of Veterans Affairs). NLCHP continues to monitor compliance with the court's orders and helps non-profits and government agencies obtain federal properties. To date, the federal government has transferred land and buildings worth over \$100,000 million to providers to serve homeless people under the Title V program.

Determination of Suitability and Publication of Lists of Available Property

The U.S. Department of Housing and Urban Development screens available underutilized, unutilized, excess, and surplus real properties and determines whether the properties are suitable for homeless uses. A list of properties for which HUD has made such a determination is published each Friday in the *Federal Register*.

Properties are considered to be unsuitable if they: are within 2000 feet of flammable or explosive material, are not accessible by road, are within an airport runway clear zone, are in a floodway, or are in a secured area and cannot be accessed without crossing through a secured area. Determinations of unsuitability may be challenged, provided the challenge is made within 20 days of publication in the *Federal Register*.

To obtain a listing of property that is available in your state, you may call HUD's toll-free hotline at 1-800-927-7588. On occasion, the federal government fails to list properties that should be available under the Title V program. If you are aware of a specific vacant federal property in your area that has not been listed even though it is likely eligible for the program, please contact NLCHP (see contact information below).

Application

Once a property is listed in the *Federal Register* as suitable and available, it is “frozen” for 60 days and the federal government may not dispose of it for any purpose other than homeless uses. During that 60-day period, organizations interested in applying for property should submit a notice of interest to the U.S. Department of Health and Human Services (HHS) (see address below).

The notice should be in the form of a letter and should provide the name and location of the property, the date the property was listed in the *Federal Register*, and should state that the interested organization is a non-profit organization or a government agency seeking to acquire the property under Title V of the McKinney-Vento Act for use to assist homeless people. Notices of interest also may be submitted after the initial 60-day period has passed. However, HHS is obligated to consider them only if the property remains available.

Submit notices of interest to:

Division of Property Management
Department of Health and Human Services
Room 5B-41 Parklawn Building
5600 Fishers Lane
Rockville, MD 20857

Upon receiving a notice of interest for an available property, HHS will send the organization an application. Organizations have 90 days from the date on which HHS receives the organization’s notice of interest to submit an application. The federal agency that holds the property is required to make available environmental information in their files that would help the non-profit or state or local government agency prepare an application.

HHS must approve or deny completed applications within 25 days after receiving them, although the process often extends past this period if HHS requires more information. If HHS approves an application, the organization must then negotiate the lease or deed with the land-holding agency. Before property can be transferred to the non-profit, the non-profit must obtain insurance for the property. Once a year, non-profit organizations that have acquired Title V property must report to HHS on their progress in implementing the program proposed in their application. Property obtained by a non-profit for homeless assistance may not be sold or used for other purposes.

NLCHP Assistance

NLCHP monitors federal agency compliance with the court orders and provides technical assistance to organizations and agencies seeking to obtain property. If you have questions or encounter barriers using the program, contact Laurel Weir at the Law Center, at 202-638-2535 x210, or lweir@nlchp.org.