

---

# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

---

## 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 but are not limited to 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 23 years. Federal agencies responsible for the program initially 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 million to homeless service providers under Title V.

### 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 must be found suitable for the homeless unless they meet one of the six specific criteria listed in the HUD regulations. The only unsuitable properties are those that implicate national security, contain flammable or explosive materials, are positioned in the path of a runway or military airfield clear zone, exist in an uncontrolled floodway, are inaccessible by road, or contain extensive deficiencies such as sinkholes or friable asbestos that have been documented to seriously threaten personal safety. 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 for Surplus Property

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 (NOI) in the form of a letter to the U.S. Department of Health and Human Services (HHS) (see address below).

### Submit NOIs to:

Department of Health and Human Services  
Division of Health Facilities Planning,  
Public Health Service  
Room 17A-10, Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857

The NOI should identify the specific property and the date it was listed in the *Federal Register*, briefly describe the proposed use, include the name of the organization, and indicate whether it is a public body or a private non-profit organization. Notices of interest also may be submitted after the initial 60-day period has passed, but HHS will only consider them if the property remains available.

Upon receiving a NOI for an available property, HHS will send the organization an application. An application instruction booklet is available on the HHS website at <http://www.psc.gov/administrative/federalprop/fed-prop-titlev.pdf>. Organizations have 90 days from the date on which HHS receives the organization’s notice of interest to submit a completed 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 of receipt, although the process often extends past this period if HHS requests more information. HHS evaluates each application on the basis of proposed services offered, perceived need, implementation time, experience, and financial ability. 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 Geraldine Doetzer at the Law Center, at 202-638-2535 x207, or [gdoetzer@nlchp.org](mailto:gdoetzer@nlchp.org).