

United States Senate

WASHINGTON, DC 20510

December 12, 1995

The Honorable Pete Domenici
Chairman
Senate Committee on the Budget
Washington, DC 20510

The Honorable James J. Exon
Ranking Minority Member
Senate Committee on the Budget
Washington, D.C. 20510

Dear Chairmen Domenici and Exon:

The Budget Reconciliation bill, H.R. 2491, contains a provision in Title VI which would repeal a very important program we support. This program, which provides for priority consideration for homeless uses of surplus federal property, was first enacted as part of the Stewart B. McKinney Homeless Assistance Act of 1987 (Title V). Since its inception, this provision has allowed some 74 sites in 23 states to be utilized for services to assist the homeless, including shelter, job training, meals, medical care, and others.

Contrary to what proponents of its repeal have claimed, the Title V program is NOT an entitlement program. Property can be used by homeless providers, but only if they apply for it and pass several strict requirements. If homeless providers do not apply for a given property, it is not then immediately available for sale. Other public entities or nonprofits may still obtain the property, making it unavailable for sale by GSA, and unavailable to score as savings, by CBO. Furthermore, the Title V program's record of success has most often involved properties which have not been sought by other organizations, mainly because such properties are not the most desirable or usable for other purposes.

It also bears mention that DoD Base Closure property which is sold generates revenue for DoD, not the Treasury (under subsection (h) of Section 204 of the Federal Property Act). The assumption that property which is sold necessarily contributes to savings to the federal government is thus spurious. In fact, there are numerous base properties which opted to stay under Title V (under the 1994 Base Closure Community Redevelopment and Homeless Assistance Act) in which several contracts are under negotiation. Should Title V be revoked, these properties would be disposed of by DOD and it would be in receipt of the proceeds, not the Treasury. Any claimed savings would then not exist.

The Honorable Pete Domenici
The Honorable James Exon
Page 2

The truth is that homeless providers offer services at these former federal facilities which might otherwise cost the government millions of dollars. These groups provide essential services that would be difficult to replace. These costs must be considered before destroying the program.

Opponents of Title V have argued that homeless needs should no longer take special precedence. In our opinion, now is not the time to turn away from this priority. The homeless are still with us and their needs have not diminished. To the extent the Title V program is an effective tool in addressing homeless needs it should be continued. To that end, we strongly urge you to oppose the retention of the Title V repeal provision in any Reconciliation bill you ultimately support.

Best regards,

Carl Levin
W. Craig Rogers

Jim Flaherty

David Pryor

Patty Murray

Chuck Robb

Herb Kohl

Paul Wellstone

John Glenn
Christopher J. Dodd

Clayton D. Allister

Ed Kennedy

Max Baucus

Paul Simon

Dale Gribble

Steny Hironaka

The Honorable Pete Domenici
The Honorable James Exon
Page 3

<u>Bill Clinton</u>	<u>Frank Lautenberg</u>
<u>Al Gore</u>	<u>Bill Bradley</u>
<u>Bob Crutcher</u>	<u>Jay Byrnes</u>
<u>Dan Rostenkowski</u>	<u>Tom Vucelja</u>
<u>Tom Harkin</u>	<u>Samuel Alito</u>
<u>Byron L. Morgan</u>	<u>Robert C. Byrd</u>

cc: The Honorable William J. Clinton
President
The Honorable Alice C. Rivlin
Director, Office of Management and Budget

1-17-1995 0:28AM

FROM

P. 2

SAM FARR
17TH DISTRICT, CALIFORNIA

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
DEPARTMENT OPERATIONS, NUTRITION,
AND FOREIGN AGRICULTURE
RISK MANAGEMENT AND SPECIALTY CROPS

COMMITTEE ON RESOURCES
SUBCOMMITTEES:
FISHERIES, WILDLIFE, AND OCEANS
WATER AND POWER RESOURCES

Congress of the United States
House of Representatives
Washington, DC 20515-0517

November 30, 1995

1117 LONGWORTH BUILDING
WASHINGTON, DC 20515-0517
(202) 225-2801

DISTRICT OFFICES
380 ALVARADO STREET
MONTEREY, CA 93940
(408) 819-3555

100 WEST ALIBAL
SALINAS, CA 93901
(408) 426-2228

701 OCEAN STREET
ROOM 218
SANTA CRUZ, CA 95060
(408) 426-1978

HOMELESS GET THE SHAFT

Dear Colleague:

You may not be aware that the Reconciliation bill repeals Title V of the McKinney Act, but it does, retroactive to October 1, 1995.

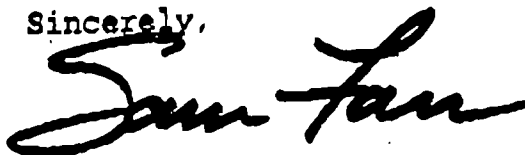
I was not in Congress when Stew McKinney walked these halls, but his concern for the sick and the homeless is legend. Passage of the McKinney Act in 1987 was not only fitting as a tribute to the late congressman, but as an appropriate policy response to the plight of the homeless in America.

Unfortunately, the Reconciliation bill begins an insidious erosion of opportunities for the homeless by repealing Title V of the McKinney Act. As you may recall, Title V of the McKinney Act gives homeless provider groups a priority right to surplus federal land and buildings. This is a critical provision that is used not only in creating new housing and training opportunities for the homeless, but also in developing and re-using excess federal buildings that would otherwise stand vacant and unused.

Senator Glenn and I are circulating a letter that will be sent to Budget Committee members about this issue so it can be revisited in any "new version" of Reconciliation that may be coming down the pike. I urge you to co-sign this letter with me, the text of which is on the reverse.

If you are interested in signing, please call me or contact Rochelle Dornatt of my staff at 5-2861.

Sincerely,



SAM FARR
Member of Congress

SF/rad

DEC 6 '95 12:44
JOHN A. BOEHNER
OH

REPUBLICAN CONFERENCE CHAIRMAN

COMMITTEE
AGRICULTURE

HOUSE OVERSIGHT

ECONOMIC AND EDUCATIONAL
OPPORTUNITIES
(ON LEAVE)



Congress of the United States
House of Representatives

December 5, 1995

PAGE .002

1011 LONGWORTH HOUSE OFFICE BLDG.
WASHINGTON, DC 20515-3608
(202) 226-6206

DISTRICT OFFICE
2517 LIBERTY FARMFIELD ROAD
HAWKSTON, OH 43011
(617) 826-8005

12 SOUTH PLUM STREET
TROY, OH 46073
(617) 338-1626

DISTRICT TOLL FREE NUMBER
1-800-882-1001

Dear Colleague:

Rep. Sam Parr and Sen. John Glenn have circulated Dear Colleague letters in their respective chambers attacking a provision in the Balanced Budget Act related to the use of surplus federal property for the homeless. Imagine the following line of thinking -- which they seem to endorse -- as representing the way Congress has acted for decades, and you can see why the federal government is as big, as costly, and as ineffective as it is:

- 1) 1987 Problem: Many of our cities have large homeless populations.
- 2) 1987 (Partial) Solution: The federal government should give any homeless group in the nation a priority right to receive, at no cost, any federal office building, military base, VA hospital, or other building or plot of land that it wants. No attention needs to be paid to the commercial value of such property, the actual amount of homelessness in the proximate surrounding area, or the opinions of the communities in which these properties are located -- *Title V, the Stewart B. McKinney Homeless Assistance Act.*

At its inception, the McKinney Act represented a deeply benevolent legislative effort to help our nation's homeless. It authorized hundreds of millions of dollars in spending for acquiring and supplementing homeless shelters, providing job training for the homeless, and a number of other homeless programs directed through different agencies. One part of the act -- Title V -- gave homeless assistance groups what amounts to a right of first refusal for surplus federal lands and buildings.

Since 1988, Congress has come to recognize that Title V was a well-intentioned mistake. The extensive rights that it gave homeless groups crippled efforts to privatize closed defense bases so badly that, at the special urging of the California delegation, the 103rd Congress voted by unanimous consent to bypass Title V for properties made available under the Defense Base Realignment and Closure Act (DBRAC). In this session, the House overwhelmingly approved an amendment to the Defense Authorization bill which completely ended Title V's application to such properties, despite the fact that defense facilities have constituted the bulk of Title V transfers to homeless groups. Indeed, support ran so high for this amendment that many Democrats -- including those who have led the fight for homeless assistance for years -- voted for it along with the vast majority of Republicans.

Under the Balanced Budget Act's far more modest provision, homeless groups will still be able to apply for and obtain federal surplus property, free of charge. However, these

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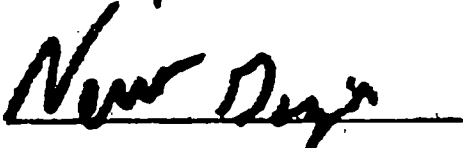
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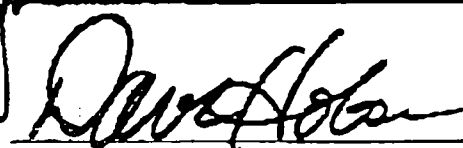
groups will have to do what any other private, non-profit group eligible to receive such property must do: they must make their case to their elected officials, to the appropriate agency officials, and most importantly, to their communities. The measure will also allow other groups dedicated to improving the poor's access to housing to receive surplus property for the first time. One such group, Habitat for Humanity, has been extremely successful in helping poor families fulfill, through their own hard work, the dream of home ownership. This measure will help Habitat's local chapters extend their good work wherever they can convince the appropriate officials to let them have available federal surplus property.

Finally, the taxpayers will be able to reap the reward they deserve from federal downsizing through the measure's enhanced ability to sell valuable federal property. In 1988, no one seriously considered that Congress would be balancing the budget, shutting down hundreds of unnecessary programs and agencies, and eliminating the Department of Commerce. But we are, and leaving Title V untouched in light of this downsizing would prove far more of a windfall for this group than anyone could have anticipated eight years ago.

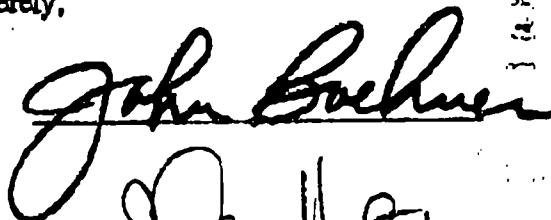
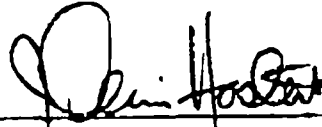
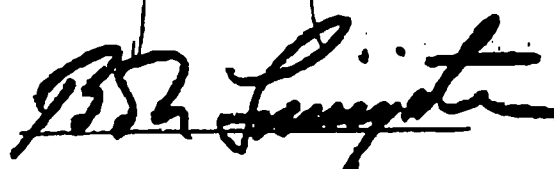
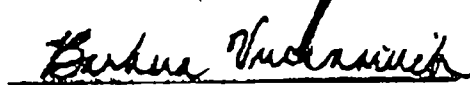
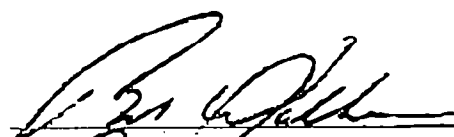
The McKinney Act is indeed a memorial to a generous legislator, but memorials — like legislation — need to stay up to date. Homeless groups should have no more of a claim to federal surplus property than other groups which also answer important local needs. The Balanced Budget Act's provision on Title V of the McKinney Act reflects this, and we believe it deserves your support.

Sincerely,

Susan Molinari




ECONOMIC SECURITY

ASSISTANT SECRETARY OF DEFENSE
3300 DEFENSE PENTAGON
WASHINGTON, DC 20301-3300



MEMORANDUM

December 5, 1995

**To: Alan Rhinesmith, Deputy Associate
Director for Housing & Finance, OMB**

From: Joshua Gotbaum 

Re: Proposed Repeal of Title V of the McKinney Act

Section 6023 in the current version of the Balanced Budget Act of 1995 (H.R. 2491) repeals Title V of the Stewart B. McKinney Homeless Assistance Act. The Department of Defense objects to this provision because it will have an adverse impact on community reuse of property at a number of base closure sites which are operating under the authority of Title V.

At 14 base closure sites, at least 27 applications for property to assist the homeless have been approved for transfer under Title V of the McKinney Act. However, the transfer process is not completed because the property has yet to be conveyed by deed due to pending requirements, such as environmental cleanup.

A repeal of Title V of the McKinney Act will eliminate the Department's legal authority to convey this property to those already approved applicants for homeless use. In some cases, homeless groups already are operating at these locations under a lease.

Section 6023 does provide an alternative authority to transfer property to nonprofit groups for homeless assistance, but using it will require all existing efforts to go "back to the drawing board" and create other problems.

First, it will stall property transfers. New regulations will have to be promulgated and homeless providers would have to make another application for property under a new process.

Second, the new authority proposed in Section 6023 is limited to transferring property "for housing use." At several closed bases, the already approved transfer is for a use other than housing. For example, the California Emergency Foodlink is operating a food distribution center for the homeless under a lease of property at the former Sacramento Army Depot. This property has yet to be conveyed by deed and such a use would not be allowed under the proposed new authority.

Finally, the repeal of Title V is likely to spur litigation by homeless providers who have been approved for property transfers but now would be unable to receive property under the McKinney Act. Any litigation will delay reuse and disposal of base closure property. Such delays might well affect uses unrelated to homeless assistance as well.



In 1994 Congress passed the Base Closure Community Redevelopment and Homeless Assistance Act which created an improved homeless assistance process at closing bases. Communities were given the opportunity to either stay under the McKinney Act process or opt into a new process which allows local communities to develop a reuse plan based upon local needs. Some communities decided to use the new process and are currently developing plans with local homeless groups.

But many other communities chose to stay with the process under Title V of the McKinney Act. For these communities, a major factor in their decisions was that the local outreach and federal application process had been completed. Many of these communities wanted to get on with the redevelopment of their closed base. Repeal of Title V will send these communities back to the drawing board and create another new homeless assistance process for these closed bases.

Injecting further change and delay into the base reuse process is something communities have consistently argued against. Reopening a process which allows homeless assistance groups to again request base closure property would cause unnecessary conflicts and confusion in local communities. This process has been completed in these communities. Title V of the McKinney Act should not be repealed so that the conveyance of properties selected and approved for homeless assistance can be finalized and the process of reuse and economic redevelopment in the affected base closure communities can proceed expeditiously.

If you have any questions on this issue, feel free to contact Mark Wagner, my Special Assistant, at 703/695-7178 or Robert Taylor, our Deputy General Counsel, at 703/693-4855.

cc:

Ted Wartell

Katherine Meredith

BASE CLOSURE AND THE HOMELESS

BACKGROUND

Under Title V of the McKinney Act, providers assisting the homeless have priority in obtaining unutilized, underutilized, excess, and surplus federal properties. A number of federal agencies are involved: the landholding agencies identify their property; the disposal agency screens for use by other federal agencies; HUD determines suitability for use to assist the homeless and publishes lists of such properties in the Federal Register; and HHS receives written letters of interest and applications from providers, reviews and evaluates the applications, and makes a final determination concerning the property. Under the law, regulations, and court orders, HHS has only very limited time to complete its action on the application (25 days from receipt of a complete application).

Title V procedures granting homeless organizations priority in obtaining military property have generated considerable controversy in many communities where military bases are slated for closure. Base closure brings two worthwhile Federal policies--assisting the homeless and economic redevelopment in the base closure communities --into sharp conflict.

The basic problem is that homeless providers have almost absolute priority in use of surplus federal property on closing military bases, without such uses being weighed with other community uses. The McKinney Act surplus property provisions have, we believe, worked well for the small pieces of property that were the norm prior to the military base closures. However, many bases slated for closure are very large, potentially very valuable, and the communities in which they are located are losing a substantial number of jobs and economic activity as a result of the closures. The McKinney provisions were not designed with base closure in mind; the involvement of multiple federal agencies further complicates the process.

CURRENT STATUS

Agency and congressional staff have been exploring ways to address these problems.

Congressional Proposals

An amendment modifying the McKinney process for base closure property was included in the House Banking Committee's HUD reauthorization bill that recently passed the House. A summary of the House amendment is attached. In this amendment --

- A new process is used for base closure property, with the local redevelopment authority preparing a re-use plan that address all needs in the community, including those of the homeless.
- If the re-use plan fails to meet the needs of the homeless after two submissions, as determined by HUD, HUD would identify property on the base as suitable for use by

the homeless, and the existing McKinney Act procedures would apply.

The Administration has taken no formal position on it to date. While it moves in the right direction of balancing needs, there are some significant problems with it.

Homeless providers recognize that some change in the McKinney Act for bases will happen, and they are working with the Congress and federal agency staff; they are suggesting some reasonable changes to the House provisions.

It is expected that a similar amendment, but with some changes, will be offered in the Senate to the Senate housing bill when it is considered. The two will be reconciled in conference.

Federal Staff Proposals

A subgroup (HHS, HUD, DOD and GSA) of the Interagency Council on the Homeless has been developing options for improving the process and providing for a better balance between meeting a community's economic redevelopment needs and its support for services for the homeless. In brief, the group recommends legislation to modify the current process as the House amendment does, but with differences --

- Establish a priority for homeless providers to use a portion of a closing base in conjunction with a community plan.
- Accelerate the process and have local homeless providers and base re-use groups work together to address homeless and other needs.
- Require that community re-use planning address all facets of redevelopment to include homeless, economic, and other needs. Specifically:
 - require base closure re-use committees to address homeless needs and opportunities in their planning, and include the input of homeless providers in their re-use plans, with specific details on what is to be provided for use by the homeless;
 - require homeless providers to express their needs to the local re-use planning authority; and
 - require base re-use plans to demonstrate linkages with a community's continuum-of-care plans for the homeless required under HUD legislation being considered now by the Congress.
- Place review and approval of components of the re-use plan addressing homeless needs and requests for homeless use in HUD. This would put in one place primary Federal responsibility for homeless use of property on closing military bases, and allow HUD to coordinate base property disposition for use by the homeless with several other HUD programs that are designed to address the problem of homelessness.

- If HUD does not approve a re-use plan as meeting the needs of the homeless in the community, then the re-use planning authority would have 60 days to submit a revised plan for review by HUD. HUD would then either approve the plan, or if still inadequate, utilize a Title V like process, with HUD instead of HHS approving applications for property.
- Subsequently, DOD would transfer the properties, either directly or through the local re-use authority.

ISSUES FOR DISCUSSION

1. Should the Administration support changes in the process for providing base closure properties for use by the homeless, generally as outlined above? There is substantial agreement at the staff level in DoD, HHS, HUD, GSA and the NEC to do this. The strategy would be to work with the Senate and the Conferees as they consider the House amendment.
2. What position should we take concerning when the new procedures apply? The procedures in the House amendment would apply to all bases with property that has not been included on the "suitable" list published by HUD as of July 1, 1994, with the exception of three bases specifically named in the amendment (including Cameron Station). While there are many bases that would come under the new procedures, there are many that would not -- these are the ones that are generating considerable controversy now. Among a number of options, staff consider the following the most viable:
 - a. Take no firm position. We would accept whatever the Congress considers appropriate.
 - b. The House approach generally -- property found suitable for use by the homeless and published by HUD on or after July 1, 1994, but without exemptions for named bases. Under this option, there are approximately 80 bases with property that would continue under the current McKinney Act procedures. There are properties on 24 of these bases that have been approved for use by the homeless, but not yet transferred. While some properties on them have been transferred, there are no bases where the bulk of the property has been transferred.
 - c. Whatever the effective date, we could allow a community to request to an agency or federal panel that the new procedures apply. That agency or panel would seek views from homeless providers in the community through the homeless planning authority required in pending HUD legislation.

Applying the new procedures to properties on as many bases as feasible would likely be appealing to local governments, but applying the new procedures to properties far along in the transfer process under the existing rules would be a problem to homeless advocates. Regardless, the question of retroactivity is important in Congress because of homeless requests at several bases.

LEADERSHIP AMENDMENT TO HR 3838

- a) Exempts base closure property from McKinney, i.e., substitutes this process for that one.
- b) As soon as DoD completes the determination of transferability of any part of a base, DoD must:
 - whether any building or property is excess, surplus, under or unutilized property;
 - submit to HUD information on the property and on the local redevelopment authority; and
 - notify the redevelopment authority of the properties available for use in the reuse plan.

Within 60 days of the DoD notice, HUD publishes notice of property available for use to meet the needs of homeless.

- c) Development of Reuse Plan. Local authority has one year to develop a reuse plan--starting from time authority is notified by DoD of the properties available for reuse. DoD may extend this by six months.
- d) Reuse Plan to Meet the Needs of Homeless. At the end of the year (or 18 months), authority submits its plan to DoD and HUD. Plan must include provisions for homeless use, indicate the providers and public agencies consulted, and demonstrate that the plan makes available a reasonable amount of property or assistance to the homeless in the community.
- e) Disposal of Property. HUD certifies to DoD that the plan meets homeless needs, if it--
 - demonstrates a strong commitment to the homeless in the community;
 - balances the homeless need with overall reuse plan;
 - was developed in consultation with local representatives of the homeless;
 - is consistent with the comprehensive affordable housing strategy in the community.
 - HUD to consider:
 - homeless population in the community;
 - current services;
 - need for additional services; and
 - suitability of the property.
 - HUD will solicit and consider comments from homeless interests.

If plan does not make a reasonable amount of property or assistance available, HUD tells redevelopment authority and DoD. Authority has an additional six months to resubmit a plan to HUD and DoD.

If still no reasonable accommodation, HUD determines buildings and properties to be made available under Title V.

- g) "Community" means the political jurisdictions that comprise the redevelopment

authority.

- h) New process applies to property on bases HUD finds suitable and publishes after July 1, 1994, except for property on three bases specifically identified in the amendment (One is Cameron Station in Virginia, and the other two in New York. Old process applies to properties on bases found suitable and published before July 1, 1994, with the exceptions above.

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Summary of Cooperative Base Closure/McKinney Process
Developed by Staff of
Department of Housing Urban Development (HUD),
Department of Health and Human Services (HHS), the Interagency
Council on the Homeless and
Department of Defense (DoD)

o Base Closure and Realignment property shall be exempted from the current provisions of Title V of the McKinney Act. Instead, homeless assistance providers will have a voice in the reuse planning process for closing military installations and will make use of the Local Redevelopment Authority (LRA) to request property or assistance. Accordingly, homeless assistance providers will no longer be able to make direct requests to the federal government for all or part of an entire installation. The process will be amended to require that the redevelopment plan be based on local needs and balance community and economic development interests.

o After a base is approved for closure, DoD will notify the public by publishing in the Federal Register and distributing to Federal Agencies and Local Redevelopment Authorities (LRA), if one exists, a list and description of closing military bases. When the LRA's are recognized, DoD will publish the names and contacts of the LRA in the Federal Register. The LRA will publicize their planning and public input process in local publications.

o Within six months of Congressional approval of the closure decision, DoD and Federal Agency screening will be completed. Federal Agencies will participate in the local planning process by submitting an expression of interest and a statement of need to DoD and the LRA. Federal Agencies may obtain property either directly from DoD or through the LRA under economic development conveyances. The redevelopment plan will identify federal requests and state how those requests are being addressed.

o Simultaneously with DoD/Federal screening, state and local interests, including community-based homeless related interests, shall express their interest and statement of need to the LRA, within a time frame set by the LRA, but no later than one year after publication. Homeless assistance providers' submissions to the LRA shall include, a statement describing the proposed homeless assistance program, the need for the program, the linkages of the proposed program to community programs, and a description of the facilities needed to carry out the proposed program.

oo Local Homeless Assistance Planning Boards (LHAPB) established under Section 411(b) of HR 3838, (if one exists), are expected to take the lead in coordinating and reviewing provider requests and making recommendations to the LRA on those requests. If no LHAPB exists, representatives from local government, locally based government and non-government homeless providers shall coordinate these efforts.

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o LRA has one year from date of Federal Register publication to complete a redevelopment plan. This period may be extended by DoD.

o LRA submits redevelopment plan and application for certification of the sufficiency of reuse plan's homeless assistance component to DoD and DoD will submit the plan to HUD. Such application shall contain sufficient appropriate documentation, including expressions from homeless assistance providers and LRA outreach efforts. The plan discussed in this statute is defined as the "redevelopment plan" defined by Title 29 of the Defense Authorization Act of 1994.

o HUD has 60 days to certify that the plan reasonably addresses the needs of the homeless and balances those needs with the need for community and economic development. During this period, HUD is encouraged to work with the LRA to identify perceived inadequacies and may negotiate changes to the plan.

o If HUD determines that the plan fails to reasonably address the needs, then HUD must, within the above 60 day period, state the specific reasons for denial and specify actions needed to make the plan acceptable. HUD's statement will be sent to both DoD and the LRA.

o LRA has 60 days following HUD's rejection to submit a revised plan to DoD that addresses HUD's concerns.

o DoD shall convene an inter-agency panel, consisting of a representative from DoD, HUD, HHS, GSA and VA, to review the LRA's revised redevelopment plan and certify that the revised plan addresses HUD's concerns and reasonably addresses the needs of the homeless. If the redevelopment plan is not revised or the panel determines that the revised redevelopment plan fails to reasonably addresses the needs, the panel will, by working with Local Homeless Assistance Planning Boards (LHAPB) established under Section 411(b) of HR 3838, (if one exists), or if no LHAPB exists, representatives from local government, locally based government and non-government homeless providers shall coordinate these efforts, identify specific homeless assistance providers and appropriate facilities needed to carry out their programs, based upon the homeless assistance providers that submitted statements of need to the LRA. Such decision shall be made within 30 days from the receipt of the revised redevelopment plan. DoD will effect a "Title V" conveyance directly to the homeless assistance provider(s), as identified the panel.

o DoD will have specific authority to transfer properties to providers identified by the LRA or the inter-agency panel to meet the needs of the homeless. DoD may extend any of the timelines mentioned above if DoD deems doing so is in the public interest.

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o The new process identified above shall apply to any installation where the property has not been published in the Federal Register as of July 1, 1994, pursuant to Title 29 of the Defense Authorization Act of 1994, and also to property which have been approved for transfer which was published prior to July 1, 1994 in which both the approved provider and the LRA agree to be subject to these new provisions. In this latter instance, the LRA must make a written request to DoD for consideration under the new provision of this law within 30 days of enactment of this law.

o In the case of any property that has been published, but not approved, any LRA may make appeal in writing to DoD for consideration under the new provisions of this law instead of the current McKinney Title V process. The LRA's written appeal shall specify the reasons for its request. DoD will convene the aforementioned interagency panel to review and respond to the LRA's request. Specific review criteria will be developed by DoD in consultation with other interagency panel members. On receipt of this waiver request, DoD will notify providers that have expressed interest in applying for property at that base that a waiver request has been received from the LRA.

o In the rare case in which an LRA believes that the previously approved application is inconsistent with the community's comprehensive redevelopment plan for the installation, the LRA may make a written appeal to DoD who will follow the same interagency appeal provisions above. Any such request must include a proposal that provides a method for meeting the needs and carrying out the programs or activities, as originally approved by HHS.

DRAFT

**DRAFT OUTLINE OF TALKING POINTS
FOR DOMESTIC POLICY COUNCIL MEETING
TUESDAY AUGUST 9, 1994**

*Asst-Secretary
for Josh Gottbaum
D.D*

• Base Closures

- Need for closures
 - » Downsizing of troop strength
 - » Excess capacity
- BRAC '88, '91 & '93 - 70 major closures / 300 other properties
- BRAC '95 - Substantial.. up to previous rounds combined

• Disposal Process

- Community Organization
 - » OEA grants and technical assistance to Local Redevelopment Authorities
 - » Transition Coordinator on-site assistance
- Screening - DoD, Federal, McKinney, State & Local
- Community Reuse Plan
- Public Benefit Conveyances - Education, health, recreation, aviation, etc.
- Economic Development Conveyance

• President's 5 part Plan

- Jobs Centered Property Disposal
 - » Economic Development and Local Reuse Plan

• McKinney Act and Base Closures

- Under current law, providers pick properties they desire without local input
- Success - When Providers and Community work together
 - » Ft. Ord - Monterey County Housing Authority
 - Veterans, social service, & juvenile providers
 - » Charleston, SC -
 - One stop shop for services
 - health, housing, community services
 - co-located with Community Services Corps
- Failure - When Providers and community don't work together
- Norton AFB,
 - Providers asked for whole base and almost lost major commercial tenant because of delays
- Cameron Station, Alexandria, VA
 - An out of town provider asked for 50% of base, making development plan not feasible

• Proposed Changes

- Providers absolute priority to individual building is removed
- Community plan must include needs assessment and reasonably meet the needs of providers
- Allows community to meet needs on or off base, with or without property
- Allows for balance between needs of homeless and needs for economic development
- HUD will review redevelopment plan
 - » If HUD determines the plan does not meet the needs, community must resubmit plan
- Interagency team reviews revised plan
 - » If plan does not meet needs, specific buildings are transferred

DOD issues w/ those bill

- ① process cld be very long
- ② doesn't have any absolute right (Tenn)
- ③ test is "reasonableness" - House bill has unclear std for lowest need.

McKinney Act Amendment Proposal

Required Changes in Current Law

- Establish a priority use by homeless providers to a portion of a closing military base. Repeals the absolute right to any specific properties.

- Alter the current property screening process to identify potential users, not specific buildings.

- Publish list of closing bases as soon as approved by the Congress (approximately October 1).

- Within 90 days of publication, homeless providers must provide to HHS an application that:

- Describes planned homeless support program;

- Describes how program relates to area homeless needs;

- Establishes financial and organizational abilities to carry out the proposed program.

- After the conclusion of the 90 day application period, HHS has 90 additional days to certify those applicants whose program and capabilities merit the right to negotiate their plans with local redevelopment authorities.

- (- LRA's have one year after HHS certification to develop a reuse plan, taking into account the proposed plans of certified homeless providers.)

- Before the DOD will make any property conveyances under the authorities of the Base Closure Act, as amended, (HUD or HHS) must certify that the reuse plan of the LRA reasonably meets homeless needs, in balance with redevelopment needs.

- If the LRA's plan fails to meet the above standard, DOD may make a conveyance to homeless providers through HHS.

- This amendment applies to all matters where title has not yet been transferred, and amends both the McKinney Act and the Base Closure Act.

"(2) DISCOUNT.—Any property made available for sale pursuant to this subsection under the program referred to in subsection (a) shall be made available at a price equal to the fair market value of the property less a 25 percent discount.

"(3) STATE AND LOCAL TAXES.—The provisions of subsection (c) shall apply to the demonstration program under this subsection.

"(4) REPORT.—Upon the expiration of the 18-month period referred to in paragraph (1), the Secretary of Housing and Urban Development shall submit a report to the Congress analyzing the extent to which single family properties made available for use by the homeless under the program referred to in subsection (a) as carried out under subsections (a) and (b) and as carried out under this subsection. The report shall also analyze the effect of carrying out the program under each of such provisions on the Mutual Mortgage Insurance Fund."

Page 563, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 833. STRATEGY TO ELIMINATE UNFIT TRANSIENT FACILITIES.

Section 825(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11301 note) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) that States and units of general local government shall eliminate the use of unfit transient facilities as housing for homeless families with children not later than July 1, 1997, in the manner provided under the strategy."

Page 565, line 10, strike "\$193,186,000" and insert "\$130,000,000".

Page 565, line 11, strike "\$198,982,400" and insert "\$130,000,000".

Page 565, after line 11, insert the following new subtitle (and conform the table of contents accordingly):

Subtitle D—Availability of Property at Military Bases for Redevelopment and Homeless Use

SEC. 881. AVAILABILITY OF PROPERTY AT MILITARY BASES FOR REDEVELOPMENT AND HOMELESS USE.

"(a) AVAILABILITY OF MILITARY PROPERTY TO ASSIST THE HOMELESS.—Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.) is amended by adding at the end the following new section:

"SEC. 503. SPECIAL PROCEDURES GOVERNING AVAILABILITY OF PROPERTY AT CLOSED OR REALIGNED MILITARY BASES TO ASSIST THE HOMELESS.

"(a) SOLE AUTHORITY FOR AVAILABILITY OF PROPERTY.—(1) Property at a military installation closed or realigned under a base closure law shall not be available for use to assist the homeless except as provided by this section.

"(2) Until after the appropriate time periods set forth in this section have expired, the Secretary of Housing and Urban Development shall neither request information concerning buildings or property covered by paragraph (1), nor identify such buildings or property as suitable for use to assist the homeless pursuant to section 501(a), other than under the procedures set forth in this section.

"(3) For purposes of this section:

"(A) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) and the Defense Base Closure and Realignment

Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(B) The term 'community' means the political jurisdictions that comprise the redevelopment authority established with respect to a military installation to be closed or realigned under a base closure law.

"(b) IDENTIFICATION AND NOTIFICATION OF PROPERTY FOR REDEVELOPMENT.—(1) Not later than the date on which the Secretary of Defense completes the final determination under a base closure law regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed or realigned under such base closure law, the Secretary of Defense shall—

"(A) complete any determinations or surveys necessary to identify whether any building or property described in paragraph (2) at such installation is excess property, surplus property, or unutilized or underutilized property;

"(B) submit to the Secretary of Housing and Urban Development written notice containing information on such buildings or property and specifying the redevelopment authority that exists with respect to the installation; and

"(C) submit to the redevelopment authority with respect to the installation written notice of the properties available for use in developing a reuse plan pursuant to subsection (d).

"(2) The buildings and property referred to in paragraph (1)(A) are any buildings or property located at the installation involved for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the final determination of transferability referred to in paragraph (1).

"(3) Notice submitted to the Secretary of Housing and Urban Development under paragraph (1)(B) regarding excess property, surplus property, or unutilized or underutilized property at a military installation shall be available only for the purpose of permitting the redevelopment authority with respect to the installation to develop a reuse plan for the property that makes available a reasonable amount of property or assistance to the homeless in the community.

"(4) Within 60 days after receiving a written notice under paragraph (1)(B), the Secretary of Housing and Urban Development shall publish in the Federal Register information regarding the property described in the notice and available for use to develop a reuse plan pursuant to subsection (d) and information specifying the redevelopment authority responsible for preparing the reuse plan under subsection (d).

"(c) PERIOD FOR DEVELOPMENT OF REUSE PLAN.—(1) The Secretary of Defense shall give each redevelopment authority that receives a written notice under subsection (b)(1)(C) a one-year period from the date of the receipt of the notice in which to develop a reuse plan under subsection (d) for the buildings and property identified in the notice.

"(2) The Secretary of Defense may extend the period provided under paragraph (1) for not more than an additional 6 months to permit a redevelopment authority to complete its reuse plan.

"(d) REUSE PLAN TO MEET THE NEEDS OF THE HOMELESS.—(1) Not later than the end of the period provided under subsection (c) to a redevelopment authority, the redevelopment authority shall submit in writing to the Secretary of Defense and the Secretary of Housing and Urban Development a reuse plan for the buildings and property identified in the written notice submitted to the redevelopment authority under subsection (b)(1)(C) at the military installation for which the rede-

velopment authority is established. The reuse plan may be a part of, or a supplement to, the redevelopment plan otherwise authorized under a base closure law for a military installation.

"(2) The reuse plan shall include provisions for use to assist the homeless, shall enumerate homeless providers and public agencies consulted regarding the plan, and shall include a commitment to enter into legally binding agreements to make available a reasonable amount of property or assistance to the homeless in the community. Such property may consist of buildings and property located at the military installation to be closed or realigned or off of the installation.

"(e) REVIEW OF REUSE PLAN BY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—(1) The Secretary of Defense shall consider a reuse plan submitted under subsection (d) for purposes of disposal of property at the military installation for which the reuse plan is developed unless the Secretary of Housing and Urban Development, within 60 days of receipt of the reuse plan, determines under paragraph (2) that the reuse plan does not make available a reasonable amount of property or assistance to the homeless in the community involved.

"(2) The Secretary of Housing and Urban Development shall determine that a reuse plan makes available a reasonable amount of property and assistance to the homeless within the community involved if—

"(A) the reuse plan includes a commitment to enter into legally binding agreements to provide assistance to the homeless within the community;

"(B) the reuse plan balances the need for providing property and assistance to the homeless with the overall reuse plan for the military installation;

"(C) the reuse plan was developed in consultation with local representatives of the homeless, including representatives of the applicable homeless assistance planning board established under section 411(b) and representatives of local nongovernmental homeless providers;

"(D) the reuse plan is consistent with the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

"(E) the reuse plan specifies the manner in which property or assistance will be made available for homeless assistance.

"(3) In making a determination under paragraph (2) with respect to a reuse plan, the Secretary of Housing and Urban Development shall—

"(A) consider the population of homeless in the community involved, the extent of current services to assist the homeless within the community, the extent of the commitment of resources by local governments in the community to assist the homeless within the community, the need for additional services to assist the homeless within the community, and the suitability of the property for serving the needs of the homeless; and

"(B) solicit and consider comments on the reuse plans from homeless persons or their representatives in the community.

"(f) EFFECT OF FAILURE TO MEET THE NEEDS OF THE HOMELESS.—If the Secretary of Housing and Urban Development determines under subsection (e) that a reuse plan does not make available a reasonable amount of property or assistance to the homeless in the community involved, the Secretary shall submit to the redevelopment authority submitting the reuse plan and to the Secretary of Defense a report containing the reasons for the determination. The Secretary of Housing and Urban Development shall submit the report within 30 days of making the determination.

"(2) A redevelopment authority shall have an additional 6 months from the date of receipt of a report under paragraph (1) to resubmit to the Secretary of Housing and Urban Development and the Secretary of Defense a final reuse plan which will reasonably address the needs of the homeless, as identified by the Secretary of Housing and Urban Development under paragraph (1).

"(3) If the Secretary of Housing and Urban Development determines that a final reuse plan submitted under paragraph (2) fails to reasonably address the needs of the homeless, the Secretary shall, within 30 days of making such determination, identify those buildings and other property covered by the reuse plan that are suitable and available for use to assist the homeless. The Secretary shall make such identification according to section 501(a). Buildings and property identified as suitable and available for use to assist the homeless under this paragraph shall be made available for such purposes under section 501.

"(g) EFFECT OF ABSENCE OF REDEVELOPMENT AUTHORITY OR EXCLUSION FROM REUSE PLAN.—In the case of buildings or property to be disposed under a base closure law, but for which no reuse authority is identified by the Secretary of Defense or which are not included in a final reuse plan submitted by a reuse authority, the Secretary of Housing and Urban Development shall determine the suitability of such buildings or property for use to assist the homeless according to section 501(a). Buildings and property identified as suitable and available for use to assist the homeless under this paragraph shall be made available for such purposes under section 501.

"(h) APPLICATION OF SECTION.—(1) Except as provided in paragraph (2), this section shall apply only with respect to property, at a military installation to be closed or realigned under a base closure law, that has not been included, as of July 1, 1994, in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A).

"(2) In the case of the military installations specified in paragraph (3), this section shall apply with respect to the disposal of all property at the installations regardless of the date on which property at such installations was included in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A).

"(3) The military installations referred to in paragraph (2) are as follows:

"(A) Cameron Station Military Garrison, Alexandria, Virginia.

"(B) Manhattan Beach, New York, New York.

"(C) Naval Station New York."

(b) CONFORMING AMENDMENT TO BASE CLOSURE LAWS.—(1) Section 204(b)(6) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(H) This paragraph shall apply only with respect to buildings and property at a military installation to be closed or realigned under this title that has been included, before July 1, 1994, in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(1)(A)). This paragraph shall not apply to property at an installation specified in section 503(h)(3) of such Act."

(2) Section 2905(b)(6) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(H) This paragraph shall apply only with respect to buildings and property at a

military installation to be closed or realigned under this part that has been included, before July 1, 1994, in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(1)(A)). This paragraph shall not apply to property at an installation specified in section 503(h)(3) of such Act."

Mr. GONZALEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Chairman, the en bloc amendment, which I offer on behalf of myself, Mr. LEACH, and Mrs. ROUKEMA, represents a bipartisan effort of the committee to provide refining, clarifying and other technical changes to the committee bill. I would like to thank Mr. LEACH and Mrs. ROUKEMA for their cooperation in this effort, and also for the assistance of those other Members who agreed to have their amendments consolidated into this amendment so that we might expedite consideration of this bill.

Among the principal changes made by the en bloc amendment are refining changes to subtitle D of the bill—the Renewal of Expiring Contracts for Section 8 New Construction and Substantial Rehabilitation. I particularly want to thank Mr. KENNEDY for his work on this important provision of the bill.

Other changes include an amendment to the Federal surplus property provisions of the McKinney Homeless Assistance Act as it relates to closure of military bases. The en bloc amendment establishes a collaborative process between the community and homeless providers in determining the use of military bases after closure to ensure that the best use of these bases is made for housing and community development.

The en bloc amendment also includes an amendment initially proposed by Mr. BARRETT, that would add an anti piracy provision to the CDBG and the Empowerment Zones and Enterprise Communities Grant Program established by the bill, and thereby prohibit the use of Federal funds to take jobs away from areas where those jobs are critically needed.

The amendment also includes a proposal by Mr. RUSH to enable PHA's to leverage modernization funds for modernization and replacement housing. This should greatly enhance the PHA's ability to finance housing for the thousands of families living in run-down public housing and on public housing waiting lists.

Finally, the amendment provides for modest reductions in the authorizations of various programs, and a modest increase in the authorization for the homeless consolidated grant program established by the bill. However, let me assure Members that our authorization levels for HOME, preservation and property disposition remain

well above appropriated levels despite the reductions.

Mrs. ROUKEMA. Madam Chairman, I rise in support of the leadership amendment.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Madam Chairman, I once again want to commend the chairman for his willingness to work with the many Members who have brought these proposals to our committee's attention.

While many of the provisions in this amendment are technical in nature, I do want to single out just a few.

The first is the provision offered by our colleague from Georgia [Mr. COLLINS] which further adds to the public housing rent reform proposals included in the bill.

A second provision was offered by our colleagues Messrs. RIDGE and KENNEDY, which clarifies that community action agencies may participate in the family self-sufficiency program through partnerships with PHA's.

A third provision offered by Mr. RUSH of Illinois would permit PHA's with severe vacancy problems to leverage a portion of their modernization funds to raise additional funds for the purpose of replacing units which are too old or obsolete to renovate.

A fourth amendment offered by Mr. BARRETT and Mr. KLECZKA would prohibit communities from using their CDBG funds to pirate businesses from other communities if such a move would result in large-scale unemployment in the affected area.

A provision offered by Ms. KAPTUR would provide funds for Gen. Baroni Recognition Awards for outstanding community development activity.

Mr. BEREUTER for his efforts on surplus military property relative to the McKinney Homeless Act.

Again, Madam Chairman, these amendments are welcome additions to the base text and should be adopted.

□ 1910

Mr. SCHUMER. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in support of the en bloc amendments and the whole bill. Let me say the en bloc amendments touch on many different issues. They affect many communities, including my own, and I am appreciative to the chairman and the staff, as well as the ranking member and the staff, for dealing with the particular problem we have there.

But I would also like to talk a little bit about the bill which the en bloc amendment modifies, because time had run out here.

I am in strong support of this bill. In 1937, the Congress passed for the first Federal housing legislation, and today, in 1994, Congress has the opportunity to pass the best housing legislation in a very long time.

This important bill has wide support on both sides of the aisle. The gen-

EDC-6. MILITARY BASE DISPOSAL AND REUSE

6.1 Preamble

The efficient disposal and effective reuse of surplus military properties continue to remain important economic issues for states, territories, and affected communities, particularly as the federal government begins another round of military base realignments and closings. The Governors believe economic development and job creation must be the primary factors governing the disposal of military properties. Therefore, the Governors call on the federal government to improve existing military property disposal procedures. Although the President's Five-Point Plan and the fiscal 1994 Department of Defense (DoD) Authorization Bill enacted by Congress represent important progress, additional legislation is needed to further expedite the process, REMOVE BARRIERS IN EXISTING LAW AND DOD PRACTICES, ENSURE TIMELY ENVIRONMENTAL CLEANUP OF CLOSED BASES, and provide incentives for timely commercial reuse of surplus military property.

6.2 Strategic Planning and Implementation

The impact of closing a base varies with the size of the community and the makeup of the local economy. The Office of Economic Adjustment must provide timely and adequate assistance for strategic planning for base closures and should provide funding to states where they are partners in easing local impacts. Funds also will be needed to implement the strategic plans. In addition to direct assistance, the federal government should consider ways to stimulate job creation and economic development in affected communities, including tax incentives such as job-related tax credits or other economic development assistance such as loans, the streamlined use of tax-exempt financing, ~~or~~ insurance coverage to protect firms from possible economic loss due to undiscovered environmental contamination, OR INVOLVING LOCAL BUSINESSES AS MUCH AS POSSIBLE IN CLOSURE AND CLEANUP ACTIVITIES.

6.3 Property Disposal

To minimize the time between closure and redevelopment, the federal government must encourage parcelization of properties where appropriate, as well as minimize delays resulting from McKinney Act reviews. As long as the law operates with separate and consecutive procedures for McKinney Act and community reuse reviews, the Governors believe it will continue to slow down timely and beneficial reuse of surplus military property. Therefore, the Governors believe that the McKinney Homeless Assistance Act should be amended to provide a single, concurrent screening period for homeless assistance providers and community reuse planners.

To facilitate cooperation between homeless assistance providers and community reuse planners, the McKinney Act should allow for community reuse planners to participate throughout the disposal process, to negotiate with homeless assistance providers directly, as well as to offer alternative locations—either on or off base—for homeless assistance providers to carry out their proposals. Further, the federal government should take steps to ensure that homeless provider applicants demonstrate both how property would be utilized and the financial ability to carry out their proposals to meet regional homeless assistance needs.

The Governors urge the federal government to expand and provide additional funding for the Federal Aviation Administration's Military Airports Program, which provides assistance for the conversion of military airfields to commercial use. In cases where the federal government retains ownership of surplus property and makes long-term leases available, the Governors urge the federal government to develop a uniform policy that requires the federal government to cover the conversion costs of facilities for commercial reuse.

ONE ADDITIONAL CONCERN IS THAT STATES AND LOCALITIES SHOULD BE VIEWED AS PARTNERS IN THE REUSE PROCESS. CURRENT PAYMENT REQUIREMENTS ARE A BARRIER TO EFFICIENT COOPERATION AND EFFECTIVE ECONOMIC DEVELOPMENT. To maximize the resources of local, state, and territorial governments, they should be permitted to purchase military base assets over a period of time, rather than having to make immediate and full payment.

6.4 Property and Land Appraisals

Many communities have experienced significant delays because of the procedures followed to complete the appraisal process. In a number of instances, the military has clung to inflated appraisals and insisted on compensation for "full market value." Additionally, the values assigned to buildings that frequently fail to meet fire and safety codes—not to mention Americans with Disabilities Act (ADA) requirements—are unrealistically high. Provisions should be made for the military to clear the land in circumstances where the cost of retrofitting exceeds the cost of new construction. Again, a central office must be set up within DoD to set policy and deal consistently with these problems.

CONSISTENT POLICIES SHOULD BE DEVELOPED FOR THE SERVICES TO FOLLOW IN ANY CLOSURE SITUATION.

6.5 Environmental Cleanup

Successful timely reuse of surplus military property depends greatly on the active cooperation of the federal government and affected states and communities in remediation efforts. All too often INCONSISTENT ~~the absence of established~~ policies and INADEQUATE ~~inconsistent~~ funding have allowed cleanup issues to become outright barriers to reuse.

CONGRESS HAS DIRECTED DOD TO CLEAN UP ALL MILITARY FACILITIES. IT IS IMPERATIVE THAT CLEANUP FUNDS BE AVAILABLE WHEN A BASE IS DESIGNATED FOR CLOSURE. WHEN ALL OR PART OF A CLOSED FACILITY IS FORCED TO LIE IDLE AND UNUSABLE BECAUSE OF CONTAMINATION, ECONOMIC REUSE AND COMMUNITY ADJUSTMENT ARE JEOPARDIZED.

ACCURATE COST ASSESSMENTS HELP ASSURE STATES AND COMMUNITIES THAT ADEQUATE FEDERAL FUNDS WILL BE MADE AVAILABLE TO CLEAN BASES FOR REUSE. THEREFORE, GOVERNORS CALL ON THE DEPARTMENT OF DEFENSE TO BETTER INFORM ALL PARTIES OF THE COST OF ENVIRONMENTAL CLEANUP FOR ANY BASE RECOMMENDED TO BE CLOSED, AND TO INCLUDE ESTIMATES OF TIMELY ENVIRONMENTAL CLEANUP COSTS WITH ALL RECOMMENDATIONS REGARDING BASE CLOSURES AND REALIGNMENT. FURTHER, THROUGHOUT THE DECISIONMAKING PROCESS, GOVERNORS CALL ON CONGRESS AND THE ADMINISTRATION TO BUDGET FOR THE FUNDS THAT WILL BE NEEDED IN

ANNUAL APPROPRIATIONS BILLS TO MEET THE COMMITMENT OF TIMELY ENVIRONMENTAL REMEDIATION,

The administration's proposal to permit environmental issues to be addressed concurrently with the reuse planning process, rather than sequentially, should be implemented without delay. Local communities must be given more information on a timely basis about the scope of environmental problems at each property, and adequate funding assistance should be provided for state, territorial, and community advisors during the remediation planning and implementation process. Cleanup work TO THE GREATEST EXTENT POSSIBLE SHOULD ~~often can~~ be performed by local businesses, thus providing SOME MEASURE OF interim economic stimulus for the community.

To ensure timely and sound remediation efforts, the federal government should work with the states and territories to pursue cooperative measures when appropriate as an alternative to listing additional bases on the national priorities list. GOVERNORS CALL ON CONGRESS AND THE ADMINISTRATION TO ~~The federal government should~~ ensure that the Federal Facilities Compliance Act is effectively enforced on those bases slated for closure or realignment, AND THAT MILITARY INSTALLATIONS AND OTHER FEDERAL PROPERTIES MEET THE SAME FEDERAL AND STATE ENVIRONMENTAL STANDARDS AS THOSE IMPOSED UPON THE PRIVATE SECTOR.

The federal government also must establish a coherent indemnification policy that encourages innovative methods of remediation. ~~The Governors urge the President and Congress to implement such a policy consistent with the President's Five Point Plan.~~ This policy should address both future purchasers or lessees and cleanup contractors. The lack of SUCH A ~~an indemnification~~ policy for cleanup contractors deters qualified contractors from using innovative technologies in their remediation efforts. The development and application of new remediation technologies can help make properties available for reuse more quickly. GOVERNORS URGE FULL IMPLEMENTATION OF SUCH A POLICY, CONSISTENT WITH THE PRESIDENT'S FIVE-POINT PLAN. ~~Most important, it is essential that the federal government provide sufficient funding on a timely basis to implement effective remediation efforts at each facility being closed or realigned, and that there be no delay in dedicating adequate resources for remediation at the facilities and installations to be closed or realigned in the future.~~

6.6 Cooperation and Coordination with State, Territorial, and Local Governments

As defense downsizing and restructuring continues, the federal government must take steps to enhance cooperation and coordination with state, territorial, and local governments in order to preserve the integrity of local economies.

Time limited (effective July 1994-July 1996).
Adopted August 1993; revised February 1994.

MEMORANDUM

TO: Policy Group Meeting

FROM: Marsha A. Martin, DSW
Executive Director

DATE: August 02, 1994

SUBJECT: Underutilized Tax for Homeless people

The Center for Law and Human Services (CLHS) sponsored and administered a homeless volunteer income tax assistance project in Chicago, for a period of 5 months. The Project trained 40 volunteers, counseled 190 individuals and prepared 143 Federal and state tax returns for homeless and recently homeless persons. As a result;

- 83% of the returns resulted in refunds with a cumulative value exceeding \$22,000.
- 15% of the returns were for prior years.

Focused on the legal services community, the project results identified opportunity and issues relevant to all human services sectors including **homeless**, welfare reform, job training, and public housing initiatives.

The Center for Law and Human Services' (CLHS) experience in this project raises a potentially important national policy issue arising from chronic underutilization of tax benefits for homeless people and the working poor. Based on their experience and assessment, they have identified a need for funding to support community based tax counseling and tax preparation assistance for the working poor/homeless people.

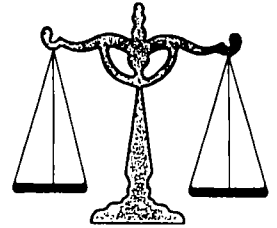
It is important to note that there is a significant amount of funding available for volunteer support through the IRS. While there are monies available for outreach and volunteer efforts such as CLHS', most of the monies are "earmarked" for senior citizen and other community initiatives not always, cognizant of the needs of homeless people or the usefulness of the tax system as a viable resource.

The Federal plan has a recommendation to examine the tax system etc. We could examine the use of the existing resources before recommending potential changes.

See attachment

Center for Law and Human Services

1325 South Wabash Avenue • Chicago, IL 60605-2504
(312) 341-1666 • Fax: (312) 341-9519 • HandsNet 0441



May 19, 1994

Ms. Marsha Martin
Interagency Council
U.S. Department of Housing & Urban Development
451 Seventh Street, S.W.
Washington, DC 20410

Dear Ms. Martin:

I am writing to pass on information and analysis regarding underutilized tax benefits available to the working poor. Enclosed is an article on this topic. Though focused on the legal services community, the article raises concerns relevant to all human services sectors including homeless, welfare reform, job training, and public housing initiatives.

Also enclosed is a report on a homeless volunteer income tax assistance project administered by the Center for Law and Human Services, Inc. (CLHS) in 12 Chicago shelters. Trained volunteers counseled 190 individuals and prepared 143 federal and state tax returns. Eighty-three percent of the returns resulted in refunds with a cumulative value exceeding \$22,000. Fifteen percent of the returns were for prior years.

Finally, I am enclosing a fact sheet and outline for an expanded year-round tax counseling project that we expect to start in the fall of 1994. Several local foundations have expressed strong support for this project.

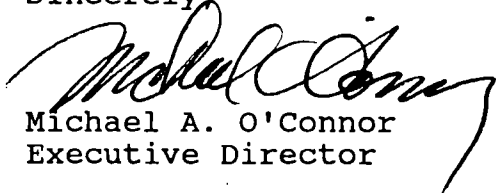
Our experience in these projects, and in EIC outreach activities since 1987 points to a critical national policy issue arising from chronic underutilization of tax benefits for the working poor: There is a need for a modest funding stream to support community based tax counseling and tax preparation assistance for the working poor. The IRS presently has a \$3 million pot for volunteer support, but 90% is allocated to AARP for tax counseling for the elderly, and senior IRS staff have expressed opposition to suggestions that IRS administer additional funds to support tax counseling for very low income wage earners.

Ms. Marsha Martin
Interagency Council
U.S. Department of Housing &
Urban Development
May 19, 1994
Page 2

I have raised these concerns with David Elwood and Wendell Primus at HHS, and Isaac Shapiro at the Department of Labor. Although these agencies have strong incentives to take action that would assure that their constituencies receive available tax benefits, it is my impression that response to date has been constrained by a belief that this matter is within IRS jurisdiction.

I would hope that you are able to raise these concerns both within the Interagency Council and in the White House Domestic Policy Council. If you have any questions or need further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. O'Connor", is written over the typed name and title.

Michael A. O'Connor
Executive Director

MOC:lt

Enc.

the closed bases

THE House of Representatives took a major step toward correcting a flaw in the base conversion pecking order last week when it amended the 1987 McKinney Homeless Assistance Act.

Authored before the federal government began making dramatic military cuts, the McKinney Act gave homeless providers first crack — after federal agencies — at surplus federal property. It has been interpreted to include bases targeted for closure.

Community needs and desires were placed several notches below the claims of the homeless, making it almost impossible for a community to come up with a rational, comprehensive plan for use of abandoned bases.

The McKinney Act also is inconsistent with the vow President Clinton made last year at Alameda Naval Air Station to make local economic redevelopment and job creation the first priority of base conversions.

The House amendment alters that pecking order to give local communities the power to plan and control how abandoned military land is used — including facilities for the homeless.

Wrestling with the homeless

The change makes for more rational public policy, especially for East Bay communities that must make the best use of prime property being abandoned by the Navy. It's also especially relevant to California and the Bay Area, which have been hit disproportionately hard by military downsizing.

Tustin in Orange County is wrestling with what it feels are excessive homeless demands at its Marine air station. San Bernardino, Long Beach and other communities have similar problems.

Governor Wilson went to Washington, D.C., a couple weeks ago to seek a change in the McKinney Act.

The Senate needs to duplicate the House action. We urge California Senators Diane Feinstein and Barbara Boxer to lead the effort.

Alameda Naval Air Station illustrates why they should do so.

The 1,700 acres at the city's West End is a prime piece of property that should be put to the best possible public and private use. It sits in the heart of the Bay Area with water on three sides. The shoreline affords gazers a breathtaking view of the San Francisco skyline and Bay Bridge. The panorama is one of the finest in urban America.

When the Navy steams out of Alameda County, more than 44,000 military and civilian jobs and \$1 billion a year away. That ret comes on the heels of one of the worst economic downturns in California

and Bay Area history.

It's essential that such property is used for both public purposes and to generate jobs and reincarnate ailing local and regional economies. The potential is mind-boggling. Public use and access to the shoreline, housing, recreation, light industrial and commercial sites, and a variety of other needs can be met if the property is adapted intelligently.

To do so requires careful, comprehensive planning, long on vision and attuned to the realities of modern, interna-

tional economics.

If all preliminary designs on NAS land by the U.S. Coast Guard, the Department of Fish and Wildlife and all homeless entities who've floated wish lists were granted, there would be little left to plan or develop.

Although the official time for homeless groups to claim NAS land doesn't begin until next month, they've already set their sights on hundreds of barracks and homes, office space and such recreation resources as the base gym, movie theater, bowling alley and swimming pool.

Those claims are impractical economically — how can homeless agencies pay to maintain such facilities in this era of shrinking public funds? — and have created fear among Alamedans that the island will become a "dumping ground" for the homeless.

Irrational reactions

Such fear — and the harsh, irrational reactions it could foster — must be eliminated. To let them smolder and spread is not in the best interests of the city or the disenfranchised.

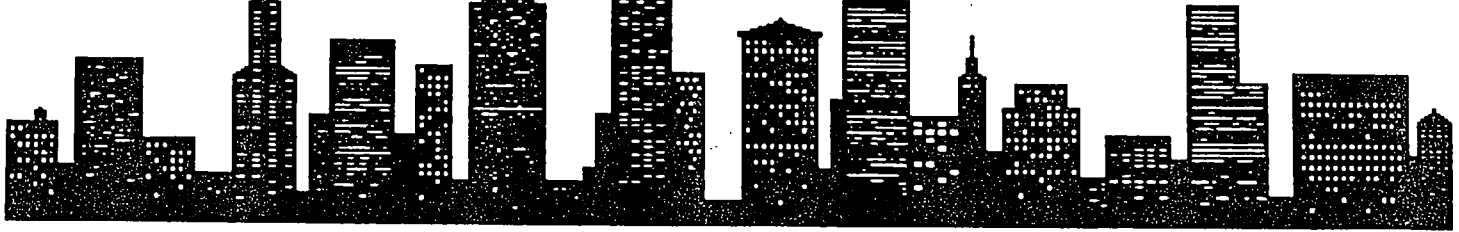
Homeless facilities and services must be part of a comprehensive plan for NAS, but shouldn't be the main use. A balance must be struck between economic and social needs. The only way to do that is with a broad-based plan that makes the best possible use of the property and meets community needs and approval.

Homeless advocates fear that if the McKinney Act is changed, they will be excluded from base conversion plans. Local, state and federal officials have an obligation to make sure that doesn't happen.

Alameda Mayor Bill Withrow has said, "We'll take care of our share of the homeless problem." We hope that share is generous and urge him and others to make it so.

But the best thing we can do for the homeless, taxpayers, children, the region and cities is attract business and create jobs that refuel sputtering fiscal engine. The homeless are but one part of that greater economic need.

BAY AREA REPORT



Converting Bases to Benefit Homeless People

During the Great Depression, military bases were used to provide housing for homeless people. Some facilities established employment programs as well and linked efforts with the Works' Progress Administration (WPA) and Community Conservation Corps (CCC) to accomplish their goals.

Title V of the McKinney Act, passed in 1987, echoed this precedent, providing that when the government identifies unutilized, underutilized, excess or surplus federal property within its stock, homeless people are to have priority for receiving this property for housing, services and employment uses.

This new Act was of little use to homeless groups in California because property values were so high that the defaulted federally insured mortgages which were generating accessible housing stock in states like Minnesota and Arizona, were not generating many units here. We had access to blankets, cots, food supplies, a warehouse in Los Angeles and a coast guard station in Petaluma. The very few other buildings that were identified for access were asbestos-riddled, and not worth the clean-up. In fact, the McKinney surplus property provision was so underutilized, that the government sought relief from the legal mandate to generate a list of available property. Fortunately, relief was denied and the "listing" process improved.

The value of Title V heightened in 1992-1993 with the end of the cold war and plans to decommission military bases. Many bases throughout California are scheduled for closure in the next few years. In the Bay Area, bases scheduled for closure include: Alameda Naval Air Station and Naval Aviation Depot, Oak Knoll Naval Medical Center, Mare Island Naval Shipyard, Treasure Island, the Presidio and Hamilton Air Force Base. Bases scheduled for closure in Southern California include: Long Beach Naval Station, March Air Force Base, San Diego Naval Training Center, El Toro and Tustin marine corps air stations. Bases in other areas are: Fort Ord in Monterey, Mather Air Force Base and Sacramento Army Depot in Sacramento, and Castle Air Force Base in Merced. Other bases, including Moffit Field, and George Air Force Base have already closed. Many more base closures will be targeted for closure nationwide in conversion plans to be announced in 1995 and 1997. There are 144 additional military bases in the State which may go through this process over the next several years.

Accessing Base Property

Under the McKinney Act Title V, projects aimed at serving homeless people receive priority for deeds or leases for unutilized, underutilized, excess and surplus federal property, including base property, usually at no cost. The "Pryor Amendment" passed last November, effectively limits this benefit to a one time opportunity for accessing base conversion property, but nevertheless leaves intact the ability to access the property. The key issue right now is timing: HUD will soon be publishing lists of available property on the bases, and applicants have 60 days from the date of publication to submit letters expressing interest in listed property for homeless projects, and another 90 days to submit applications.

To qualify for the free property, applicants must be nonprofit or local or state government agencies with projects that benefit homeless people. Currently, the U.S. Department of Health and Human Services (HHS), who evaluates the applications, approves applications for shelter, transitional housing (with 24 month residency limits), services for homeless people only, and economic development programs aimed at providing job training and/or employment for homeless people. Advocates, including HomeBase, are working on persuading HHS to allow broader uses for base property. (See discussion below.)

Several of these bases are communities onto themselves, designed in typical 1920s community planning style, complete with housing, child care centers, schools, small businesses, administrative offices, child care centers, and industrial facilities. Housing ranks among the significant facilities available at most of the closing bases. For instance, Alameda Naval Air Station boasts over 1500 family houses in addition to nearly equal the number of barracks and motel style units. Treasure Island has upwards of 900 each. The age and quality of the housing varies, even within each base. Some is in need of some rehabilitation, but much of it will be ready to be turned over with little or no upgrading needed at that time unless reconfiguration is desired.

Organizing in Communities for Collaborative Applications

Homeless people have a tremendous opportunity to obtain needed housing and services through the McKinney Title V and military base closure process. It is a chance to carry out comprehensive plans for housing, services and economic development opportunities for homeless people. Although McKinney provides priority for homeless groups to access federal property, the process remains open to political wrangling. To effectively maximize the opportunities to access free base property for homeless housing, services and economic development uses, homeless groups in base closure communities should work together. Collaborating on their application plans, homeless providers can ensure that all the needs of homeless people in their communities are met, and that they will not compete for the same facilities. In addition, collaboration will enable McKinney applicants to galvanize community support and meet community opposition as a unified force. Coalitions have formed in most of the base closure communities listed above to collaborate on McKinney applications for base property.

Designing Innovative Programs

When the McKinney surplus property legislation was written, no one envisioned the broad opportunities made available by widespread base conversions that are now occurring. Presuming that the law would apply to facilities at scattered locations, the thinking was that it would be primarily for shelter and service sites. The base property presents those concerned with ending homelessness with the opportunity to plan for a variety of projects, all at the base location, which together could meet the continuum of needs of homeless people: from shelter to transitional housing to permanent housing and from public benefits advocacy and mental health services to child care and job training to

Continued on next page

Converting Bases *Continued from page 7*

employment opportunities. Homeless proponents have an unprecedented opportunity to create broad visions that maximize the opportunities for homeless people in accessing base properties.

Knowing the Law and Making It Work for Homeless People

Requirements of the McKinney application process, involvement of three federal agencies (HUD, HHS, and Dept. of Defense), and confusion contained in the governing regulations, make this a complicated process to access these properties. In addition, we are repeatedly confronted with news of legislative efforts aimed at diminishing McKinney, and we must continue to be vigilant. It is thus important to monitor legislative initiatives in Washington and Sacramento, interpreting McKinney requirements for groups interested in accessing base property, and promoting support for McKinney Title V.

On March 4, 1994, HomeBase convened a strategy session for homeless advocates working with coalitions applying for base properties throughout the state. Represented communities included: Alameda County, Long Beach, Marin, Merced, Monterey, San Francisco and Solano County. The session spawned useful discussion in which participants recounted experiences and exchanged advice. The group also drew up a list of issues we must continue to focus on to maximize the use of McKinney to benefit homeless people.

1) Galvanize community support. We must promote the goals of homeless coalitions in the base conversion process to gain access to properties and/or facilities to work toward solving homelessness, explaining that these goals go hand in hand with economic development goals and are not hostile to community welfare. Even those sympathetic to homeless goals need to understand that advocating for "local control" of base conversion decisions will hurt homeless interests, because the local power structures are more likely to ignore homeless interests and leave homeless advocates out of the process.

2) Advocate for a guaranteed funding stream for base conversion homeless assistance projects. Including start up money and ongoing operating expenses funding.

3) Promote HHS approval of permanent housing as an approved McKinney use. (See discussion in next section.)

4) Promote HHS approval of service projects that serve BOTH homeless people and others in the community. Currently, only projects that serve ONLY homeless people are approved. This is a problem for certain types of projects, such as day care centers, which could provide useful services to the community at large and may not be economically viable where a relatively small population of homeless people are envisioned for a base.

5) Advocate for clear guidelines for revenue-generating projects allowed under McKinney. Currently, HHS provides inconsistent information on this subject and applicants are unsure of what is acceptable.

6) Advocate for more ready access to information needed from HHS and local military authorities. Primarily about the McKinney application and base properties, buildings, and conditions.

Permanent Housing and NIMBYism

Currently HHS only approves transitional housing and shelters. Many communities are already in short supply of affordable permanent housing for people leaving transitional housing programs. HHS and HUD have been meeting to consider approval of permanent housing proposals for McKinney Title V surplus property, with several homeless proponents participating. While HHS has not come around to agreeing to permanent housing, there has been some positive movement on the issue recently.

As of the date of this writing, HHS maintains that the biggest fear of allowing permanent housing is that the policy change would stir up opposition to McKinney and exacerbate NIMBY problems locally. HHS is more inclined to extend time limits for transitional housing stays. They have raised the possibility of allowing people with disabilities to stay in transitional housing for as long as necessary, and non-disabled persons to stay for up to 5 years.

HHS has also offered the possibility of extending lease terms under McKinney. Currently, HHS will deed or lease property, whichever arrangement the applicant applies for. Many groups prefer leasing to obtaining ownership of the properties, only because leasing enables them to avoid zoning disputes. While leased, the property remains in federal hands, and is not subject to local zoning control. As of this writing, HHS has indicated a willingness to extend lease terms to 15 years with an option to renew for an additional 15 years. (Current practice is 5 plus an additional 5 year renewal, with an allowance of 10 plus 10 in undefined extenuating circumstances.) The 15 year option is needed to enable providers to obtain financing to maintain leased buildings.

HomeBase has been advocating for the federal government to waive local zoning requirements permanently for nonprofits who provide housing for homeless people. This practice would take away power over zoning on those properties from local authorities. It would thereby enable the nonprofits to obtain deeds to base properties without becoming embroiled in zoning disputes.

What You Can Do

1) Get involved. The bases subject to McKinney this year face deadlines in the summer and fall of 1994. If you are in a base closure community, you should join the organized coalition of applicants or start a collaboration if none is yet established. In many instances, the first inclination is to avoid involvement. The bases often seem remote from the rest of the community, and the process seems overwhelming. You should think twice before ignoring this opportunity. McKinney could provide your group with leverage to obtain other benefits from the local jurisdiction. For example, the city might agree to a long sought zoning request for a shelter in exchange for your releasing your right to property HHS approved for a new project you applied for.

2) Keep tabs on the closing military bases. If you hear about base property that is sold or given away without first being offered through the McKinney application process, complain. Chances are that the property transfer is improper. HomeBase can help you investigate and determine the most effective strategy to pursue.

3) Advocate for Permanent Housing. As of this writing, HHS is moving in the direction of broadening allowable housing uses under Title V. There is still a chance that permanent housing will be allowed. Send your letters to: Gerald Britten, Deputy Assistant Secretary for Program Assistance, U.S. Department of Health and Human Services, FAX: 202/690-8252, and Jacquie Lawing, Deputy Assistant Secretary for Community Development and Planning, U.S. Department of Housing and Urban Development, FAX: 202/708-3336.

4) Keep in touch with HomeBase. HomeBase is working on the homeless services part of a federal pilot project studying base conversions under the auspices of the East Bay Conversion and Reinvestment Commission. HomeBase will have the opportunity to not only streamline the McKinney application process, but also promote policy recommendations to improve the process and accessibility for homeless people.

For more information about base conversions and organizing in your community, and to share your base conversion experiences, please contact HomeBase Senior Staff Attorney, Robin Miller at: 415/788-7961, ext. 11. ■



Interagency Council on the Homeless

June 1994

USE OF BASE CLOSURE PROPERTIES FOR FACILITIES TO ASSIST THE HOMELESS: THE PRIORITY UNDER TITLE V OF THE MCKINNEY ACT

In accordance with the Stewart B. McKinney Homeless Assistance Act, the Federal Government strongly encourages and supports the use of Federally owned "surplus" real and personal property for use in programs to assist the homeless. All base closure properties determined to be suitable and available for homeless use are candidates for these programs.

Following are some of the questions that are most frequently asked about the use of base closure properties for homeless assistance programs:

1. WHAT PRIORITY DOES USE FOR HOMELESS PROGRAMS RECEIVE IN DETERMINING THE REUSE OF BASE CLOSURE PROPERTIES?

Title V of the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, requires the Defense Department and other Federal agencies to give homeless assistance uses top priority of consideration over other uses for "surplus" Federally owned buildings or land (including base closure properties) which are determined to be suitable and available and which are not needed by another Federal agency. (In this publication, the term "surplus" also refers to properties which are unutilized, underutilized, or excess.)

2. DOES AN APPLICANT HAVE TO APPLY FOR AN ENTIRE BASE UNDER THIS PROGRAM?

No. An applicant should apply only for what it can productively use for the proposed program. In accordance with the requirements of Title V, assistance to the homeless will receive priority consideration. The Federal government encourages collaboration between homeless assistance providers and others involved in the community reuse planning process.

3. WHAT HAPPENS IF THERE ARE STRONG VIEWS IN THE COMMUNITY FOR ALTERNATE USES OF THESE PROPERTIES?

Collaboration between homeless assistance providers and the neighboring community is advisable. Those interested in the reuse of bases scheduled to be closed should become involved in the local reuse planning process. (See Question 12 below for additional information.)

4. WHO IS ELIGIBLE TO APPLY FOR TITLE V PROPERTIES?

Nonprofit organizations, units of local government, and States are eligible to apply to use all or portions of these properties for the homeless. ("Homeless" is defined in Title I of the McKinney Act and 45 C.F.R. Part 12a.)

5. WHAT IS REQUIRED IN AN APPLICATION?

Generally, an applicant must provide proof of its eligibility; fully describe the proposed program to justify the amount of property being requested, the modifications to be made to the property, and its ability to finance and operate the program; and respond to general questions on environmental issues. It must certify its compliance with certain conditions, such as Federal non-discrimination laws and requirements. The applicant must also inform the applicable unit of general local government responsible for providing sewer, water, police and fire services, in writing, of its proposed program.

6. HOW DOES TITLE V WORK?

The McKinney Act requires all Federal landholding agencies to provide a quarterly listing of all unutilized, underutilized, excess and surplus properties to the Department of Housing and Urban Development ("HUD").

HUD then reviews the list of reported properties and determines which of these properties are "suitable" for use as facilities to assist the homeless. Each Friday, HUD publishes a list in the Federal Register which briefly describes properties that it has determined to be suitable and which the reporting agency has indicated are available. (The Federal Register listing also identifies properties reported to HUD that are determined to be unsuitable or unavailable.) All base closure properties

are reported to HUD and will appear on HUD's list before the property is to be vacated. Contact your local HUD office or call 1-800-927-7588 to receive information on properties in your area.

Eligible applicants may then express written interest directly to the Department of Health and Human Services ("HHS") for suitable and available properties listed by HUD. (The expression of interest should identify the specific property, briefly describe the proposed use, include the name of the organization and indicate whether it is a public body or private nonprofit organization, and provide the Federal Register date, if known.)

7. WHAT IS THE DEADLINE FOR FILING AN APPLICATION?

Applicants have 60 days from the date of the Federal Register publication to express this written interest in a particular property, and an additional 90 days from the date of HHS's receipt of that interest to file an application with HHS. However, because each complete application must be evaluated within 25 days of receipt, each applicant will have a different application deadline based on the date the expression of interest is received. Applications must be evaluated on a "first-come, first-serve" basis.

It is imperative that homeless assistance providers meet the aforementioned deadlines for submitting written expressions of interest and applications to HHS if they are interested in taking full advantage of the priority for homeless use under Title V. Under Title XXIX of the National Defense Authorization Act for Fiscal Year 1994 (the "Pryor Amendment"), the military departments may give a local redevelopment authority one year to incorporate the remainder of the property into its redevelopment plan if: (1) no homeless assistance provider expresses an interest to HHS in a property within the allotted 60 days; (2) there are expressions of interest by providers, but no application is received by HHS from such providers within the subsequent 90-day application period (or within the longer application period if HHS has granted an extension); or (3) HHS rejects all applications for a specific property. During the allotted one-year period, surplus properties not already approved for homeless reuse will not be available for homeless assistance unless such homeless assistance is included in the local redevelopment authority's plan. The surplus property will also not be advertised by HUD as suitable during this one-year period. (If the local redevelopment authority does not express in writing its interest in a specific property during the allotted

period, the property may then be reported to HUD as available for homeless assistance and listed in the Federal Register as suitable and available after the base closes following the previous McKinney Act procedures.)

8. WHAT ELEMENTS DOES HHS USE TO EVALUATE APPLICATIONS?

HHS reviews all applications on the basis of the following elements, which are listed in descending order of priority. (Subparagraphs (d) and (e) are of equal importance.)

- a. Services offered. The extent and range of proposed services, such as meals, shelter, job training, and counseling.
- b. Need. The demand for the program and the degree to which the available property will be fully utilized. (Note: The need element is not intended to encourage applicants to apply for a larger portion of the available property than can be productively used, but to explain how the specific portion of the property being applied for will be fully utilized. The need element will be considered in conjunction with the other elements listed.)
- c. Implementation time. The amount of time necessary for the proposed program to become operational.
- d. Experience. Demonstrated prior success in operating similar programs and recommendations attesting to that fact by Federal, State and local authorities.
- e. Financial Ability. The adequacy of funding that will likely be available to run the program fully and properly and to operate the facility.

9. WHAT HAPPENS IF MORE THAN ONE HOMELESS ORGANIZATION APPLIES FOR A PARTICULAR PROPERTY?

As noted previously, HHS processes applications on a "first-come, first-serve" basis. If one or more complete applications are received for a particular property within five days of receipt of the initial complete application, HHS convenes an objective review panel to rank them, based on the elements listed above. Each application is reviewed on its merits.

Applications received subsequent to a decision to approve an application for a particular property are returned.

10. WHAT HAPPENS AFTER HHS APPROVES THE APPLICATION?

If an application is approved, an occupancy document is negotiated between the applicant and HHS or the appropriate Federal landholding agency, depending on the category of property. Individual landholding agencies may have different procedures governing the terms of these agreements.

The standard term for an HHS lease is 5 years, with one 5-year renewal option, although longer terms, up to 20 years, may be approved if sufficient justification is provided. Deeds executed by HHS contain a 30-year period of restrictions. (A private nonprofit wishing to acquire a surplus property by deed must be certified as tax-exempt under Section 501(c)(3) of the Internal Revenue Code.)

Leased property is returned to the Federal Government when the lease agreement expires or if the lessee fails to comply with its terms. Deeded property will revert to the Government if the grantee fails to comply with the terms and conditions of the deed.

11. WHAT TYPES OF PROGRAMS MAY HOMELESS PROVIDERS OPERATE ON THESE PROPERTIES?

Properties may be used for a wide variety of programs and services for homeless people, including, but not limited to, emergency shelters, transitional housing (with occupancy limited to 24 months), food banks, job training, storage facilities, or administrative space. All programs and activities must be operated in a manner that is consistent with Federal civil rights and non-discrimination laws.

An applicant applying for a lease or permit for a particular property is not required to comply with local zoning requirements but must comply with all other local laws and regulations. However, applicants applying for a deed of a particular property must also comply with local zoning requirements.

12. WHAT HAPPENS IF NO APPLICATIONS ARE RECEIVED OR APPROVED FOR HOMELESS ASSISTANCE USES?

If no completed applications or requests for extensions have been received by HHS within 90 days from the date of the last expression of interest, or if HHS disapproves all of the applications, disposal may proceed in accordance with applicable law. In the case of base closure properties, the Department of Defense works with local communities affected by the closure to facilitate the development of a base reuse plan and related adjustment strategies. Local officials are strongly encouraged to canvass local homeless providers for their facility needs and invite their participation in the local reuse and planning process. Sponsors of homeless assistance programs are also encouraged to become involved in this process to learn more about the properties involved.

13. HOW CAN I BECOME INVOLVED IN PLANNING FOR THE REUSE OF A BASE THAT WILL BE CLOSED IN MY COMMUNITY?

The Department of Defense encourages the establishment of "reuse committees" with broad representation from neighboring communities.

These committees are responsible for planning, coordinating, and implementing local adjustment efforts and monitoring the closure process on behalf of the community. Community leaders, homeless providers, and others interested in participating in the local planning process should contact the chairperson of the local reuse committee. Information on existing committees is available from the Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202, (703) 604-6020. Homeless providers should also call the Community Planning and Development Director of the local HUD office to express their interest in becoming involved in reuse planning.

The recommendations of the reuse committees do not supersede the priority of homeless-related reuse purposes required under the McKinney Act.

14. WHERE CAN I GET ADDITIONAL INFORMATION?

The military departments will work with communities affected by base closures to identify eligible applicants. They will also conduct timely outreach workshops to educate homeless providers about the land

and buildings that will be made available and the application process for acquiring such land and buildings.

For general questions about the Title V program, information about suitability criteria, the status of HUD's review of individual properties, or to be put on HUD's mailing list to be informed as properties become available in your area, call HUD at its toll-free number-1-800-927-7588--or write to: Office of Special Needs Assistance Programs, U.S. Department of HUD, Room 7262, 451 Seventh Street, S.W., Washington, DC 20410. (NOTE: HUD's Title V regulations can be found at 24 C.F.R. Part 581.)

For information about the Title V application process or the status of applications for properties which have appeared on HUD's list, call HHS at (301) 443-2265 or write to: U.S. Department of Health and Human Services, U.S. Public Health Service, Division of Health Facilities Planning, Room 17A-10, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. (NOTE: HHS's Title V regulations can be found at 45 C.F.R. Part 12A.)

For general information about the Defense Economic Adjustment Program and the base closure and realignment process, call the Office of Economic Adjustment at (703) 604-6020 or write to: Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202.

For specific information on military properties, contact the appropriate service branch:

Air Force Properties -- Headquarters
Air Force Base Conversion
Agency
1700 N. Moore Street
Suite 2300
Arlington, VA 22209-2802
(703) 696-5000

Army Properties -- Headquarters
U.S. Army Corps of Engineers
ATTN: CERE-C
Washington, DC 20314-1000
(202) 272-0520

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10. WHAT HAPPENS AFTER HHS APPROVES THE APPLICATION?

If an application is approved, an occupancy document is negotiated between the applicant and HHS or the appropriate Federal landholding agency, depending on the category of property. Individual landholding agencies may have different procedures governing the terms of these agreements.

The standard term for an HHS lease is 5 years, with one 5-year renewal option, although longer terms, up to 20 years, may be approved if sufficient justification is provided. Deeds executed by HHS contain a 30-year period of restrictions. (A private nonprofit wishing to acquire a surplus property by deed must be certified as tax-exempt under Section 501(c)(3) of the Internal Revenue Code.)

Leased property is returned to the Federal Government when the lease agreement expires or if the lessee fails to comply with its terms. Deeded property will revert to the Government if the grantee fails to comply with the terms and conditions of the deed.

11. WHAT TYPES OF PROGRAMS MAY HOMELESS PROVIDERS OPERATE ON THESE PROPERTIES?

Properties may be used for a wide variety of programs and services for homeless people, including, but not limited to, emergency shelters, transitional housing (with occupancy limited to 24 months), food banks, job training, storage facilities, or administrative space. All programs and activities must be operated in a manner that is consistent with Federal civil rights and non-discrimination laws.

An applicant applying for a lease or permit for a particular property is not required to comply with local zoning requirements but must comply with all other local laws and regulations. However, applicants applying for a deed of a particular property must also comply with local zoning requirements.

12. WHAT HAPPENS IF NO APPLICATIONS ARE RECEIVED OR APPROVED FOR HOMELESS ASSISTANCE USES?

If no completed applications or requests for extensions have been received by HHS within 90 days from the date of the last expression of interest, or if HHS disapproves all of the applications, disposal may proceed in accordance with applicable law. In the case of base closure properties, the Department of Defense works with local communities affected by the closure to facilitate the development of a base reuse plan and related adjustment strategies. Local officials are strongly encouraged to canvass local homeless providers for their facility needs and invite their participation in the local reuse and planning process. Sponsors of homeless assistance programs are also encouraged to become involved in this process to learn more about the properties involved.

13. HOW CAN I BECOME INVOLVED IN PLANNING FOR THE REUSE OF A BASE THAT WILL BE CLOSED IN MY COMMUNITY?

The Department of Defense encourages the establishment of "reuse committees" with broad representation from neighboring communities.

These committees are responsible for planning, coordinating, and implementing local adjustment efforts and monitoring the closure process on behalf of the community. Community leaders, homeless providers, and others interested in participating in the local planning process should contact the chairperson of the local reuse committee. Information on existing committees is available from the Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202, (703) 604-6020. Homeless providers should also call the Community Planning and Development Director of the local HUD office to express their interest in becoming involved in reuse planning.

The recommendations of the reuse committees do not supersede the priority of homeless-related reuse purposes required under the McKinney Act.

14. WHERE CAN I GET ADDITIONAL INFORMATION?

The military departments will work with communities affected by base closures to identify eligible applicants. They will also conduct timely outreach workshops to educate homeless providers about the land

and buildings that will be made available and the application process for acquiring such land and buildings.

For general questions about the Title V program, information about suitability criteria, the status of HUD's review of individual properties, or to be put on HUD's mailing list to be informed as properties become available in your area, call HUD at its toll-free number-1-800-927-7588--or write to: Office of Special Needs Assistance Programs, U.S. Department of HUD, Room 7262, 451 Seventh Street, S.W., Washington, DC 20410. (NOTE: HUD's Title V regulations can be found at 24 C.F.R. Part 581.)

For information about the Title V application process or the status of applications for properties which have appeared on HUD's list, call HHS at (301) 443-2265 or write to: U.S. Department of Health and Human Services, U.S. Public Health Service, Division of Health Facilities Planning, Room 17A-10, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. (NOTE: HHS's Title V regulations can be found at 45 C.F.R. Part 12A.)

For general information about the Defense Economic Adjustment Program and the base closure and realignment process, call the Office of Economic Adjustment at (703) 604-6020 or write to: Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202.

For specific information on military properties, contact the appropriate service branch:

Air Force Properties -- Headquarters
Air Force Base Conversion
Agency
1700 N. Moore Street
Suite 2300
Arlington, VA 22209-2802
(703) 696-5000

Army Properties -- Headquarters
U.S. Army Corps of Engineers
ATTN: CERE-C
Washington, DC 20314-1000
(202) 272-0520

Navy Properties -- Naval Facilities Engineering
Command
ATTN: Code 241
200 Stovall Street
Alexandria, VA 22332
(703) 325-0474

Various Federal agencies administer other programs that make Federal property available for use in homeless assistance programs. These programs include such resources as Federally acquired foreclosed homes from HUD-FHA, VA, and the Farmers Home Administration and surplus personal property.

HUD-FHA properties -- Contact the local HUD Field Office (Office of Community Planning and Development) listed in the blue pages of your local telephone directory under U.S. Government or call (202) 708-1226.

Department of Veterans Affairs (VA) properties -- Contact the local VA Regional Office listed in the blue pages of your local telephone directory under U.S. Government or call (800) 827-1000.

Farmers Home Administration (FmHA) properties -- Contact the local FmHA county supervisor or call (202) 720-1466 for a listing of State FmHA contacts.

Surplus Federal Personal Property Donation Program -- Contact the nearest State Agency for Surplus Property or call the General Services Administration (Office of Property Management) at (703) 305-5234.