

Federal Real Property Current Events October 18, 2018

Topics:

- 1. Federal Assets Sale & Transfer Act (FASTA)**
- 2. Review of Federal Management Regulations**
- 3. Industry Communication Equipment on Federal Property: Proposed Guidance**
- 4. Report Of Excess (ROE) Online Submission**
- 5. Amendments to Title V of McKinney-Vento Homeless Assistance Act**

Federal Assets Sale & Transfer Act (FASTA)

Presented by:

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FASTA Implementation

- ▶ Establishes a Seven-Member Real Property Reform Board.
 - ▶ Chair is subject to Senate Confirmation.
 - ▶ 6 members recommended to POTUS by Congress.
- ▶ Requires OMB to deliver a publicly searchable Real Property Database.
 - ▶ Annual report.
 - ▶ Board will review data.
- ▶ All LHAs report on all realty assets.
- ▶ LHAs submit recommendations for asset sales, consolidations, relocations.
- ▶ Six year Pilot program.
 - ▶ Up to two years per round to execute– up to eight years total .
 - ▶ LHAs retain sales proceeds after board is disbanded.
- ▶ FASTA Authorized \$42m.

FASTA Update

- ▶ In two rounds of data calls, GSA and OMB have received 131 viable recommendations (15 High Value, 34 Disposal, 82 Consolidation).
- ▶ The FY19 call for recommendations was released on September 14, 2018 to all CFO Act agencies.
- ▶ Responses are due on December 7, 2018 and should be emailed to fastrecommendations@gsa.gov
- ▶ The Real Property Reform Board has yet to be established; however, three board members have been identified and made public.
- ▶ Board must have a quorum of 5 members.
- ▶ Federal Real Property Council (FRPC) update.

Review of Federal Management Regulations

Presented by:

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FMR Review: The Effort

- ▶ GSA's Office of Real Property Utilization & Disposal (RPU&D) identified provisions in 41 CFR 102-75 (the disposal regulation) for repeal (or removal), replacement, and revision.
- ▶ Intention is to have the DRAFT Final regulation cleared thru GSA early 2019; cleared thru OMB and ready for publication by Spring/early Summer 2019.
- ▶ We are currently scheduled to publish a proposed rule in the FEDERAL REGISTER during the Fall 2019.

FMR Review: For Repeal

Identified for repeal/removal are:

- ▶ § 102-75.990 thru § 102-75.1025 removing any references to donating real property to public bodies.
- ▶ § 102-75.1050—not necessary to single out these two PBCs (Education & Public Health) or to mention any at all.
- ▶ § 102-75.615 thru § 102-75.620 pertaining to § 414(a) and (b) of the HUD Act of 1969 authorizing GSA to transfer surplus real property to HUD or Dept. of Agriculture to provide low/moderate income housing.
- ▶ § 102-75.296 (c)(2) which allows a LHA to be the designated disposal agency for Government-owned improvements (of any kind) except the underlying land.

FMR Review: Replace and Revise

Replace:

- ▶ Q & A format with topics and subtopics.
- ▶ “Disposal agency” with GSA.
- ▶ Subpart E—Abandonment and Destruction (§ 102-75.990 thru § 102-75.1050).

Revise:

- ▶ Language added and revised for clarity.
- ▶ Provisions moved (e.g. – Subpart I will be moved forward near the beginning of the regulation).
- ▶ Added a 30-day timeframe for OMB review of requests for waivers of the reimbursement requirement for Federal transfers.

Industry Communication Equipment on Federal Property: Guidance

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MOBILE NOW Act

Subsections 608(b) and (c) of this Act direct GSA to:

1. Issue a notice for public comment regarding the inclusion of a communications facility installation in FRPP; and
2. By October 19, 2018, issue guidance to agencies on the manner and format for submitting such information to FRPP.
3. Agencies must submit data to GSA by January 17, 2019.

FRPP MOBILE NOW Act Data Elements

Revisions to existing data elements:

1. Real Property use
2. Street address
3. Latitude
4. Longitude

FRPP MOBILE NOW Act Data Elements

New data elements to be reported by Agencies:

1. Asset Height (numeric)
2. Asset Height Range (drop down box)

FRPP MOBILE NOW Act Data Elements

New data elements to be derived from geospatial analysis:

1. Elevation above Mean Sea Level
2. Asset Height above Mean Sea Level

FRPP MOBILE NOW Act Data Elements

New data elements to be populated by
FRPP:

1. Point of contact FRPP@gsa.gov

Enhanced Disposal Submission Wizard

Report Of Excess (ROE) Online Submission

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Enhanced Disposal Submission Wizard Goals

- ▶ Eliminate Report of Excess (ROE) paper submissions.
- ▶ Make the ROE portal the default for Landholding Agencies, rather than e-mail or hardcopy.
- ▶ More broadly, limit the amount of paper as much as possible.
- ▶ Streamlined steps for agencies to submit properties via web app.

Enhanced Disposal Submission Wizard Objectives

- ▶ Accept both Property Act (ROE Properties) and non-Property Act (RWA) submissions via disposal.gsa.gov
- ▶ Accept ROE Checklist supporting real estate documentation via disposal.gsa.gov.
- ▶ Enable collaboration on records between Landholding Agencies and GSA Realty Specialists.
- ▶ Eliminate need for duplicate entry of data points - ROE submission creates the property.
- ▶ Enable GSA Application Owners to create and publish content.

McKinney-Vento Homeless Assistance Act

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What is the McKinney-Vento Homeless Act?

- ▶ McKinney-Vento Homeless Act – 42 U.S.C. Section 11411
 - Established a requirement and priority that Federal property found to be excess, surplus, unused, or underutilized should be made available to assist the homeless.
 - Available to state and local governments, as well as private nonprofit organizations.
 - Range of uses include supportive and traditional housing, storage, job training, and public services.
 - Property discounted at 100% of FMV with a restriction that the property be used in this manner for 30 years.

How is a Property Disposed of Under the McKinney-Vento Homeless Assistance Act?

- ▶ A property is disposed under the McKinney-Vento Homeless Assistance Act as follows:
 1. The Disposal Agent provides the Department of Housing and Urban Development (HUD) with a suitability checklist after excess screening.
 2. HUD determines whether the property is suitable for homeless use; GSA or LHA determines its availability for the homeless.
 3. The property's suitability/availability is published on the Title V webpage of the HUD Exchange.
 4. After a property is determined suitable and available, it is screened for homeless use — the Department of Health and Human Services serves as the Sponsoring Agency.

How has Title V Changed?

Amendments to Title V of McKinney-Vento Homeless Assistance Act 42 USC § 11411: "The Federal Assets Sales and Transfer Act of 2016," Public Law 114-287, December 2016.

- a. The screening period for properties determined suitable for homeless assistance has been amended from 60 to 30 days.
- b. HUD now publishes all suitability determinations on a HUD website rather than in the Federal Register.
<https://www.hudexchange.info/programs/title-v/>

How has Title V Changed? *(continued)*

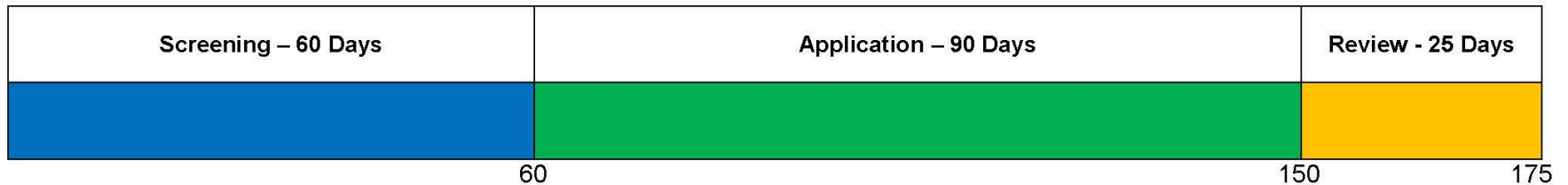
- c. Application and review by HHS have also been amended to include a bifurcated (two phase) process totaling 120 days for application and 25 days for HHS review of the completed applications.
- d. The first phase (75 days) is an initial application based on proposed usage and the second phase (45 days) includes a holistic review, including the proposed financing.
- e. Properties determined unsuitable for homeless assistance which receive no appeal during the 20 day holding period will no longer be included in subsequent quarterly canvass publications by HUD.

How has Title V Changed? *(continued)*

- f. The allowance of permanent housing with or *without* supportive services. (The italics indicate the language change to the current statute).
- g. Properties will now be made available for the homeless by permit, lease or deed *at the applicant's discretion*. (The italics indicate the language change to the current statute).

Timeline of Title V Changes

Pre-Federal Assets Sales and Transfer Act of 2016, P.L. 114 - 287



Federal Assets Sales and Transfer Act of 2016, P.L. 114 - 287

