

§ 102-75.5

ACTION ON APPROVED APPLICATIONS

102-75.1205 What action must be taken on approved applications?

UNSUITABLE PROPERTIES

102-75.1210 What action must be taken on properties determined unsuitable for homeless assistance?

NO APPLICATIONS APPROVED

102-75.1215 What action must be taken if there is no expression of interest?

AUTHORITY: 40 U.S.C. 486(c), 483(a), and 484; E.O. 12512, 50 FR 18453, 3 CFR, 1985 Comp., p. 340.

SOURCE: 67 FR 76843, Dec. 13, 2002, unless otherwise noted.

Subpart A—General Provisions

§ 102-75.5 What is the scope of this part?

The real property policies contained in this part apply to Federal agencies, including the General Services Administration (GSA)/Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services. Federal agencies with authority to dispose of real property under the Federal Property and Administrative Services Act of 1949, as amended, will be referred to as “disposal agencies” in this part. Except in rare instances where GSA delegates disposal authority to a Federal agency, the “disposal agency” as used in this part refers to GSA.

§ 102-75.10 What basic real property disposal policy governs disposal agencies?

Disposal agencies must provide, in a timely, efficient, and cost effective manner, the full range of real estate services necessary to support their real property utilization and disposal needs. Landholding agencies must survey the real property under their custody or control to identify property that is not utilized, underutilized, or not being put to optimum use. Disposal agencies must have adequate procedures in place to promote the effective utilization and disposal of such real property.

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REAL PROPERTY DISPOSAL SERVICES

§ 102-75.15 What real property disposal services must disposal agencies provide?

Disposal agencies must provide real property disposal services for real property assets under their custody and control, such as the utilization of excess property, surveys, and the disposal of surplus property, which includes public benefit conveyances, negotiated sales, public sales, related disposal services, and appraisals.

§ 102-75.20 How can Federal agencies with independent disposal authority obtain related disposal services?

Federal agencies with independent disposal authority are encouraged to obtain utilization, disposal, and related services from those agencies with expertise in real property disposal, such as GSA, as allowed by 31 U.S.C. 1535 (the Economy Act), so that they can remain focused on their core mission.

Subpart B—Utilization of Excess Real Property

§ 102-75.25 What are landholding agencies' responsibilities concerning the utilization of excess property?

Landholding agencies' responsibilities concerning the utilization of excess property are to:

(a) Achieve maximum use of their real property, in terms of economy and efficiency, to minimize expenditures for the purchase of real property;

(b) Increase the identification and reporting of their excess real property; and

(c) Fulfill its needs for real property, so far as practicable, by utilization of real property determined excess by other agencies, pursuant to the provision of this part, before it purchases nonfederal real property.

§ 102-75.30 What are disposal agencies' responsibilities concerning the utilization of excess property?

Disposal agencies' responsibilities concerning the utilization of excess property are to:

(a) Provide for the transfer of excess real property among Federal agencies,

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to mixed-ownership Government corporations, and to the municipal government of the District of Columbia; and

(b) Resolve conflicting requests for transferring real property that the involved agencies cannot resolve.

§ 102-75.35 What are GSA's responsibilities concerning the identification of unneeded Federal real property?

In accordance with Executive Order 12512, the Administrator of General Services is responsible for providing Governmentwide policy, oversight, and guidance for Federal real property management. The Administrator of General Services must issue standards, procedures, and guidelines for surveying the real property holdings of executive agencies on a continuing basis to identify properties which are not utilized, are underutilized, or are not being put to optimum use. In addition, the Administrator must develop survey reports describing any property or portion thereof which, in his or her judgment, is not utilized, is underutilized, or is not being put to optimum use, and which should be reported as excess property. These provisions are presently limited to fee-owned properties and supporting leaseholds and lesser interests located within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

STANDARDS

§ 102-75.40 What are the standards that each executive agency must use to identify unneeded Federal real property?

Each executive agency must identify unneeded Federal property using the following standards:

- (a) Not utilized.
- (b) Underutilized.
- (c) Not being put to optimum use.

§ 102-75.45 What does the term "Not utilized" mean?

Not utilized means an entire property or portion thereof, with or without improvements, not occupied for current program purposes of the accountable

executive agency, or occupied in caretaker status only.

§ 102-75.50 What does the term "Underutilized" mean?

Underutilized means an entire property or portion thereof, with or without improvements, which is used:

- (1) Irregularly or intermittently by the accountable executive agency for current program purposes of that agency; or
- (2) For current program purposes that can be satisfied with only a portion of the property.

§ 102-75.55 What does the term "Not being put to optimum use" mean?

Not being put to optimum use means an entire property or portion thereof, with or without improvements, which:

- (1) Even though used for current program purposes, the nature, value, or location of the property is such that it could be utilized for a different and significantly higher and better purpose; or
- (2) The costs of occupying are substantially higher than other suitable properties that could be made available through transfer, purchase, or lease with total net savings to the Government, after considering property values, costs of moving, occupancy, operational efficiency, environmental effects, regional planning, and employee morale.

GUIDELINES

§ 102-75.60 What are landholding agencies' responsibilities concerning real property surveys?

A landholding agency's responsibilities concerning real property utilization surveys are to:

- (a) Survey real property under its control (*i.e.*, property reported on its financial statements) at least annually to identify property that is not utilized, underutilized, or not being put to optimum use. When other needs for the property are identified or recognized, the agency must determine whether continuation of the current use or another use would better serve the public interest, considering both the Federal agency's needs and the property's location. In conducting annual reviews of their property holdings, the GSA Customer Guide to Real Property Disposal