



# Department of Defense INSTRUCTION

NUMBER 4165.68

May 27, 1997

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USD(A&T)

SUBJECT: Revitalizing Base Closure Communities and Community Assistance -  
Community Redevelopment and Homeless Assistance

- References: (a) DoD Instruction 4165.68, subject as above, March 4, 1996 (hereby canceled)
- (b) Public Law 103-421, "The Base Closure Community Redevelopment and Homeless Assistance Act of 1994," October 25, 1994, as amended
  - (c) Public Law 101-510, "The Defense Base Closure and Realignment Act of 1990," November 5, 1990, as amended
  - (d) Public Law 100-526, "The Base Closure and Realignment Act of 1988," October 24, 1988, as amended
  - (e) Federal Register, volume 60, pages 28089-28091, May 30, 1995
  - (f) through (m), see enclosure 1

## 1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues reference (a), to continue the community-based process for addressing the needs of the homeless at base closure and realignment sites pursuant to reference (b). In this process, Local Redevelopment Authorities (LRAs) identify interest from homeless providers in installation property and develop a redevelopment plan for the installation that balances the economic redevelopment and other development needs of the communities in the vicinity of the installation with the needs of the homeless in those communities. The Department of Housing and Urban Development (HUD) reviews the LRA's plan to see that an appropriate balance is achieved.

1.2. Implements the process for identifying interest from State and local entities

for property under a public benefit transfer. The LRA is responsible for concurrently identifying interest from homeless providers and State and local entities interested in property under a public benefit transfer.

## 2. APPLICABILITY AND SCOPE

### 2.1. This Instruction applies to:

2.1.1. The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.1.2. All installations that are approved for closure and/or realignment by the President and Congress under reference (c) after October 25, 1994.

2.1.3. All installations that were approved for closure and/or realignment under either reference (c) or reference (d) before October 25, 1994 and for which an LRA submitted a request for inclusion under this Instruction to the Department of Defense by December 24, 1994. A list of such requests was published in the Federal Register on May 30, 1995 (reference (e)).

2.2. For installations with Title V (reference (f)) applications pending but not approved before October 25, 1994, the LRA shall consider and specifically address any application for use of buildings and property to assist the homeless that were received by the Department of Health and Human Services (HHS) before October 25, 1994, and were pending with the Secretary of HHS on that date. These pending requests shall be addressed in the LRA's homeless assistance submission.

2.3. For installations with Title V (reference (f)) applications approved before October 25, 1994, where there is an approved application under reference (f), but property has not been assigned or otherwise disposed of by the Military Department, the LRA must ensure that its homeless assistance submission provides the applicant with:

2.3.1. The property requested;

2.3.2. Properties, on or off the installation, that are substantially equivalent to those requested;

2.3.3. Sufficient funding to acquire such substantially equivalent properties;

2.3.4. Services and activities that meet the needs identified in the application;

or,

2.3.5. A combination of the properties, funding, and services and activities described in paragraphs 2.3.1. through 2.3.4., above.

2.4. All other installations approved for closure or realignment under either reference (c) or reference (d) before October 25, 1994, for which there was no request for consideration under this Instruction, are covered by the process stipulated under reference (f). Buildings or property that were transferred or leased for homeless use under Title V (reference (f)) before October 25, 1994, may not be reconsidered under this Instruction.

### 3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

### 4. POLICY

It is DoD policy to help communities impacted by base closures and realignments achieve rapid economic recovery through effective reuse of the assets of closing bases -- more quickly, more effectively, and in ways based on local market conditions and locally developed reuse plans. This will be accomplished by quickly ensuring that communities and the Military Departments communicate effectively and work together to accomplish mutual goals of quick property disposal and rapid job generation.

### 5. RESPONSIBILITIES

5.1. The Deputy Under Secretary of Defense (Industrial Affairs and Installations), under the Under Secretary of Defense for Acquisition and Technology, after coordination with the General Counsel of the Department of Defense and other officials as appropriate, may issue guidance through the publication of a Manual or other such document as may be necessary to implement laws, Directives and Instructions on the retention or disposal of real and personal property at closing or realigning bases.

5.2. The Heads of the DoD Components shall ensure compliance with this Instruction and guidance issued by the Assistant Secretary of Defense (Economic Security) and Deputy Under Secretary of Defense (Industrial Affairs and Installations) on revitalizing base closure communities.

## 6. PROCEDURES

### 6.1. Waivers and Extensions of Deadlines

6.1.1. After consultation with the LRA and HUD, and upon a finding that it is in the interest of the communities affected by the closure and/or realignment of the installation, the Department of Defense, through the Director of the Office of Economic Adjustment, may extend or postpone any deadline contained in this Instruction.

6.1.2. Upon completion of a determination and finding of good cause, and except for deadlines and actions required on the part of the Department of Defense, HUD may waive any provision of subsections 6.2. through 6.7., below, in any particular case, subject only to statutory limitations.

### 6.2. Overview of the Process

6.2.1. Recognition of the LRA. As soon as practicable after the list of installations recommended for closure or realignment is approved, the Department of Defense, through the Office of Economic Adjustment (OEA), shall recognize an LRA for the installation. Upon recognition, OEA shall publish the name, address, and point of contact for the LRA in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation.

6.2.2. Responsibilities of the Military Department. The Military Department shall make installation properties available to other DoD Components and Federal Agencies in accordance with the procedures set out at 32 CFR 175 (reference (g)). The Military Department shall keep the LRA informed of other Federal interest in the property during this process. Upon completion of this process, the Military Department shall notify HUD and either the LRA, or the Chief Executive Officer of the State, as appropriate, and publish a list of surplus property on the installation that will be available for reuse in the Federal Register and a newspaper of general circulation in the communities in the vicinity of the installation.

6.2.3. Responsibilities of the LRA. The LRA should begin to conduct outreach efforts with respect to the installation as soon as is practicable after the date of approval of closure and/or realignment of the installation. The local reuse planning process must begin no later than the date of the Military Department's Federal Register publication of available property described at paragraph 6.2.2., above. For those installations that began the process described in this Instruction before August 17, 1995, HUD shall, on a case by case basis, determine whether the statutory requirements have been fulfilled and whether any additional requirements listed in this Instruction should be required. Upon the Federal Register publication described in paragraph 6.2.2., above, the LRA shall:

6.2.3.1. Publish, within 30 days, in a newspaper of general circulation in the communities in the vicinity of the installation, the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest. The LRA shall notify the Department of Defense of the deadline specified for receipt of notices of interest. LRAs are strongly encouraged to make this publication as soon as possible within the permissible 30 day period in order to expedite the closure process.

6.2.3.1.1. In addition, the LRA has the option to conduct an informal solicitation of notices of interest from public and non-profit entities interested in obtaining property via a public benefit transfer other than a homeless assistance conveyance under either 40 U.S.C. 471 et. seq. (reference (h)) or 49 U.S.C. 47151-47153 (reference (i)). As part of such a solicitation, the LRA may wish to request that interested entities submit a description of the proposed use to the LRA and the sponsoring Federal agency.

6.2.3.1.2. For all installations selected for closure or realignment before 1995 that elected to proceed under Pub. L. 103-421 (reference (b)), the LRA shall accept notices of interest for not less than 30 days.

6.2.3.1.3. For installations selected for closure or realignment in 1995 or thereafter, notices of interest shall be accepted for a minimum of 90 days and not more than 180 days after the LRA's publication under subparagraph 6.2.3.1., above.

6.2.3.2. Prescribe the form and contents of notices of interest.

6.2.3.2.1. The LRA may not release to the public any information regarding the capacity of the representative of the homeless to carry out its program, a description of the organization, or its financial plan for implementing the program, without the consent of the representative of the homeless concerned, unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located. The identity of the representative of the homeless may be disclosed.

6.2.3.2.2. The notices of interest from representatives of the homeless must include the following:

6.2.3.2.2.1. A description of the homeless assistance program proposed, including the purposes to which the property or facility will be put, which may include uses such as supportive services, job and skills training, employment programs, shelters, transitional housing or housing with no established limitation on the amount of time of residence, food and clothing banks, treatment facilities, or any other activity that clearly meets an identified need of the homeless and fills a gap in the continuum of care.

6.2.3.2.2.2. A description of the need for the program.

6.2.3.2.2.3. A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

6.2.3.2.2.4. Information about the physical requirements necessary to carry out the program including a description of the buildings and property at the installation that are necessary to carry out the program.

6.2.3.2.2.5. A description of the financial plan, the organization, and the organizational capacity of the representative of the homeless to carry out the program.

6.2.3.2.2.6. An assessment of the time required to start carrying out the program.

6.2.3.2.3. The notices of interest from entities other than representatives of the homeless should specify the name of the entity and specific interest in property or facilities, along with a description of the planned use.

6.2.3.3. In addition to the notice required under subparagraph 6.2.3.1., above, undertake outreach efforts to representatives of the homeless by contacting local government officials and other persons or entities that may be interested in assisting the homeless within the vicinity of the installation.

6.2.3.3.1. The LRA may invite persons and organizations identified on the HUD list of representatives of the homeless and any other representatives of the homeless with which the LRA is familiar, operating in the vicinity of the installation, to the workshop described in subparagraph 6.2.3.3.2., below.

6.2.3.3.2. The LRA, in coordination with the Military Department and HUD, shall conduct at least one workshop where representatives of the homeless have an opportunity to:

6.2.3.3.2.1. Learn about the closure and/or realignment and disposal process.

6.2.3.3.2.2. Tour the buildings and properties available either on or off the installation.

6.2.3.3.2.3. Learn about the LRA's process and schedule for receiving notices of interest as guided by subparagraph 6.2.3.2., above.

6.2.3.3.2.4. Learn about any known land use constraints affecting the available property and buildings.

6.2.3.3.3. The LRA should meet with representatives of the homeless that express interest in discussing possible uses for these properties to alleviate gaps in the continuum of care.

6.2.3.4. Consider various properties in response to the notices of interest. The LRA may consider property that is located off the installation.

6.2.3.5. Develop an application, including the redevelopment plan and homeless assistance submission, explaining how the LRA proposes to address the needs of the homeless. This application shall consider the notices of interest received from State and local governments, representatives of the homeless, and other interested parties. This shall include, but not be limited to, entities eligible for public benefit transfers under either 40 U.S.C. 471 et. seq. (reference (h)) or 49 U.S.C. 47151-47153 (reference (i)); representatives of the homeless; commercial, industrial, and residential

development interests; and, other interests. From the deadline date for receipt of notices of interest described at subparagraph 6.2.3.1., above, the LRA shall have 270 days to complete and submit the LRA application to the appropriate Military Department and HUD. The application requirements are described at subsection 6.4., below.

6.2.3.6. Make the draft application available to the public for review and comment periodically during the process of developing the application. The LRA must conduct at least one public hearing on the application before its submission to HUD and the appropriate Military Department. A summary of the public comments received during the process of developing the application shall be included in the application when it is submitted.

#### 6.2.4. Public Benefit Transfer Screening.

6.2.4.1. The LRA should, while conducting its outreach efforts, work with the Federal Agencies that sponsor public benefit transfers under either 40 U.S.C. 471 et. seq. (reference (h)) or 49 U.S.C. 47151-47153 (reference (i)). Those agencies can provide a list of parties in the vicinity of the installation that might be interested in and eligible for public benefit transfers. The LRA should make a reasonable effort to inform such parties of the availability of the property and incorporate their interests within the planning process. Actual recipients of property are to be determined by the sponsoring Federal agency. The Military Departments shall notify sponsoring Federal agencies about property that is available based on the community redevelopment plan and keep the LRA apprised on any expressions of interest. Such expressions of interest are not required to be incorporated into the redevelopment plan, but must be considered.

6.3. HUD's Negotiations and Consultations with the LRA. HUD may negotiate and consult with the LRA before and during the course of preparation of the LRA's application and during HUD's review thereof with a view toward avoiding any preliminary determination that the application does not meet any requirement of this Instruction. LRAs are encouraged to contact HUD for a list of persons and organizations that are representatives of the homeless operating in the vicinity of the installation.

#### 6.4. LRA Application

6.4.1. Redevelopment Plan. A copy of the redevelopment plan shall be part of the application.



6.4.2. Homeless Assistance Submission. This part of the application shall include the following:

6.4.2.1. Information About Homelessness in the Communities in the Vicinity of the Installation

6.4.2.1.1. A list of all the political jurisdictions that comprise the LRA.

6.4.2.1.2. A description of the unmet need in the continuum of care system within each political jurisdiction, which should include information about any gaps that exist in the continuum of care for particular homeless subpopulations. The source for this information shall depend upon the size and nature of the political jurisdictions(s) that comprise the LRA. LRAs representing:

6.4.2.1.2.1. Political jurisdictions that are required to submit a Consolidated Plan shall include a copy of their Homeless and Special Needs Population Table, Priority Homeless Needs Assessment Table, and narrative description thereof from that Consolidated Plan, including the inventory of facilities and services that assist the homeless in the jurisdiction.

6.4.2.1.2.2. Political jurisdictions that are part of an urban county that is required to submit a Consolidated Plan shall include a copy of their Homeless and Special Needs Population Table, Priority Homeless Needs Assessment Table, and narrative description thereof from that Consolidated Plan, including the inventory of facilities and services that assist the homeless in the jurisdiction. In addition, the LRA shall explain what portion of the homeless population and subpopulations described in the Consolidated Plan are attributable to the political jurisdiction it represents.

6.4.2.1.2.3. A Political jurisdiction not described by subparagraph 6.4.2.1.2.1. or 6.4.2.1.2.2., above, shall submit a narrative description of what it perceives to be the homeless population within the jurisdiction and a brief inventory of the facilities and services that assist homeless persons and families within the jurisdiction. LRAs that represent these jurisdictions are not required to conduct surveys of the homeless population.

6.4.2.2. Notices of Interest Proposing Assistance to Homeless Persons and/or Families

6.4.2.2.1. A description of the proposed activities to be carried out on or off the installation and a discussion of how these activities meet a portion or all of the needs of the homeless by addressing the gaps in the continuum of care. The activities need not be limited to expressions of interest in property, but may also include discussions of how economic redevelopment may benefit the homeless.

6.4.2.2.2. A copy of each notice of interest from representatives of the homeless for use of buildings and property and a description of the manner in which the LRA's application addresses the need expressed in each notice of interest. If the LRA determines that a particular notice of interest should not be awarded property, an explanation of why the LRA determined not to support that notice of interest, the reasons for which may include the impact of the program contained in the notice of interest on the community as described in subparagraph 6.4.2.2.3., below.

6.4.2.2.3. A description of the impact that the implemented redevelopment plan will have on the community. This shall include information on how the LRA's redevelopment plan might impact the character of existing neighborhoods adjacent to the properties proposed to be used to assist the homeless and should discuss alternative plans. Impact on schools, social services, transportation, infrastructure, and concentration of minorities and/or low income persons also shall also be discussed.

6.4.2.3. Legally Binding Agreements for Buildings, Property, Funding, and/or Services

6.4.2.3.1. A copy of the legally binding agreements that the LRA proposes to enter into with the representative(s) of the homeless selected by the LRA to implement homeless programs that fill gaps in the existing continuum of care. The legally binding agreements shall provide for a process for negotiating alternative arrangements in the event that an environmental analysis conducted under paragraph 6.7.2., below, indicates that any property identified for transfer in the agreement is not suitable for the intended purpose. Where the balance determined in accordance with subparagraph 6.4.2.4., below, provides for the use of installation property as a homeless assistance facility, legally binding agreements must also provide for the reversion or transfer, either to the LRA or to another entity or entities, of the buildings and property in the event they cease to be used for the homeless. In cases where the balance proposed by the LRA does not include the use of buildings or property on the installation, the legally binding agreements need not be tied to the use of specific real property and need not include a reverter clause. Legally binding agreements shall be

accompanied by a legal opinion of the chief legal advisor of the LRA or political jurisdiction or jurisdictions which will be executing the legally binding agreements that the legally binding agreements, when executed, will constitute legal, valid, binding, and enforceable obligations on the parties thereto.

6.4.2.3.2. A description of how buildings, property, funding, and/or services either on or off the installation will be used to fill some of the gaps in the current continuum of care system and an explanation of the suitability of the buildings and property for that use.

6.4.2.3.3. Information on the availability of general services, such as transportation, police, and fire protection, and a discussion of infrastructure such as water, sewer, and electricity in the vicinity of the proposed homeless activity at the installation.

6.4.2.4. An Assessment of the Balance With Economic and Other Development Needs

6.4.2.4.1. An assessment of the manner in which the application balances the expressed needs of the homeless and the needs of the communities comprising the LRA for economic redevelopment and other development.

6.4.2.4.2. An explanation of how the LRA's application is consistent with the appropriate Consolidated Plan(s) or any other existing housing, social service, community, economic, or other development plans adopted by the jurisdictions in the vicinity of the installation.

6.4.2.5. A Description of the Outreach Undertaken by the LRA. The LRA shall explain how the outreach requirements described at subparagraphs 6.2.3.1. and 6.2.3.3., above, have been fulfilled. This explanation shall include a list of the representatives of the homeless the LRA contacted during the outreach process.

6.4.3. Public Comments. The LRA application shall include the materials described at subparagraph 6.2.3.6., above. These materials shall be prefaced with an overview of the citizen participation process observed in preparing the application.

6.5. HUD's Review of the Application

6.5.1. Timing. HUD shall complete a review of each application no later than 60 days after its receipt of a completed application.

6.5.2. Standards of Review. The purpose of the review is to determine whether the application is complete and, with respect to the expressed interest and requests of representatives of the homeless, whether the application:

6.5.2.1. Need. Takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the application for use and needs of the homeless in such communities. HUD will take into consideration the size and nature of the installation in reviewing the needs of the homeless population in the communities in the vicinity of the installation.

6.5.2.2. Impact of Notices of Interest. Takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation, including:

6.5.2.2.1. Whether the plan is feasible in light of demands that would be placed on available social services, police and fire protection, and infrastructure in the community.

6.5.2.2.2. Whether the selected notices of interest are consistent with the Consolidated Plan(s) or any other existing housing, social service, community, economic, or other development plans adopted by the political jurisdictions in the vicinity of the installation.

6.5.2.3. Legally Binding Agreements. Specifies the manner in which the buildings, property, funding, and/or services on or off the installation will be made available for homeless assistance purposes. HUD will review each legally binding agreement to verify that:

6.5.2.3.1. They include all the documents legally required to complete the transactions necessary to realize the homeless use(s) described in the application.

6.5.2.3.2. They include all appropriate terms and conditions.

6.5.2.3.3. They address the full range of contingencies including those described at subparagraph 6.4.2.3.1., above.

6.5.2.3.4. They stipulate that the buildings, property, funding,

and/or services will be made available to the representatives of the homeless in a timely fashion.

6.5.2.3.5. They are accompanied by a legal opinion of the chief legal advisor of the LRA or political jurisdiction or jurisdictions which will be executing the legally binding agreements that the legally binding agreements will, when executed, constitute legal, valid, binding, and enforceable obligations on the parties thereto.

6.5.2.4. Balance. Balances in an appropriate manner a portion or all of the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities.

6.5.2.5. Outreach. Was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation and whether the outreach requirements described at subparagraphs 6.2.3.1. and 6.2.3.3., above, have been fulfilled by the LRA.

6.5.3. Notice of Determination.

6.5.3.1. HUD shall, no later than the 60th day after its receipt of the application, unless such deadline is extended under paragraph 6.1.1., above, send written notification both to the Department of Defense and the LRA of its preliminary determination that the application meets or fails to meet the requirements of paragraph 6.5.2., above. If the application fails to meet the requirements, HUD shall send the LRA:

6.5.3.1.1. A summary of the deficiencies in the application.

6.5.3.1.2. An explanation of the determination.

6.5.3.1.3. A statement of how the LRA must address the determinations.

6.5.3.2. In the event that no application is submitted and no extension is requested as of the deadline specified in subparagraph 6.2.3.5., above, and the State does not accept within 30 days a DoD written request to become recognized as the LRA, the absence of such application will trigger an adverse determination by HUD effective on the date of the lapsed deadline. Under these conditions, HUD shall follow the process described at subsection 6.6., below.

#### 6.5.4. Opportunity to Cure.

6.5.4.1. The LRA shall have 90 days from its receipt of the notice of preliminary determination under subparagraph 6.5.3.1., above, within which to submit to HUD and the DoD a revised application that addresses the determinations listed in the notice. Failure to submit a revised application shall result in a final determination, effective 90 days from the LRA's receipt of the preliminary determination, that the redevelopment plan fails to meet the requirements of paragraph 6.5.2., above.

6.5.4.2. HUD shall, within 30 days of its receipt of the LRA's resubmission, send written notification of its final determination of whether the application meets the requirements of paragraph 6.5.2., above, to both the Department of Defense and the LRA.

#### 6.6. Adverse Determinations

6.6.1. Review and Consultation. If the resubmission fails to meet the requirements of paragraph 6.5.2., above, or if no resubmission is received, HUD will review the original application, including the notices of interest submitted by representatives of the homeless. In addition, in such instances or when no original application has been submitted, HUD:

6.6.1.1. Shall consult with the representatives of the homeless, if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless.

6.6.1.2. May consult with the applicable Military Department regarding the suitability of the buildings and property at the installation for use to assist the homeless.

6.6.1.3. May consult with representatives of the homeless and other parties as necessary.

#### 6.6.2. Notice of Decision.

6.6.2.1. Within 90 days of receipt of an LRA's revised application which HUD determines does not meet the requirements of paragraph 6.5.2., above; HUD shall, based upon its reviews and consultations under paragraph 6.6.1., above:

6.6.2.1.1. Notify the DoD and the LRA of the buildings and

property at the installation that HUD determines are suitable for use to assist the homeless, and;

6.6.2.1.2. Notify the DoD and the LRA of the extent to which the revised redevelopment plan meets the criteria set forth in paragraph 6.5.2., above.

6.6.2.2. In the event that an LRA does not submit a revised redevelopment plan under paragraph 6.5.4., above, HUD shall, based upon its reviews and consultations under paragraph 6.6.1., above, notify the DoD and the LRA of the buildings and property at the installation that HUD determines are suitable for use to assist the homeless, either

6.6.2.2.1. within 190 days after HUD sends its notice of preliminary adverse determination under subparagraph 6.5.3.1., above, if an LRA does not resubmit a revised redevelopment plan; or,

6.6.2.2.2. within 300 days after the Military Department's Federal Register publication of available property described at paragraph 6.2.2., above, if no redevelopment plan has been received and no extension has been approved.

## 6.7. Disposal of Buildings and Property

6.7.1. Public Benefit Transfer Screening. Not later than the LRA's submission of its redevelopment plan to the DoD and HUD, the Military Department shall conduct an official public benefit transfer screening in accordance with the Federal Property Management Regulations (reference (j)) based upon the uses identified in the redevelopment plan. Federal sponsoring Agencies shall notify eligible applicants that any request for property must be consistent with the uses identified in the redevelopment plan. At the request of the LRA, the Military Department may conduct the official State and local public benefit screening at any time after the publication of available property described at paragraph 6.2.2., above.

6.7.2. Environmental Analysis. Prior to disposal of any real property, the Military Department shall, consistent with 42 U.S.C. 4321 et seq. (reference (k)) and section 2905 of P.L. 101-510 (reference (c)), complete an environmental impact analysis of all reasonable disposal alternatives. The Military Department shall consult with the LRA throughout the environmental impact analysis process to ensure both that the LRA is provided the most current environmental information available concerning the installation, and that the Military Department receives the most current information available concerning the LRA's redevelopment plans for the installation.

6.7.3. Disposal. Upon receipt of a notice of approval of an application from HUD under subparagraph 6.5.3.1. or and paragraph 6.5.4.2., above, the Department of Defense shall dispose of buildings and property in accordance with the record of decision or other decision document prepared under paragraph 6.7.2., above. Disposal of buildings and property to be used as homeless assistance facilities shall be to either the LRA or directly to the representative(s) of the homeless and shall be without consideration. Upon receipt of a notice from HUD under paragraph 6.6.2., above, the DoD will dispose of the buildings and property at the installation in consultation with HUD and the LRA.

6.7.4. LRA's Responsibility. The LRA shall be responsible for the implementation of and compliance with legally binding agreements under the application.

6.7.5. Reversions to the LRA. If a building or property reverts to the LRA under a legally binding agreement under the application, the LRA shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. An LRA may not be required to utilize the building or property to assist the homeless.

## 7. EFFECTIVE DATE

This Instruction is effective immediately and is mandatory for use by all the DoD Components.



**R. Noel Longuemare**  
**Acting Under Secretary of Defense**  
**(Acquisition and Technology)**

Enclosures - 2

1. References
2. Definitions





E1. ENCLOSURE 1

REFERENCES, continued

- (f) Title V of Public Law 100-628, "The Stewart B. McKinney Homeless Assistance Act of 1988," November 7, 1988, as amended
- (g) Title 32, Code of Federal Regulations, Part 175, "Revitalizing Base Closure Communities - Base Closure Community Assistance," current edition
- (h) Section 471 et seq. of title 40, United States Code, "The Federal Property and Administrative Services Act," as amended
- (i) Sections 47151-47153 of title 49, United States Code, "The Surplus Property Act," as amended
- (j) Title 41, Code of Federal Regulations, Part 101-47, "Federal Property Management Regulations," current edition
- (k) Section 4321 et seq. of title 42, United States Code, "The National Environmental Policy Act of 1969," as amended
- (l) Title 24, Code of Federal Regulations, Part 91, "Consolidated Submissions for Community Planning and Development Programs," current edition
- (m) Title 24, Code of Federal Regulations, Part 570.3, "Entitlement Grants," current edition

## E2. ENCLOSURE 2

### DEFINITIONS

E2.1.1. Communities in the Vicinity of the Installation. The communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the LRA for the installation. If no LRA is formed at the local level, and the State is serving in that capacity, the communities in the vicinity of the installation is are deemed to be those political jurisdictions (other than the State) in which the installation is located.

#### E2.1.2. Continuum of Care System

E2.1.2.1. A comprehensive homeless assistance system that includes:

E2.1.2.1.1. A system of outreach and assessment for determining the needs and condition of an individual or family who is homeless, or whether assistance is necessary to prevent an individual or family from becoming homeless;

E2.1.2.1.2. Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

E2.1.2.1.3. Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to independent living;

E2.1.2.1.4. Housing with or without supportive services that has no established limitation on the amount of time of residence to help meet long-term needs of homeless individuals and families; and,

E2.1.2.1.5. Any other activity that clearly meets an identified need of the homeless and fills a gap in the continuum of care.

E2.1.2.2. Supportive services are services that enable homeless persons and families to move through the continuum of care toward independent living. These services include, but are not limited to, case management, housing counseling, job training and placement, primary health care, mental health services, substance abuse treatment, child care, transportation, emergency food and clothing, family violence services, education services, moving services, assistance in obtaining entitlements, and

referral to veterans services and legal services.

E2.1.3. Consolidated Plan. The plan prepared in accordance with the requirements of 24 CFR 91 (reference (l)).

E2.1.4. Day. One calendar day including weekends and holidays.

E2.1.5. Homeless Person

E2.1.5.1. An individual or family who lacks a fixed, regular, and adequate nighttime residence; and,

E2.1.5.2. An individual or family who has a primary nighttime residence that is:

E2.1.5.2.1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);

E2.1.5.2.2. An institution that provides a temporary residence for individuals intended to be institutionalized; or,

E2.1.5.2.3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

E2.1.5.3. This term does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law.

E2.1.6. Installation. A base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is approved for closure or realignment under the Base Closure and Realignment Act of 1988 (reference (d)), as amended, or the Defense Base Closure and Realignment Act of 1990 (reference (c)), as amended (both at 10 U.S.C. §2687, note).

E2.1.7. Local Redevelopment Authority (LRA). Any authority or instrumentality established by State or local government and recognized by the Secretary of Defense, through OEA, as the entity responsible for developing the redevelopment plan with respect to the installation or for directing implementation of the plan.

E2.1.8. Private Nonprofit Organization. An organization, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; that has a voluntary board; that has an accounting system or has designated an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting procedures; and that practices nondiscrimination in the provision of assistance.

E2.1.9. Public Benefit Transfer. The transfer of surplus military property for a specific public purpose at up to a 100 percent discount in accordance with 40 U.S.C. 471 et. seq. (reference (h)) or 49 U.S.C. 47151-47153 (reference (i)).

E2.1.10. Redevelopment Plan. A plan that is agreed to by the LRA with respect to the installation and provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.

E2.1.11. Representative(s) of the Homeless. A State or local government agency or private nonprofit organization, including a homeless assistance planning board, that provides or proposes to provide services to the homeless.

E2.1.12. Substantially Equivalent. Property that is functionally suitable to substitute for approved Title V (reference (f)) application. For example, if the representative of the homeless had an approved Title V (reference (f)) application for a building that would accommodate 100 homeless persons in an emergency shelter, the replacement facility would also have to accommodate 100 at a comparable cost for renovation.

E2.1.13. Substantially Equivalent Funding. Sufficient funding to acquire a substantially equivalent facility.

E2.1.14. Surplus Property. Any excess property not required for the needs and the discharge of the responsibilities of all Federal land holding Agencies. Authority to make this determination, after screening with all Federal Agencies, rests with the Military Departments.

E2.1.15. Urban County. A county within a metropolitan area as defined at 24 CFR 570.3 (reference (m)).