

CHAPTER 13 - CIVIL WORKS HOUSING

13-1. Purpose. This chapter establishes the policy for the retention, use, and disposition of Government-owned civil works houses used for quarters.

13-2. Policy. It is the policy of the Corps of Engineers that:

- a. The inventory of government houses shall be eventually eliminated. Existing housing shall not be converted to another type of dwelling, such as guest quarters.
- b. There shall not be any requirement in job descriptions to occupy government housing.
- c. New housing shall not be constructed or acquired for civil works projects.
- d. Housing facilities for contractor employees engaged on a project shall not be provided.
- e. Existing housing with civilian tenants shall be managed and phased out in accordance with approved Housing Management Plans. Such housing should have been phased out by 30 September 96, unless an exception was approved in writing by CECW-O, or in accordance with paragraph 13-3, below.
- f. Occupied houses with civilian tenants must have written leases including the rental rates. The rental rates must be set in accordance with the Office of Management and Budget Circular A-45.
- g. Civil works housing with military tenants shall be managed in accordance with paragraph 13-4 of this chapter.

13-3. Housing Management Plans. Each district and operating MSC having civil works housing with civilian tenants shall have a Housing Management Plan, approved by the MSC Commander. Each plan shall be reviewed for accuracy and necessary updating at least every five years until all housing has been removed or converted to other project purposes. Although, all civil works housing with civilian tenants are subject to scheduled phaseout, the MSC Commander may allow employees who have been in continuous occupancy of the same house since 30 September 1981, to continue to reside in their present quarters indefinitely, until it has been determined through the Housing Management Plan that occupancy is no longer feasible, or until the employee leaves.

a. Government-owned houses that have been outgranted to local governmental agencies for long-term use shall be exempted for disposal until such time as the house is returned to the Corps of Engineers. The Commander of each district shall encourage local governments to allow occupancy of these houses only by employees who are project-related.

b. For structures that exceed 50 years in age, Housing Management Plans shall include consideration of eligibility for listing in the National Register of Historic Places (NRHP), in accordance with Section 110 of the National Historic Preservation Act of 1966 (the Act), as amended. Prior to removal or conversion of a structure eligible for listing in the NRHP, commanders shall comply with Section 106 of the Act and consultation procedures established in 36 CFR Part 800, Advisory Council on Historic Preservation, "Protection of Historic Properties."

13-4. Civil Works Housing Management Policy for Military Tenants

a. The following houses, under the accountability of Civil Works, are currently occupied or available for occupancy by uniformed (military) personnel. The house at the Hiram M. Chittendan Locks is owned by the Lake Washington Ship Canal Project and the other houses are owned by the Corps revolving fund.

(1) One - Seattle, WA; Hiram M. Chittendan Locks Cavanaugh House (the District Commander's residence)

(2) One - Vicksburg, MS; House for the CELMV Commander

(3) Twelve - Vicksburg, MS; Waterways Experimentation Station (WES)

b. Civil works houses are not part of the military family housing program.

c. As long as there is an approved written determination on file by the activity responsible for the houses, stating that the residences are needed for either present or future civil works purposes, the appropriations which fund the purpose served by the residence are available to fund the operation, maintenance and repair of the residential housing as a "necessary expense" of those appropriations.

d. The "determination of need" will be a stand-alone document. Note that present or future civil works needs may be used to justify the housing. However, if the houses are being justified on future needs, there must be a signed certification stating that only those future needs that can realistically be achieved during the specified time period are included in the justification. The document will include, but is not limited to the following: current or future need of the houses for civil works purposes; a description of the house; ownership; authority; last five years annual income (if applicable) and expenditures for operation, maintenance, and repairs (per house); last five-year histories of occupancies, including vacant time (Note in the occupancy history if the occupant was a U. S. Army Engineer Officer); practicable alternatives to civil works provision of housing which were considered; economic factors considered and if the least cost alternative for the civil works program is not recommended, there will need to be a justification.

e. The "determination of need" for the house at the Hiram M. Chittendan Locks will be subject to the approval of the CENPD Commander. The "determination of need" for the houses at CEWES and the CELMV Commander's house will be subject to the approval of the HQUSACE Director of Civil Works. A "determination of need" for the houses will be updated biennially and submitted for approval by 1 October of the year in which it is due. Houses without an approved "determination of need" will not be reoccupied.

f. Subject to an approved "determination of need" that the residences are needed for either present or future purposes:

(1) The Seattle District Commander will be assigned to the house at the Hiram M. Chittendan Locks. The officer will not be eligible for Basic Allowance for Quarters (BAQ) while assigned to the house. The Seattle District Human Resources office will be responsible for assuring that the officer's BAQ is suspended. The officer is responsible for providing evidence that the BAQ allowance is not being received to the District Human Resources Office, if

requested. The operation, maintenance, and repair for the house will be funded by the Lake Washington Ship Canal Project.

(2) The CELMV Commander will be assigned to the house authorized for him/her. The officer is not entitled to receive BAQ while assigned to the quarters. The Lower Mississippi Valley Division Human Resources Office will be responsible for assuring that the officer's BAQ is suspended. The officer is responsible for providing evidence that the BAQ allowance is not being received to the Division Human Resources Office, if requested. The general expense appropriation for CELMV will continue to be used to reimburse the revolving fund for the operation, maintenance and repair for the house. Any existing or future special legal requirements for general officer housing will be followed. AR 210-13, will be used as the management doctrine and policy, where applicable. House Report 104-137 dated 13 June 1995, will also be used as management doctrine and policy. It states:

GENERAL AND FLAG OFFICER QUARTERS

“The existing reporting requirements for general and flag officer quarters continue in full force and effect, in order to control expenditures for high cost quarters. The purpose of these requirements is to ensure that the total amount of all obligations for maintenance and repair (excluding operations) on each general or flag officer quarters is limited to \$25,000 per year, unless specifically included in the annual budget justification material. This continues the policy initiated in 1984 and developed and elaborated over several years, to ensure that separate controls are established for orderly planning and programming to accomplish this work.

Recognizing the uncertainties involved accurately forecasting "change in occupancy" work, the Committee continues the following previously established notification requirement. The Committee must be notified when maintenance and repair costs for a unit will exceed the amount submitted in the budget justification by 25% or \$5,000, whichever is less. The Committee must also be notified when maintenance and repair costs will exceed \$25,000 for a unit not requested in the budget justification.”

Notifications of each proposed expenditure must be submitted over the signature of the Service Secretary for case-by-case review and approval. Each Service is directed to continue to limit out-of-cycle submissions to one per year, except for situations which are justified as emergencies or safety-related.

(3) CECW-O will be notified prior to any obligations for maintenance and repair which will exceed \$25,000 in a fiscal year. Any actions that need to be taken involving obligations greater than \$25,000 in a fiscal year or Congressional notification triggered by using House Report 104-137 language will be approved by HQUSACE.

(4) For the houses at WES:

(a) Quarters No. 1 will continue to be assigned to the WES Commander and control of all the other quarters will continue with the WES Commander.

(b) The following houses at WES will be assigned as follows by the WES Commander:

Quarters No. 2 and Quarters No. 4 to the CELMV Deputy Commander and the Vicksburg District Commander, respectively.

(c) The other houses will be managed as follows: Assignments of Quarters 3 and 5 through 12 may be made by the WES Commander to U. S. Army officers. Priority will be given to Army personnel, of the three Vicksburg, MS Engineer Commands, assigned to Civil Works. If an assignment to the quarters to U. S. Army Officers cannot be made, rental of the quarters is permitted subject to any applicable conditions in WES Station Regulation SR 210-1-2, Regulations Governing Occupancy of Family Quarters and the Self-Help Program and in paragraphs 13-4f(4)(e) and (g) of this policy document.

(d) The Commander of WES will be responsible for the written policy regarding the assignment of military personnel to the WES quarters. This policy should be incorporated into the WES Station Regulation SR 210-1-2, Regulations Governing Occupancy of Family Quarters and the Self-Help Program.

(e) U. S. Army Engineer Officers "assigned" to quarters are not entitled to BAQ. The Station Human Resources Office will be responsible for assuring that the officers' BAQ benefit is suspended. Officers are responsible for providing evidence that the BAQ allowance is not being received to WES, if requested. Non-U.S. Army Engineer officers will not be "assigned" to the quarters, but will be allowed to lease them. They are entitled to BAQ, however, they will be required to sign a lease and pay the appropriate rent.

(f) The operation, maintenance, and repair for these houses will be funded from revolving fund. The revolving fund will be reimbursed for the expenses of the houses. The general rule is that when the houses are occupied by U. S. Army Engineer officers, then the revolving fund reimbursement will be from appropriate available funds from the appropriations which fund WES, CELMV, and CELMK. Each house will be "accounted for" separately within the "Housing Area Account" in the WES revolving fund.

(g) If assignment of U.S. Army Engineers officers is not practicable and the houses are occupied on a rental basis, 5 U.S.C. § 5911 (c) provides that the rental rate must be based on the reasonable value of the quarters and facilities provided. Office of Management and Budget Circular A-45 implements § 5911 (c) and provides that reasonable value to the occupant is determined by the "rule of equivalence," which directs agencies to consider the prevailing rental rates for comparable private housing in the vicinity. Rents from revolving fund owned houses may be retained in the WES Housing Area Account and used to reimburse housing expenses of the revolving fund. Any rents collected that will not be used to pay for housing expenses, must be credited to the general fund of the Treasury as receipts. By the start of FY 97, for any of the quarters being rented, the rents must be determined in accordance with OMB Circular A-45. Rental rates for non-U.S. military will be in accordance with OMB Circular A-45. There will be a written lease for each "rented" house.

g. If the residences are not required for either present or future civil works purposes, there is no authority to expend appropriated funds to operate, maintain, and repair the houses. The responsible organization will take appropriate actions to dispose of or convert any residences not needed for present or future purposes .