

Section 2: Overview of the Base Redevelopment Process

This section discusses the objectives of the Redevelopment Act. Information on participants and the major steps involved in base redevelopment is explained, as is HUD's role in the BRAC process.

Objectives of the Redevelopment Act

The Redevelopment Act has three primary objectives:

- To balance a community's expressed needs for economic redevelopment and other development with the expressed needs of the homeless individuals and families in the vicinity of the installation.
- To ensure that base reuse planning is directed by local communities in the vicinity of the installation via empowerment of a locally controlled redevelopment planning authority.
- To promote rapid reuse of closing or realigning military installations by establishing timelines or deadlines for each stage of the process.

Applicability

The Redevelopment Act applies to all installations approved for closure in 2005.

Collaborators in the Base Reuse Process

Representatives of the local community working with Federal and State officials, private sector representatives, and homeless assistance providers attempt to develop a balanced reuse plan that reflects local needs. The role played by each of these partners is described briefly in the following paragraphs:

Local Participants

Local Redevelopment Authority (LRA). The LRA is any authority or instrumentality established by State or local government and recognized by the Secretary of Defense through its Office of Economic Adjustment (OEA) as the entity responsible for developing the reuse plan or for directing implementation of the reuse plan. Established by the local community and recognized by OEA, LRAs must allow the community maximum public input during its deliberations. The community in the vicinity of an installation is defined as the political jurisdiction(s), other than the State, that comprise the LRA for the installation. If no LRA is formed at the local level and the State is serving in

that capacity, then the community in the vicinity of the installation is deemed to be the political jurisdiction(s) in which the installation is located.

Public agencies and private nonprofit organizations. Public agencies and private nonprofit organizations are often eligible for one of several public benefit conveyance programs that make surplus properties available at up to a 100-percent discount of fair market value. Surplus military property may be conveyed to these public agencies and private nonprofits to provide vital public services such as education, health care, homeless services, parks and recreation, law enforcement, prisons, self-help housing and transportation.

Homeless assistance providers. These participants may include State or local government agencies or private nonprofit organizations that provide or propose to provide assistance to homeless persons and families. Representatives of the homeless seek buildings and properties that may provide supportive services, job and skills training, employment programs, shelter, transitional housing, permanent housing, 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 local Continuum of Care. The Continuum of Care is discussed in greater detail in Section 3.

Private entities. Private entities may range from multinational corporations to small businesses that, in most cases, are critical to a community's economic recovery from base closure or realignment. Private companies are frequently interested in the reuse potential for surplus base buildings and property.

Federal Participants

DoD. The Office of Economic Adjustment (OEA) is the DoD office responsible for recognizing the LRA. It also provides planning grant funds to those LRAs for which it determines base closure will cause direct and significant adverse consequences, or to those for which the Military Department is required, under the National Environmental Policy Act of 1967, to undertake an Environmental Impact Statement (EIS). An OEA Project Manager is assigned to each of these installations as a facilitator and catalyst to the community's planning process.

Other DoD participants are the U.S. Army Corps of Engineers, the Navy Facilities Engineering Command, and the Air Force Base Conversion Agency, which dispose of surplus property following consultations with the LRA and consideration of the approved reuse plan. In addition, Base Transition Coordinators (BTCs) and BRAC Environmental Coordinators (BECs) work as troubleshooters and ombudsmen to help the LRAs navigate the stages of closure and environmental restoration.

HUD Headquarters and Field Offices. In Headquarters, the Office of Community Planning and Development (CPD), Office of Special Needs Assistance Programs carries out HUD's BRAC process responsibilities. HUD Field Offices will provide technical assistance to LRAs and homeless assistance providers throughout the planning process.

HUD Headquarters and Field CPD Office staff each review the reuse plan (see Appendix 1 for a list of HUD's Field CPD Offices).

HUD's Role in the BRAC Process

HUD reviews the application that the LRA submits to HUD and DoD. An application consists of the redevelopment plan and the homeless assistance submission. HUD's review determines whether:

- The application is complete.
- The LRA has followed the process required by the Redevelopment Act and the regulations (24 CFR 586) when preparing the plan and homeless assistance submission.
- The plan takes into consideration the size and nature of the homeless population in the vicinity of the installation.
- The plan takes into consideration the availability of existing services to meet the needs of the homeless.
- The plan takes into consideration the suitability of the buildings and property on the installation for use and needs of the homeless.
- The plan takes into consideration the economic impact of proposed homeless assistance on communities in the vicinity of the installation, including whether the plan is feasible, and whether the selected NOIs are consistent with the Consolidated Plan or other housing, social service, community, or development plan.
- The legally binding agreements specify the manner in which property will be made available, include all documents necessary to complete the transaction, include all appropriate terms and conditions, address environmental contingencies, stipulate timely transfer, and are accompanied by legal opinion.
- The plan appropriately balances the needs for economic and other redevelopment with the needs of the homeless for the communities within the vicinity of the installation.
- The plan was developed in consultation with homeless service providers.

HUD is available to provide technical assistance to the LRA and may negotiate and consult with the LRA before or during its preparation of the reuse plan. Field CPD Office staff can help link the LRA with homeless assistance providers, provide guidance on the process mandated by the Redevelopment Act, and facilitate linkage of the LRA and homeless assistance providers to sources of funding for reuse projects.

Major Steps of the Base Redevelopment Process

Step 1: Approval of BRAC Recommendations for Closures or Realignments

The base redevelopment process formally begins with the President's approval of the BRAC Commission recommendations. The President approved the 2005 BRAC Commission recommendations on September 8, 2005. Those approved recommendations were sent to the Congress on September 23, 2005 and became law on November 9, 2005, when Congress did not pass a resolution of disapproval within 45 legislative days of presidential approval

Step 2: Federal Screening for Potential Federal Reuse

Once the 2005 BRAC Commission's list became law on November 9, 2005, Federal agencies and departments had first choice for use of the excess military installations. Federal interests were to have been formally applied for within 60 days of the closure approval date. The Military Department is to make all surplus determinations not later than May 9, 2006, which is 6 months following the closure approval date. The Federal screening process is officially complete once the Military Department publishes its list of surplus buildings and properties in the Federal Register. The lists are also available on the military department BRAC websites.

Step 3: DOD's Recognition of the LRA

Concurrent with the Federal screening process, the community forms the LRA. DoD, through OEA, must officially recognize the LRA. OEA notifies the community of its recognition in writing and publishes the name, address, and point of contact for the LRA in the Federal Register and in a newspaper of general circulation in the community in the vicinity of the installation. LRA information is also available online at www.oea.gov.

Step 4: LRA's Outreach Actions

Once the Military Department publishes the list of surplus buildings and properties, the LRA must advertise their availability in a newspaper of general circulation within the vicinity of the installation. The advertisement must include the time period during which it will receive notices of interest (NOIs) from homeless assistance providers and State and local governments (see pages 12 and 13 for additional information).

Step 5: Completion of the Redevelopment Plan and the Homeless Assistance Submission

When the LRA completes its outreach process, it has up to 270 days to generate a redevelopment plan and a homeless assistance submission (see Section 4). The LRA must determine which NOIs, if any, to support with some combination of buildings, property, and/or funding. The LRA is required by the Redevelopment Act to negotiate with those homeless assistance providers who submit NOIs. These negotiations are brought to closure through the development of legally binding agreements (see Section 4), which

may differ substantially from the initial NOI. These agreements are then submitted as part of the homeless assistance submission.

The LRA must periodically make drafts available to the public for review and comment as the LRA prepares the redevelopment plan and homeless assistance submission. Once the redevelopment plan and the homeless assistance submission are completed, the LRA must hold at least one public hearing to receive input on these documents. The LRA must comply with applicable local law or ordinances regarding the formality of public hearings and may revise the plan and homeless assistance submission in accordance with issues raised at the hearing.

As part of its application to HUD, the LRA must include a summary of public comments received during the process of developing the plan and homeless assistance submission. Many LRAs choose to include copies of written comments received and transcripts of hearings to avoid charges that the LRA has misrepresented the public's comments. The LRA shall submit the final redevelopment plan and the homeless assistance submission to the local HUD Field Office; HUD Headquarters in Washington, D.C.; OEA, and the Military Department.

Step 6: HUD's Review

The Redevelopment Act mandates that HUD review the redevelopment plan and the homeless assistance submission within 60 days of HUD's receipt of a complete application. The required elements of a complete application are listed on the HUD Completeness Review Checklist in Section 5 (HUD's Review). To expedite review of your application, send your application with the Completeness Review Checklist you have filled out on top, serving as an index to your application. Do not send incomplete applications. HUD may negotiate and consult with the LRA at any time during its review and will notify the LRA of its determination or, where applicable, of any further steps the LRA should take.

Step 7: Military's Disposal of Buildings and Property

The Military Department must complete an environmental review of the installation in compliance with Federal environmental laws. Transfer of properties to the intended recipient will occur only after this review process is completed.

For on-base buildings and properties committed to homeless assistance providers, the transfer will be made in compliance with the approved application, either to the LRA or directly to the homeless assistance providers.

Waiver Requests

Approval of any request for waiver of the BRAC time limitations is not automatic. If the LRA needs additional time to complete its application, the LRA may request a waiver to extend or postpone the deadlines. If the LRA shows **good** cause, the Assistant Secretary of Defense for Economic Security may grant such a request if it is deemed in the best

interest of the community. Requests must be submitted, before the deadline sought to be extended, to the following address:

Director, Office of Economic Adjustment
U.S. Department of Defense
400 Army-Navy Drive, Suite 200
Arlington, VA 22202

In addition, HUD's Assistant Secretary for Community Planning and Development may waive certain nonstatutory requirements in the regulations, except for deadlines and actions required by DoD. To determine those requirements, LRAs should contact their local HUD Field Offices. Direct requests for these waivers to the following address:

Assistant Secretary for Community Planning and Development
U.S. Department of Housing and Urban Development
ATTN: BRAC Coordinator
451 7th Street SW., Room 7266
Washington, DC 20410

Required LRA Outreach Activities

Newspaper Advertisement

Formal outreach to public and homeless interests must begin no later than 30 days after the date on which the Military Department publishes the list of available surplus buildings and properties in the *Federal Register*. Within 30 days of the Military Department's advertisement, the LRA must publish a newspaper advertisement requesting Notices of Interest (NOIs) in the buildings and properties on the installation. The outreach process begins with the publication of the LRA advertisement and ends on the deadline date as stated in the newspaper advertisement for submission of NOIs to the LRA.

Advertisements initiated by the Military Department for surplus buildings and property are not substitutes for this requirement. The advertisement must state a definitive period of not less than 90 days nor more than 180 days for homeless assistance providers or State and local entities to express interest in the property. Because the advertisement should appear in a section of the paper that has high visibility, the legal or classified sections generally should be avoided (see next page for a sample advertisement). LRAs should also simultaneously advertise for NOIs from public and nonprofit entities interested in obtaining property via a public benefit conveyance.

Note that the sample on the following page is for your consideration only. The Redevelopment Act places responsibility for base reuse planning in the hands of the LRA. The sample is designed to assist LRAs in developing their own advertisement, which will require modification as dictated by local circumstances.

**Availability of Surplus Federal Property to
State and Local Eligible Parties,
Including Homeless Service Providers
(Name of LRA)**

As required by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, as amended (the Redevelopment Act) and its implementing regulations, the (insert LRA name)(the LRA) for (insert name of installation) is seeking notices of interest (NOIs) for surplus property at the installation.

State and local governments, homeless service providers and other interested parties may submit NOIs no later than 5 p.m. on (date) 2006. A listing of surplus property at (installation) was published by the Department of the (Service) in the *Federal Register* on (date). The complete listing can be obtained by calling the LRA contact person identified below.

NOIs for homeless assistance may be submitted by any State or local government agency or private nonprofit organization that provides or proposes to provide services to homeless persons and/or families residing in (list municipalities and counties comprising the LRA).

A workshop will be held at the (location), on (date) at (time), which will include an overview of the base redevelopment planning process, a tour of the installation, information on any land use constraints known at the time, and information on the NOI process. To register for this workshop, please call the LRA contact person identified below by (date). Attendance at this workshop is not required to submit an NOI, but is highly encouraged.

NOIs from homeless service providers must include: (i) a description of the homeless assistance program that the homeless service provider proposes to carry out at (location); (ii) a description of the need for the program; (iii) 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 (installation); (iv) information about the physical requirements necessary to carry out the program, including a description of the buildings and property at (installation) that are necessary in order to carry out the program; (v) a description of the financial plan, the organizational structure and capacity, prior experience, and qualifications of the organization to carry out the program; and (vi) an assessment of the time required to commence carrying out the program.

Entities interested in obtaining property through a public benefit conveyance (PBC), other than a homeless assistance conveyance, are invited to contact the following Federal agency offices to find out more about each agency's PBC program and to discuss with the agency the entity's potential for qualifying for a conveyance of property. Federal agencies sponsoring PBCs include the Department of the Interior for parks, recreation, wildlife conservation, lighthouses, and historic monuments uses; the Department of Education for educational uses; the Department of Health and Human Services for public health uses; the Department of Justice for correctional facilities and law enforcement uses; the Department of Housing and Urban Development for Self-Help Programs; the Department of Transportation for airports and seaports; the Veterans Administration for cemeteries; and the Federal Emergency Management Agency for emergency management purposes. A complete listing of the Federal agencies with PBC programs with specific points of contact is available from the LRA.

NOIs for PBCs must include: (i) a description of the eligibility for the proposed transfer, (ii) the proposed use of the property, including a description of the buildings and property necessary to carry out such proposed use, (iii) time frame for occupation, and (iv) the benefit to the community from such proposed use, including the number of jobs the use would generate.

For additional information or to register for the workshop, contact (LRA contact person) at (address and phone number).

Workshop

Early in the outreach process and in coordination with HUD and the Military Department, the LRA shall conduct at least one workshop on the installation. The goals of these workshops are to:

- Inform homeless and public interest groups about the closure/realignment and property disposal process.
- Allow groups to tour the buildings and properties available.
- Explain the LRA's process and the schedule for receiving NOIs.
- Discuss any known land-use constraints affecting the available property and buildings.

Direct Outreach

LRAs shall meet with homeless assistance providers expressing interest in properties on or off the installation. The LRA must submit to HUD a list of providers that were consulted throughout the reuse planning process.

Outreach Area and Effort

The Redevelopment Act specifies that outreach to homeless assistance providers must extend to the community in the vicinity of the installation—defined as the jurisdictions that constitute the LRA. For example, if the LRA's Executive Committee is composed of city and county representatives, the official area for outreach includes the geographic area of the city and county and the homeless assistance providers that serve persons residing within those two jurisdictions. For assistance in defining the catchment area, LRAs should contact the HUD Headquarters Office listed in Appendix 1.

As long as the LRA meets the minimum standard, it may extend its outreach efforts as widely as it wishes to private or public interest groups both within and outside the local community.

A jurisdiction that receives Community Development Block Grant funds as a member of an urban county (as defined by HUD) should examine how housing and services for the homeless are provided within the county. If the homeless service system is countywide, these LRAs should consider extending their outreach to all the communities that constitute the urban county.

Public Benefit Transfers

Eligible units of State and local governments and certain nonprofit organizations may acquire surplus real property for public benefit uses at discounts of up to 100 percent.

Public benefit conveyance categories include parks and recreation, historic monuments, airports, health, education, correctional facilities, highways, self-help housing and wildlife conservation. Under the public benefit programs, eligible entities must apply to a sponsoring Federal agency. For example, if a city wanted to obtain surplus Federal property for use as a college, it would make an application to the Department of Education.

The regulations encourage LRAs to work with federal agencies that sponsor public benefit transfers for public and private interests at the same time that the LRA is conducting its homeless outreach. However, the Federal District Court for the District of Columbia has ruled that the homeless and public benefit outreach processes are parallel tracks that must be carried out before HUD can make a determination on an application. HUD recommends that all LRAs publicly solicit notices of interest for public benefit transfers at the same time the LRA solicits notices of interest for homeless assistance uses. HUD will require evidence that outreach for public benefit transfers has taken place as a condition to approval of your application.

Format for Public Benefit Transfer NOIs

No prescribed format is required for these NOIs. They should specify the name of the entity and the specific interest in property or facilities along with a description of the planned use. Additionally, each sponsoring Federal agency has its own application requirements.

Format for Homeless Assistance Provider NOIs

NOIs from homeless assistance providers must be more specific. They must contain at least:

- A description of the need for the program (See Continuum of Care discussion in Section 3).
- A description of the proposed homeless assistance program, including the specific proposed reuse of properties or facilities, such as supportive services, job and skills training, employment programs, emergency shelters, transitional or permanent housing, food and clothing banks, treatment facilities, or other activities that meet homeless needs.
- 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 (see the discussion of the Continuums of Care in Section 3).
- Information about the physical requirements necessary to implement the program, including a description of the buildings and property at the installation that are proposed to carry out the program.

- A description of the homeless assistance provider who is submitting the notice, its organizational and legal capacity to carry out the program, and its financial plan for implementing the program.
- An assessment of the time required by the homeless assistance provider to carry out the program.

LRAs may require more information, if reasonably related to the proposed reuse.

Frequently Asked Questions:

Do all closing/realigning installations have LRAs?

No. LRAs are formed *only* if buildings and properties on the installation will be available for local use (declared surplus) as the result of a closure or realignment. Some base closures/realignments involve the relocation of personnel and may not affect the overall need for buildings and properties. On some occasions, other Federal agencies obtain the excess buildings and property during Federal screening.

Is HUD involved in all closing/realigning installations?

No. Under the Redevelopment Act, HUD has a statutory mandate to review the reuse plan for closing/realigning BRAC Commission installations that have a recognized LRA. Therefore, HUD has no formal role in base redevelopment if:

- The installation is not a BRAC Commission closure/realignment action.
- The installation contains no surplus property.

Does the Redevelopment Act cover all installations regardless of size?

The Redevelopment Act applies to all military installations regardless of their size, location, or complexity. HUD acknowledges that a community's response to base redevelopment will vary according to the size, location, and complexity of the installation. HUD recognizes that LRA applications developed for major installations, which may encompass thousands of acres, will be more lengthy and complicated than 3-or 4-acre reserve facilities that contain few buildings. Each application, however, must address all the elements required by statute or regulations.

For example, an LRA located in a small rural community having a small homeless population will not be held to the same level of detail in its submission as will an LRA in a large metropolitan area with a large homeless population. Ultimately, LRAs must

follow the process stipulated in the Redevelopment Act and submit applications that balance the expressed needs of the community for economic redevelopment, other development, and homeless assistance.

What organizations are eligible to obtain property for homeless assistance?

Governments and private nonprofits that serve the homeless or propose to serve the homeless are eligible to receive base property under a no cost homeless assistance transfer. Note that homeless assistance transfers are not available for general relief of the poor or for those who are temporarily dislocated due to disaster. Only those organizations that propose to serve homeless persons meeting the McKinney-Vento Act definition are eligible to receive a no cost transfer. HUD will review the LRA application and the NOIs that are proposed to receive property to determine that the organizations slated to receive property for homeless assistance purposes qualify.

Can organizations that have never served the homeless before get no-cost transfers for homeless assistance?

Yes, however, they must propose to serve homeless on the property and should be able to show their capacity to carry out the proposed project.

What is the McKinney-Vento Act definition of homeless?

The term “homeless” or “homeless individual or homeless person” includes:

- (1) An individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) An individual who has a primary nighttime residence that is—
 - (a) 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);
 - (b) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

It does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law. Neither does it include people living in overcrowded or substandard housing.

What organizations are eligible to obtain property under public benefit transfers?

There are a number of public benefit transfers available through different federal agencies. They include transfers for airports, schools, prisons, parks and recreation, public monuments, health care uses and self-help housing development. For more information on public benefit transfers, please see:

<http://www.propertydisposal.gsa.gov/Property/PubBenefitProp/>

What can an LRA do to speed up the HUD review process

- Accept Technical Assistance.
- Submit a complete application.
- Don't just submit the bare bones.
- Use your application as an opportunity to "make your case" to HUD. Explain your reasons for accepting and rejecting each homeless NOI and make sure HUD knows what informed your decision-making. Explain why you think you met all the review criteria, in particular, why your plan is balanced.
- Describe the process used to make decisions on NOIs and explain why it is a fair and equitable process.