

Federal Management Regulation

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utilities, in excess of the prospectus threshold provided in 40 U.S.C. 3307. Agencies must be aware that prospectus thresholds are indexed and change each year.

§ 102-73.235 What is the maximum lease term that a Federal agency may agree to when it has been delegated lease acquisition authority from GSA?

Pursuant to GSA's authority to enter into lease agreements contained in 40 U.S.C. 585(a)(2), agencies delegated the authorities outlined herein may enter into leases for the term specified in the delegation. In those cases where agency special purposes space delegations include the authority to acquire unimproved land, the land may be leased only on a fiscal year basis.

§ 102-73.240 What policy must Federal agencies follow to acquire official parking spaces?

Federal agencies that need parking must utilize available Government-owned or leased facilities. Federal agencies must make inquiries regarding availability of such Government-controlled space to GSA regional offices and document such inquiries. If no suitable Government-controlled facilities are available, an agency may use its own procurement authority to acquire parking by service contract.

Subpart C—Acquisition by Purchase or Condemnation

BUILDINGS

§ 102-73.245 When may Federal agencies consider purchase of buildings?

A Federal agency may consider purchase of buildings on a case-by-case basis if it has landholding authority and when one or more of the following conditions exist:

- (a) It is economically more beneficial to own and manage the property.
- (b) There is a long-term need for the property.
- (c) The property is an existing building, or a building nearing completion, that can be purchased and occupied within a reasonable time.
- (d) When otherwise in the best interests of the Government.

§ 102-73.250 Are agencies required to adhere to the policies for locating Federal facilities when purchasing buildings?

Yes, when purchasing buildings, agencies must comply with the location policies in this part and part 102-83 of this chapter.

§ 102-73.255 What factors must Executive agencies consider when purchasing sites?

Agencies must locate proposed Federal buildings on sites that are most advantageous to the United States. Executive agencies must consider factors such as whether the site will contribute to economy and efficiency in the construction, maintenance, and operation of the individual building, and how the proposed site relates to the Government's total space needs in the community. Prior to acquiring, constructing, or leasing buildings (or sites for such buildings), Federal agencies must use, to the maximum extent feasible, historic properties available to the agency. In site selections, Executive agencies must consider Executive Order 12072 (August 16, 1978, 43 FR 36869) and Executive Order 13006 (40 U.S.C. 3306 note). In addition, Executive agencies must consider all of the following:

- (a) Maximum utilization of Government-owned land (including excess land) whenever it is adequate, economically adaptable to requirements and properly located, where such use is consistent with the provisions of part 102-75, subpart B, of this chapter.
- (b) A site adjacent to or in the proximity of an existing Federal building that is well located and is to be retained for long-term occupancy.
- (c) The environmental condition of proposed sites prior to purchase. The sites must be free from contamination, unless it is otherwise determined to be in the best interests of the Government to purchase a contaminated site (e.g., reuse of a site under an established "Brownfields" program).
- (d) Purchase options to secure the future availability of a site.
- (e) All applicable location policies in this part and part 102-83 of this chapter.

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LAND

§ 102-73.260 What land acquisition policy must Federal agencies follow?

Federal agencies must follow the land acquisition policy in the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, 42 U.S.C. 4651-4655, which—

- (a) Encourages and expedites the acquisition of real property by agreements with owners;
- (b) Avoids litigation, including condemnation actions, where possible and relieves congestion in the courts;
- (c) Provides for consistent treatment of owners; and
- (d) Promotes public confidence in Federal land acquisition practices.

§ 102-73.265 What actions must Federal agencies take to facilitate land acquisition?

To facilitate land acquisition, Federal agencies must, among other things—

- (a) Appraise the real property before starting negotiations and give the owner (or the owner's representative) the opportunity to accompany the appraiser during the inspection;
- (b) Establish an amount estimated to be the just compensation before starting negotiations and promptly offer to acquire the property for this full amount;
- (c) Try to negotiate with owners on the price;
- (d) Pay the agreed purchase price to the property owner, or in the case of a condemnation, deposit payment in the registry of the court, for the benefit of the owner, before requiring the owner to surrender the property; and
- (e) Provide property owners (and occupants) at least 90 days' notice of displacement before requiring anyone to move. If a Federal agency permits the owner to keep possession for a short time after acquiring the owner's property, Federal agencies must not charge rent in excess of the property's fair rental value to a short-term occupier.

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JUST COMPENSATION

§ 102-73.270 Are Federal agencies required to provide the owner with a written statement of the amount established as just compensation?

Yes, Federal agencies must provide the owner with a written statement of this amount and summarize the basis for it. When it is appropriate, Federal agencies must separately state the just compensation for the property to be acquired and damages to the remaining real property.

§ 102-73.275 What specific information must be included in the summary statement for the owner that explains the basis for just compensation?

The summary statement must—

- (a) Identify the real property and the estate or interest the Federal agency is acquiring;
- (b) Identify the buildings, structures, and other improvements the Federal agency considers part of the real property for which just compensation is being offered;
- (c) State that the Federal agency based the estimate of just compensation on the Government's estimate of the property's fair market value. If only part of a property or less than a full interest is being acquired, Federal agencies must explain how they determined the just compensation for it; and
- (d) State that the Government's estimate of just compensation is at least as much as the property's approved appraisal value.

§ 102-73.280 Where can Federal agencies find guidance on how to appraise the value of properties being acquired by the Federal Government?

The Interagency Land Acquisition Conference has developed, promulgated, and adopted the Uniform Appraisal Standards for Federal Land Acquisitions, sometimes referred to as the "Yellow Book." The Interagency Land Acquisition Conference, established on November 27, 1968, by invitation of the Attorney General, is a voluntary organization composed of the many Federal agencies engaged in the acquisition of real estate for public uses. The "Yellow Book" is published

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by the Appraisal Institute in cooperation with the U.S. Department of Justice and is available in hard copy or on the Department of Justice's internet Web site at <http://www.usdoj.gov/enrd/land-ack/>.

§ 102-73.285 [Reserved]

§ 102-73.290 Are there any prohibitions when a Federal agency pays "just compensation" to a tenant?

Yes, Federal agencies must not—

(a) Duplicate any payment to the tenant otherwise authorized by law; and

(b) Pay a tenant unless the landowner disclaims all interests in the tenant's improvements. In consideration for any such payment, the tenant must assign, transfer, and release to the Federal agency all of its right, title, and interest in the improvements. The tenant may reject such payment under this subpart and obtain payment for its property interests according to other sections of applicable law.

EXPENSES INCIDENTAL TO PROPERTY TRANSFER

§ 102-73.295 What property transfer expenses must Federal agencies cover when acquiring real property?

Federal agencies must—

(a) Reimburse property owners for all reasonable expenses actually incurred for recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses needed to convey the property to the Federal Government;

(b) Reimburse property owners for all reasonable expenses actually incurred for penalty costs and other charges to prepay any existing, recorded mortgage that a property owner entered into in good faith and that encumbers the real property;

(c) Reimburse property owners for all reasonable expenses actually incurred for the prorated part of any prepaid real property taxes that cover the period after the Federal Government gets title to the property or effective possession of it, whichever is earlier; and

(d) Whenever possible, directly pay the costs identified in this section, so property owners will not have to pay them and then seek reimbursement from the Government.

LITIGATION EXPENSES

§ 102-73.300 Are Federal agencies required to pay for litigation expenses incurred by a property owner because of a condemnation proceeding?

Federal agencies must pay reasonable expenses for attorneys, appraisals, and engineering fees that a property owner incurs because of a condemnation proceeding, if any of the following are true:

(a) The court's final judgment is that the Federal agency cannot acquire the real property by condemnation.

(b) The Federal agency abandons the condemnation proceeding other than under an agreed-on settlement.

(c) The court renders a judgment in the property owner's favor in an inverse condemnation proceeding or the Federal agency agrees to settle such proceeding.

RELOCATION ASSISTANCE POLICY

§ 102-73.305 What relocation assistance policy must Federal agencies follow?

Federal agencies, upon approval from GSA, must provide appropriate relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, 42 U.S.C. 4651-4655, to eligible owners and tenants of property purchased for use by Federal agencies in accordance with the implementing regulations found in 49 CFR part 24. Appropriate relocation assistance means that the Federal agency must pay the displaced person for actual—

(a) Reasonable moving expenses (in moving himself, his family, and business);

(b) Direct losses of tangible personal property as a result of moving or discontinuing a business;

(c) Reasonable expenses in searching for a replacement business or farm; and

(d) Reasonable expenses necessary to reestablish a displaced farm, nonprofit

organization, or small business at its new site, but not to exceed \$10,000.

PART 102-74—FACILITY MANAGEMENT

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102-74.65 Are cafeterias authorized under the Randolph-Sheppard Act operated by permit or contract?

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CONSERVATION PROGRAM

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102-74.115 What standard in providing asset services must Executive agencies follow?

102-74.120 Is a prospectus required to be submitted before emergency alterations can be performed?

102-74.125 Are prospectuses required for reimbursable alteration projects?

102-74.130 When a prospectus is required, can GSA prepare a prospectus for a reimbursable alteration project?

102-74.135 Who selects construction and alteration projects that are to be performed?

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102-74.145 What information must a Federal agency submit to GSA after the agency has identified a need for construction or alteration of a public building?

102-74.150 Who submits prospectuses for the construction or alteration of public buildings to the Congressional committees?

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102-74.165 What energy standards must Federal agencies follow for existing facilities?

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102-74.175 Are Government-leased buildings required to conform with the policies in this subpart?

102-74.180 What illumination levels must Federal agencies maintain on Federal facilities?

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102-74.190 Are portable heaters, fans, and other such devices allowed in Government-controlled facilities?

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RIDESHARING

102-74.205 What Federal facility ridesharing policy must Executive agencies follow?

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OCCUPANT EMERGENCY PROGRAM

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