Authorization Act for Fiscal Year 1994 (Pub. L. 103–160).

B. Circumstances That Led to This New Law

Title V of the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, 42 U.S.C. 11411 ("Title V"), granted first priority on use of all surplus federally-owned real and personal property, including former military installations, to the homeless. The Title V provisions have worked reasonably well for small parcels, however, in the base closure and realignment environment the processes for reuse planning and homeless use were independent and the timing incompatible. On October 25, 1994, the President signed the Redevelopment Act, which exempts base closure and realignment property from Title V and substitutes a new community-based process wherein representatives of the homeless will work directly with Local Redevelopment Authorities (LRAs) on the reuse of former military

The Redevelopment Act provides a process which aims to balance the needs of the homeless with other development interests in the community in the vicinity of the installation. Congress recognized that in order to achieve this balance, all interests must be "put on the table" at the same time. Accordingly, the Redevelopment Act requires the LRA to accept notices of interest simultaneously from state and local governments and other interests that include development and public purpose uses, including public benefit uses pursuant to the federal surplus property disposal authorities.

C. Applicability

The Redevelopment Act applies to all bases that are approved for closure/ realignment under Pub. L. 101-510 after October 25, 1994 as well as those installations approved for closure/ realignment prior to October 25, 1994 under either Pub. L. 100-526 or Pub. L. 101-510 that have elected to come under the new process prior to December 24, 1994. All other installations approved for closure/ realignment prior to October 25, 1994 that have not elected to come under the new process, are covered by the Title V process as amended by Pub. L. 103–160. The Title V process continues to apply to all other unutilized, underutilized, excess, or surplus property owned by the Federal government, including military properties that are not part of a base closure or realignment.

LRAs which have elected to come under the Redevelopment Act should

pay particular attention to § 92.20(c)(1) of this part which extends the permissible time period within which an LRA can set its date for receipt of notices of interest. For LRAs which have adequately complied with the statutory time limitation prior to publication of this interim rule, HUD will not expect them to reopen their notice period; however, those which have not yet so complied will be expected to follow this requirement. For all installations selected for closure or realignment prior to 1995 that have elected this process, the LRA must complete the period for receiving notices of interest no later than 90 days from the later of the publication of this interim rule or HUD's publication of 24 CFR part 586.

The Redevelopment Act recognizes that installations approved for closure or realignment before enactment of this law are well into the planning process and should therefore be treated differently than installations approved for closure/realignment subsequent to enactment. As a result, § 92.20(c) of this part allows for greater flexibility concerning the commencement and requirements of the outreach efforts to representatives of the homeless, state and local governments, and other interested parties in those communities.

The Redevelopment Act includes special considerations for providers who had applications pending on closure or realignment and disposal properties under Title V at the time of enactment of the Redevelopment Act. LRAs must consider and specifically address any applications that were pending as of the date of enactment. In the case of providers whose applications have been approved (but the property applied for has not been transferred or leased), the LRA must accommodate the provider with substantially equivalent property on or off the installation, sufficient funding to acquire such equivalent property, services and activities that meet the needs identified in the application, or a combination of such property, funding, services, and activities.

D. Roles of DoD and HUD

DoD is responsible, through the Military Departments, for closing and disposing of the installations approved for closure or realignment. On July 20, 1995 (60 FR 37337), DoD published a final rule implementing other activities associated with the closure, realignment and disposal of military installations including the process whereby properties at an installation are screened for reuse by the Federal government. The actions undertaken by the Military Departments under that regulation

precede the actions to be taken under this part. Interested parties should obtain copies of both.

DoD, through the Office of Economic Adjustment is responsible for recognizing the LRA. The LRA must, in accordance with § 92.30 of this part, submit to both HUD and DoD an application, which includes the redevelopment plan and the homeless assistance submission. HUD will review the application and notify DoD and the LRA of its findings. HUD's standards of review are described at § 92.35(b) of this part. Throughout its review, HUD will be in contact with the LRA for any clarifications or additional information it needs to complete the review.

Pursuant to § 92.25 of this part, representatives of HUD will be available to provide assistance to LRAs throughout the planning process. LRAs are encouraged to contact their HUD field office for technical assistance including lists of homeless providers operating in the vicinity of the installation. Representatives of HUD will be available to attend workshops held under § 92.20(c)(3)(ii) of this part and other meetings as requested by the LRA. The planning process created by The Redevelopment Act is communitybased. HUD neither anticipates nor desires to mandate results, but will seek to expedite and assist all parties in arriving at an equitable balance between economic redevelopment and homeless needs. DoD and HUD anticipate that the reuse plans will be general land use plans for which HUD will be reviewing the balance made between homeless assistance and economic development needs rather than the suitability of a specific site for use by the homeless.

Although certain sites may be identified for use for the homeless, DoD and HUD recognizes that the environmental review process may show that certain properties are not suitable for the designated use. If such a finding is made, the LRA and the representative of the homeless should negotiate for alternate arrangements that would enable the same balance of interests that was made originally. If, because of the environmental condition, less property is available for reuse, it is possible that less property would be made available for homeless use. The frequency of this problem should be limited because of the extensive environmental review throughout the process, and with dialogue between the LRA and the Military Department and the Base Realignment and Closure Environmental Coordinator.