

**Functional Series 500 - Management Services
ADS 535 - Real Property Management Overseas**

Table of Contents

*Asterisks next to a section number in the table of contents indicate that the section is new or was substantively revised. An asterisk in the body of the chapter indicates that the text of the adjacent paragraph is new or was substantively changed.

<u>535.1</u>	<u>OVERVIEW</u>	<u>2</u>
<u>*535.2</u>	<u>PRIMARY RESPONSIBILITIES</u>	<u>2</u>
<u>535.3</u>	<u>POLICY DIRECTIVES AND REQUIRED PROCEDURES</u>	<u>3</u>
<u>*535.3.1</u>	<u>Real Property Management Overseas</u>	<u>3</u>
<u>535.3.2</u>	<u>Real Property Management Authorities</u>	<u>4</u>
<u>535.3.3</u>	<u>Leasing of Swimming Pools and Other Recreational Facilities</u>	<u>4</u>
<u>535.3.3.1</u>	<u>Operating Costs of Swimming Pools and Other Recreational Facilities</u>	<u>5</u>
<u>535.3.3.2</u>	<u>Swimming Pool Safety</u>	<u>5</u>
<u>535.3.3.3</u>	<u>Living Quarters Allowance (LQA) Leases</u>	<u>5</u>
<u>535.3.4</u>	<u>Basic Furniture, Furnishings, Appliances, and Equipment (FFA&E), Supplemental FFA&E, and Other Items</u>	<u>5</u>
<u>535.4</u>	<u>MANDATORY REFERENCES</u>	<u>6</u>
<u>535.4.1</u>	<u>External Mandatory References</u>	<u>6</u>
<u>535.4.2</u>	<u>Internal Mandatory References</u>	<u>6</u>
<u>535.5</u>	<u>ADDITIONAL HELP</u>	<u>6</u>
<u>*535.6</u>	<u>DEFINITIONS</u>	<u>6</u>

ADS 535 - Real Property Management Overseas

535.1 OVERVIEW

Effective Date: 04/22/1996

This chapter provides the regulations that govern USAID's management of real property overseas.

535.2 PRIMARY RESPONSIBILITIES

Effective Date: 05/31/2002

- a.** The Director, Bureau for Management, Office of Administrative Services (M/AS/OD) delegates to the Chief, Bureau for Management, Office of Administrative Services, Overseas Management Support Division (M/AS/OMS) responsibility for centralized management of the USAID real property program overseas.
- b.** The Chief, Bureau for Management, Office of Administrative Services, Overseas Management Support Division (M/AS/OMS), is responsible for
- Evaluating and approving USAID Mission requests for acquisition and/or construction of real property;
 - Managing USAID's Property Management Fund;
 - Preparing long-range plans for USAID overseas property acquisition and disposal;
 - Monitoring USAID acquisition, leasing, and property management practices overseas;
 - Serving as official repository for USAID deeds and leases overseas;
 - Advising USAID Missions on a wide range of problems involving real property acquisition, use, disposition, construction, renovation, and capital improvements; and
 - Acting as liaison between USAID and the Department of State's Overseas Buildings Operations (OBO).
- c.** The USAID Mission Director at each post is responsible for implementing all policies and procedures relating to the USAID real property program, including
- Annually certifying to the Chief of Mission (COM) that all USAID-owned and/or leased properties are properly managed and utilized;
 - Submitting to M/AS/OMS the annual Real Property Inventory (RPI) report and

certification of USAID real property holdings; and

- *Submitting to M/AS/OMS a revised Housing Profile when significant changes have occurred at post.

d. The USAID Executive Officer (EXO) is responsible for assisting the Mission Director in administering the USAID real property program, including implementing all policies, procedures, and regulations pertaining to real property.

535.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

535.3.1 Real Property Management Overseas

Effective Date: 05/31/2002

USAID adheres to the policies and procedures for management of real property overseas in [6 FAM 700 through 795](#). If there is a conflict between the instructions in this ADS chapter and 6 FAM 700, the specific USAID policies and procedures contained in this chapter apply.

a. **Space Allocation.** The USAID Mission Director allocates USAID-held properties and reports to the COM on the allocation and effective use of those properties. (See [6 FAM 714.1](#))

b. **Records.** Overseas real property records, such as copies of leases, maintenance records, and inventories, must be kept current and accurate.

c. **Reporting.** Before the end of each fiscal year, the USAID Mission Director or principal officer certifies to the COM that all properties under his or her control are being properly managed and used. The certification statement and accompanying report must follow the procedures outlined in [6 FAM 719](#).

Missions must periodically update the Real Property Application (RPA) report to the Embassy to reflect current data.

*Missions must submit for approval to USAID/W (M/AS/OMS) a revised Housing Profile whenever there are major changes in the post's position structure, demographics, or the local real estate market as outlined in [6 FAM 723](#) and [6 FAM 727](#).

Missions must also submit to M/AS/OMS by November 30 each year the annual Real Property Inventory (RPI) report and certification of USAID real property holdings. (See [6 FAM 719](#) for detailed procedures.)

d. **Maintenance of Properties.** The Executive Office (EXO) must ensure that USAID-owned or leased real property is maintained in good condition and in a cost-effective manner within the limitations of funds made available.

The EXO must also ensure that USAID-held residential quarters are left in good

condition by departing occupants and that damages and losses are properly accounted for by the employee.

e. Operating Costs. Various funds may be authorized and used for maintenance and repair costs of USAID-owned or leased properties. Operating expense (OE) funds or project-funded accounts may be charged, if appropriate. The Mission should also consider using trust funds for properties that are leased or were purchased with trust funds, if available and with the agreement of the host government. The Mission determines which funds are to be used.

535.3.2 Real Property Management Authorities

Effective Date: 04/22/1996

The Department of State Overseas Buildings Operations (OBO) and USAID acquire real property under different legal authorities. OBO operates under the provisions of the Foreign Buildings Act of 1926, as amended, and USAID operates under the provisions of the Foreign Assistance Act of 1961, as amended, for both short-term lease and purchase authority using the Agency's OE budget.

535.3.3 Leasing of Swimming Pools and Other Recreational Facilities

Effective Date: 12/28/1998

a. No U.S. Government lease may be entered into for residential, office, or other facilities if they include a swimming pool, tennis court, sauna, or other significant recreational feature unless the following conditions apply:

(1) No other adequate quarters are available, as established and documented by USAID and approved by the Mission Director for each such lease.

(2) In circumstances where adequate and suitable public recreational facilities do not exist, recreational facilities that are part of the residence to be leased for a USAID Mission Director must be made available to the entire U.S. community. Use of the facility will be controlled through the official community or Mission, not the occupant. Use for official representational or unofficial personal entertaining does not qualify as community availability.

b. Existing leases that do not conform to the above restrictions are to be terminated as they expire or at the earliest date that is in the best interest of the Agency (taking into account U.S. investment, available alternative housing and its gross cost, lease options, and rental period).

535.3.3.1 Operating Costs of Swimming Pools and Other Recreational Facilities

Effective Date: 12/28/1998

Facilities acquired under ADS 535.3.3 may be maintained at U.S. Government expense only to the extent required to protect the lease commitment in regard to the condition of the property. To encourage the occupant to pay maintenance costs without imposing the financial hardship of installing meters, utility bills may also be paid officially by the U.S. Government when separate meters are not installed. All costs of operating the facility, i.e., labor, equipment, supplies, and material related to personal use of the facilities, must be borne by the occupant or the Lessor, but not by the U.S. Government.

535.3.3.2 Swimming Pool Safety

Effective Date: 12/28/1998

For swimming pools in particular, the lease must include provisions that the landlord must provide the necessary equipment and property/security fencing to minimize the inherent danger of unauthorized entry. In addition, the USAID Mission must seek legal counsel to protect itself against liability for accidents resulting from use of these facilities.

535.3.3.3 Living Quarters Allowance (LQA) Leases

Effective Date: 12/28/1998

The conditions for leasing properties with swimming pools cited in ADS 535.3.3 also apply to individual employee leases of residences under a Living Quarters Allowance (LQA). Such leases, other than those that include common recreation facilities as in the case of apartments, must conform to the leasing standards established in [6 FAM 700](#), Foreign Buildings Operations. The USAID Mission Director must discourage leases through LQA at government expense that exceed such standards.

As in ADS 535.3.3.2, individuals receiving the LQA must seek legal counsel to protect themselves against liability for accidents resulting from the use of facilities such as swimming pools on their rented property.

535.3.4 Basic Furniture, Furnishings, Appliances, and Equipment (FFA&E), Supplemental FFA&E, and Other Items

Effective Date: 12/28/1998

In addition to the policy found in [6 FAM 772.3](#) covering "Basic FFA&E, Supplemental FFA&E, and Other Items," microwave ovens and dishwashers may be provided at the USAID post, subject to USAID funds availability, with the approval of the Single Real Property Manager (SRPM), the USAID Mission Director, and according to the U.S. Mission housing agreement. See [6 FAM 772.4](#) for Conditions and Restrictions.

Prior to post procurement of appliances, the Mission must ensure the following:

- a. Local facilities (sufficient water pressure, sewerage accommodation, electricity, and maintenance/repair capabilities) are available to service these items; and
- b. Energy conservation and efficiency data are taken into consideration.

535.4 MANDATORY REFERENCES

535.4.1 External Mandatory References

Effective Date: 12/28/1998

- a. [Foreign Assistance Act \(FAA\) of 1961, as amended, Section 636\(c\), P.L. 87-195](#)
- b. [Foreign Assistance Appropriations Act \(P.L. 101-513\) of November 5, 1990, Section 585 \(a\) \(Authority\)](#)
- c. [6 FAM 700, Overseas Building Operations](#)

535.4.2 Internal Mandatory References

Effective Date: 12/28/1998

535.5 ADDITIONAL HELP

Effective Date: 12/28/1998

535.6 DEFINITIONS

Effective Date:

The terms and definitions below have been included into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

***An asterisk next to a term in the Definitions section indicates that either the term is new or the definition has been substantively revised.**

adequate quarters

Housing that is comparable to what an employee would occupy in the Washington D.C. Metropolitan Area, with adjustments for family size and locality abroad. (Chapter 535)

COM

Chief of Mission is the principal officer in charge of a diplomatic mission of the United States or of a United States office abroad which is designated by the Secretary of State as diplomatic in nature, including any individual assigned to be temporarily in charge of such a mission or office. (Chapters 530, 535)

functional space

All nonresidential U.S. Government-held real property, such as office buildings, warehouses, garages, and special program space. (6 FAM 718) (Chapter 535)

***Housing Profile**

Analysis reporting post position structure, demographics, local real estate market, and position posts as they relate to post housing requirements and space standards. (6 FAM 723 and 6 FAM 727) (Chapter 535)

living quarters allowance (LQA)

An allowance intended to cover the average costs of rent and utilities incurred by U.S. citizen civilian employees living in a foreign area by reason of employment with the U.S. Government. The LQA is available if U.S. Government quarters are not provided. The amount of the allowance varies by post, employee grade or rank, and size of family. (See Standardized Regulations, section 130; 6 FAM 718; 3 FAM 3230.) (Chapters 477 and 535)

real property

A parcel or plot of land and structures contained thereon, including, but not limited to, offices, garages, warehouses, residences, schools, and recreational facilities. (Chapters 535, 629)

Single Real Property Manager (SRPM)

M/OBO (the State Department's Office of Management, Bureau of Overseas Buildings Operations) is the designated SRPM worldwide. This responsibility is delegated through the Chief of Mission to the administrative counselor or officer at each embassy. This person is responsible for acquisition and management of all officially leased and U.S. Government-owned real property in the country, except for certain USAID property. (6 FAM 718) (Chapter 535)

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