

15 FAM 240 USING RESIDENTIAL SPACE

*(CT:OBO-7; 04-26-2006)
(Office of Origin: OBO)*

15 FAM 241 SUBSTITUTE OCCUPANCY

15 FAM 241.1 Chief of Mission/Principal Officer (COM/PO), U.S. Representative to an International Organization Residence

*(CT:OBO-7; 04-26-2006)
(Uniform State/USAID/Commerce/Agriculture/DIA)*

- a. During the temporary absence of the chief of mission/principal officer (COM/PO), or U.S. representative to an international organization, the official residence *must* not be occupied, except by members of his or her family, unless specifically authorized by the COM/PO or U.S. representative to an international organization.
- b. When a COM/PO or U.S. representative to an international organization is transferred and a replacement has not arrived at post, the official residence *must* not be occupied unless the Bureau of Overseas Buildings Operations (OBO) grants specific authorization for such substitute occupancy. With the approval of the regional security officer (RSO) and the single real property manager (SRPM), domestic staff employees may remain in the residence during such periods. A U.S. citizen direct-hire employee may be assigned to occupy the premises to safeguard it and ensure proper maintenance, with OBO's approval (Standardized Regulations, Section 430).
- c. The chargé d'affaires or acting U.S. representative to an international organization may, if he or she deems it in the best interests of the U.S. Government, allow high-level official visitors to occupy the official residence during such periods, informing OBO.

15 FAM 241.2 Other Residential Quarters

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. When an employee will be away from post for an extended period (i.e., more than 10 days), the employee must give advance written notification to the single real property manager (SRPM), the management officer (for State-controlled property), the executive officer (for USAID employees only), and the regional security officer/post security officer (RSO/PSO). *The notification must specify* the length of absence, whether someone will occupy the residential quarters (whether U.S. Government-owned/long-term leased (GO/LTL), short-term leased (STL), or living quarters allowance/overseas housing allowance (LQA/OHA)) during any portion of this period, and whether someone will make periodic checks on the residence. Employees are not authorized to rent, trade, or otherwise exchange U.S. Government-provided living quarters for similar accommodations in another location or for other consideration.
- b. If an employee under LQA/OHA lets or sublets a portion of his or her privately leased or personally owned quarters, the amount received from the sublessee must be reported in box 24 of Form SF-1190, Foreign Allowances Application, Grant and Report, or similar other agency document, and deducted from any allowance granted to the employee for that period of time.
- c. With the approval of the RSO/PSO, *domestic employees* residing in *domestic employees'* quarters may occupy their usual quarters during the employee's absence. During the absence of the employee, residential quarters may not be occupied by nonfamily members who are not U.S. citizens without the express authorization of the RSO and SRPM (for State-controlled property) or USAID executive officer (for USAID). The post may, for security reasons, disallow temporary occupancy arrangements made by the employee. The employee is responsible for any damage caused by caretakers or *domestic employees* during his or her absence.

15 FAM 242 CONTRACT/THIRD-COUNTRY NATIONAL (TCN) EMPLOYEES

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. When housing is included in a contract or third-country national (TCN) employee's compensation, an amount should be specified in the contract to enable the employee to acquire privately leased quarters. In cases

where private leases are not practicable, *contract staff under chief of mission authority can participate in the short-term leased housing pool.* Post should seek Bureau of Overseas Buildings Operations (OBO) authorization and guidance for funding and leasing of quarters.

- b. U.S. Government-*owned or long-term leased* residential quarters (except for quarters designated as *domestic staff* quarters) may not be assigned to or occupied by individuals who are not direct-hire U.S. citizen employees of the U.S. Government unless OBO has granted authorization and funding for leasing.
- c. **USAID only:** *USAID sometimes contracts with TCN professionals via personal service contracts. In these instances, the TCN is considered to be a U.S. Government employee. If a USAID TCN is recruited from outside the host country, USAID will normally provide funds for housing and the contract will specify that housing will be provided by the U.S. Government. If the post operates under a living quarters allowance (LQA) program for all employees, USAID TCN employees will obtain housing in the same manner. If the post operates under a U.S. Government leased housing program, USAID TCN employees will be assigned housing in accordance with all of the regulations set out in this 15 FAM 200 and in accordance with the post's housing policies.*

15 FAM 243 GUESTS

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Employees or their *eligible family members* may accommodate bona fide guests in their U.S. Government quarters as they would in their own homes.

15 FAM 244 DOMESTIC EMPLOYEES

(CT:OBO-1; 04-29-2005)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Post personnel may house fulltime domestic workers in their U.S. Government-held quarters if space is available. However, this is a privilege, not a right. In determining employees' residential space allowances, provision of space for domestic workers will not be considered. When quarters are available, no funding is provided for furniture, furnishings, appliances, and equipment (FFA&E). Post interagency housing boards (IAHBs) should develop guidelines on housing domestic workers following local conditions and customs.

15 FAM 245 PETS

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. The keeping of pets in U.S. Government-held housing units is a privilege, not a right. The single real property manager (SRPM) and the USAID executive officer may prohibit pets on U.S. Government-held premises because of nuisance, health, damage to U.S. Government property, infringement of quiet enjoyment, or other fair and just reasons.
- b. Damage to structures, grounds, or furnishings by pets *is* not considered normal wear and tear and *is* the personal financial responsibility of the employee. No alteration, renovation, or construction shall be undertaken at U.S. Government expense on U.S. Government-held property for the benefit of pets. Before any alteration, renovation, or construction at personal expense is undertaken, written permission is required from the SRPM or USAID executive officer (for USAID). The property must be restored upon vacating the quarters.

15 FAM 246 HOBBIES AND BUSINESSES

15 FAM 246.1 Hobbies

(CT:OBO-1; 04-29-2005)

(Uniform State/USAID/Commerce/Agriculture/DIA)

In providing residential units for its employees, the U.S. Government does not desire to restrict the occupant's right of quiet enjoyment of hobbies. However, it reserves the right to prohibit or limit the pursuit of those hobbies that infringe upon the rights of others to enjoyment of space or quiet; that inflict an abnormal strain or overload on the grounds, structures, or utility services of the residential unit; or that constitute an increased operating or continuing maintenance cost to the U.S. Government. Where meter readings indicate that a hobby has increased consumption of energy, the occupant must pay that portion of the utility costs attributable to the hobby. Costs for installation of any equipment as well as for returning the property to former condition are borne by the occupant.

15 FAM 246.2 Businesses

(CT:OBO-1; 04-29-2005)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. The Department fully supports the desire of many spouses and family members to secure employment while posted abroad. Spouses and

family members of employee occupants of U.S. Government-held or living quarters allowance/overseas housing allowance (LQA/OHA) housing may use the housing for the conduct of a private business for personal financial gain, provided that such conduct conforms to the provisions of paragraphs b or c in this section.

- b. Such housing may be used for activities that foster cultural understanding between the embassy community and the local community and/or provide a benefit to mission employees or families, as determined by the chief of mission.
- c. Such housing may be used for commercial activities if approved by the chief of mission or, in the case of an ambassador's residence, by the relevant regional bureau assistant secretary in response to a written request. The chief of mission or assistant secretary shall approve such requests where:
 - (1) As set forth in 3 FAM 4125, the proposed activity would meet the following standards:
 - (a) It would not violate any law of the host country;
 - (b) It would not require or entail a waiver of diplomatic privileges or immunities deemed unacceptably broad by the chief of mission or assistant secretary; and
 - (c) It would not otherwise damage the interests of the United States as determined by the chief of mission or assistant secretary;
 - (2) The chief of mission or assistant secretary, determines that the proposed activity is appropriate, taking into account local customs and norms, post security and other relevant considerations, and whether the activity would adversely affect the work of the post;
 - (3) The proposed activity does not require substantial use of the housing by non-U.S. Government employees and their families (e.g., retail sales from a residence would not be permitted, but individual piano lessons or tutoring may be allowed in appropriate cases) or, in the case of use of the ambassador's residence, the proposed activity does not involve any use of the residence by non-U.S. Government employees and their families;
 - (4) If determined to be necessary by the management officer at post to protect the Department from significantly increased risk of liability, the occupant obtains liability insurance covering the proposed use or presence in the residence by non-U.S. Government employees and their families;
 - (5) The chief of mission or assistant secretary determines that the proposed commercial activities of the spouse or family member

- would not create a conflict or appearance of conflict of interest with the U.S. Government employee's duties; and
- (6) The person who will conduct the commercial activities provides assurances that the business will comply with all relevant local legal requirements (e.g., licenses, work permits, and similar regulations).
- d. If any commercial activity approved under either paragraphs b or c of this section causes increased operating or continuing maintenance costs to the U.S. Government, the occupant must pay the increased costs attributable to such use. Costs for installation of any equipment as well as for returning the property to former condition are borne by the occupant. In addition, notwithstanding paragraphs b and c of this section, under no circumstances will a commercial activity be approved that requires the regular presence of employees of the spouse or family member in the residence. Finally, the chief of mission or the assistant secretary may at any time revoke approval of a commercial activity approved pursuant to this section, if any of the standards set forth above are no longer met.

15 FAM 247 SURRENDER OF RESIDENTIAL QUARTERS

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. When an employee, including the chief of mission/principal officer (COM/PO) and U.S. representative to an international organization, occupying U.S. Government-held quarters is scheduled to depart post permanently, the occupant shall surrender the premises on or before the last day of duty at post. Exceptions to this requirement may be made by the COM/PO or *the* U.S. representative to an international organization, in which case the occupant shall surrender the premises within a specified time.
- b. Posts shall establish procedures for clearing post by U.S. direct-hire and contract individuals who have been furnished with U.S. Government property and services. The procedures should address the requirement for departing employees to arrange for a residence quarters inspection and inventory at least 10 days before departure, and preferably after employees complete packing household and personal effects. The procedures should also specify that U.S. Government transportation requests (GTRs) or transportation tickets will not be issued until the checkout clearance is complete.
- c. The single real property manager (SRPM) *or* the *USAID* executive officer *in the case of USAID-owned and long-term leased properties*, or their

designees, *must* inspect the premises with the occupant and note any items and related charges for which the occupant will be held responsible. Damages to structures, grounds, or furnishings caused by pets, hobbies, neglect or negligence of the employee, or deliberate acts or other unusual actions of the employee occupant, family, servants, employees, guests, or other members of the employee's household will be the personal responsibility of the employee. The extent and nature of this inspection should be clearly described in the post housing guidelines.

- d. Posts are authorized to institute uniform cleaning deposit procedures (suspense deposits abroad) as determined useful and necessary with the agreement of the post interagency housing board (IAHB) and the SRPM or the *USAID* executive officer for *USAID-owned and long-term leased properties*.
- e. GTRs or transportation tickets *must* not be issued until amounts owed for damaged or lost property have been paid or acknowledged in writing by the occupant and his or her parent agency, or appealed in accordance with the procedure set forth in *14 FAM 416.5-5*.

15 FAM 248 U.S. MARINE SECURITY GUARD QUARTERS

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

The provision of quarters for Marine security guard (MSG) personnel is governed by a memorandum of agreement (MOA) between the Department of State and the U.S. Marine Corps that states:

- (1) *It is the Department of State's policy to include Marine security guard quarters on all new embassy compounds. Any deviation from this policy must be approved by the Department of State's Under Secretary for Management (M). Marine quarters should be included on all new office building (NOB) projects already underway;*
- (2) The Department of State will provide fully furnished U.S. Government-owned/long-term leased (GO/LTL) or short-term leased (STL) quarters for all single enlisted Marines, including those assigned to company headquarters. *Every effort must be made to ensure full compliance with 12 FAH-6 when considering new MSG residences;*
- (3) Single enlisted Marines within detachments will normally be quartered together in a fully furnished Marine house. These quarters will, to the extent possible within available resources and established priorities, include adequate single bedrooms with

- sufficient storage for clothing. The common living spaces will be sufficient in size to accommodate the entire detachment, as well as a reasonable number of guests. In those instances where, due to the physical limitations of the local environment or the requirements of operational security, the Marine house cannot in good faith meet or be made to meet the prescribed standards, the company commander is authorized to make an exception to the required MSG housing requirements after consultation with the regional security officer (RSO) and other post officials;
- (4) State will provide all maintenance *and utilities* for the Marine house *and grounds* (see 15 FAM 620). Additionally, State will provide all furnishings, supplies, and equipment necessary to support the Marine house (e.g., beds, tables, chairs, cleaning supplies, janitorial equipment, light bulbs). *See MOA Annex A for a complete list of support/service items for the Marine house;*
 - (5) State will provide fully furnished, separate quarters within established space standards for detachment commanders and table-of-organization-designated (*T/O*) assistant detachment commanders who are staff noncommissioned officers, *and for company commanders and regional headquarters personnel (staff sergeant and above)*. *Single enlisted Marines assigned as company clerks to regional headquarters will be assigned quarters separate from the MSG detachment and will be provided the same type of basic flatware, glassware, china, kitchen utensils, cookware, bed linens, and towels provided to the consolidated MSG headquarters; and*
 - (6) *Emergency response capability: Threats of mob violence or other crisis contingencies require the quick response capability of the Marine detachment. Consideration must be given to the selection of the Marine house, detachment, and T/O-designated assistant detachment commander's quarters to ensure an optimum response time of approximately 10 to 20 minutes.*

15 FAM 249 TRANSIENT OR TEMPORARY DUTY (TDY) HOUSING

15 FAM 249.1 Authorization

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. **State-controlled property only:** Posts wishing to operate transient or temporary duty (TDY) housing must request prior Bureau of Overseas

Buildings Operations (OBO) authorization. This authorization will be limited to two years, at which time post must seek a renewal of the authorization, which renewal application *must* contain a complete justification, including an updated rate schedule (see 15 FAM 249.2). Certain U.S. Government-owned/long-term leased (GO/LTL) units may be designated transient or TDY quarters, provided they are excess to post's housing requirements or unsuitable for permanent housing or other official use. If post has no surplus GO/LTL quarters, the post International Cooperative Administrative Support Services (ICASS) council may authorize short-term leased (STL) units for transient or TDY housing. Temporarily unassigned (not to exceed 90 days) vacant GO/LTL and STL residential properties also may be utilized, at the discretion of post, for transient housing, at rates set forth in 15 FAM 249.2.

- b. **State-controlled property only:** Posts may delegate operation of transient quarters to an employee association under a license agreement as provided in 6 FAM 500 with the prior approval of OBO. STL units operated as transient quarters by an employee association will generally be leased directly by the association. In posts where this is not practicable, guidance should be sought from OBO.
- c. **USAID-controlled property only:** USAID missions must consult with the Overseas Management *Staff* in the Bureau for Management, USAID/Washington (USAID/W - M/OMS) in regard to operating lodging facilities (guest houses) either directly by USAID, or through a contract or license agreement with a local contractor or employee association. Guidance on the establishment and management of USAID guest houses is contained in *ADS 526*. Mission use of employee associations is governed by 6 FAM 540.

15 FAM 249.2 Rate Schedule for Transient Quarters

(CT:OBO-7; 04-26-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Use of post held transient units by any occupant requires payment of fees. The charge for use of post-operated short-term leased (STL) transient accommodations should be commensurate with the costs of providing such quarters and set at not more than the lodging portion of the per diem rate, and may be adjusted later if warranted, but not less than biennially, with the authorization renewal request. The charge for use of U.S. Government-owned/long-term leased (GO/LTL) transient lodgings *must* be developed by posts commensurate with the costs of maintaining such quarters, set at not more than the lodging portion of the per diem rate. The initial rate will be approved by the Bureau of Overseas Buildings Operations (OBO), and

subsequent rate changes reported as they occur, but not less than biennially, with the authorization renewal request. Using appropriate fiscal procedures, posts should credit proceeds for GO/LTL units to OBO (19X0535 REIM AAAQ). Proceeds for STL units leased by International Cooperative Administrative Support Services (ICASS) must be credited to ICASS. ICASS proceeds should be credited to the 19X4519.1 appropriation, using the latest cable guidance delivered to posts. At the end of each fiscal year, posts should provide OBO with a summary of the revenues generated and the operating expenses for each transient unit. The charge for use of units operated by an employee association is governed by 6 FAM 500.