

## **§ 12.12**

its discretion, impose such alternate terms and conditions of transfer in lieu thereof as may be appropriate to assure utilization of the property for public health purposes.

### **§ 12.12 Utilization.**

(a) Where property or any portion thereof is not being used for the purposes for which transferred, the transferee will be required at the direction of the Department:

(1) To place the property into immediate use for an approved purpose;

(2) To retransfer such property to such other public health user as the Department may direct;

(3) To sell such property for the benefit and account of the United States;

(4) To return title to such property to the United States or to relinquish any leasehold interest therein;

(5) To abrogate the conditions and restrictions of the transfer, as set forth in §12.9(d) of this chapter, except that, where property has never been placed in use for the purposes for which transferred, abrogation will not be permitted except under extenuating circumstances; or

(6) To make payments as provided for in §12.3(c) of this chapter.

(b) Where the transferee or lessee desires to place the property in temporary use for a purpose other than

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that for which the property was transferred or leased, approval from the Department must be obtained, and will be conditioned upon such terms as the Department may impose.

### **§ 12.13 Form of conveyance.**

(a) Transfers or leases of surplus real property will be on forms approved by the Office of General Counsel of the Department and will include such of the disposal or lease terms and conditions set forth in this part and such other terms and conditions as the Office of General Counsel may deem appropriate or necessary.

(b) Transfers of on-site property will normally be by quitclaim deed without warranty of title.

### **§ 12.14 Compliance inspections and reports.**

The Department will make or have made such compliance inspections as are necessary and will require of the transferee or lessee such compliance reports and actions as are deemed necessary.

### **§ 12.15 Reports to Congress.**

The Secretary will make such reports of real property disposal activities as are required by section 203 of the Act and such other reports as may be required by law.

EXHIBIT A TO PART 12—PUBLIC BENEFIT ALLOWANCE FOR TRANSFER OF REAL PROPERTY FOR HEALTH PURPOSES <sup>1</sup>

Classification	Percent allowed											Maximum public benefit allowance
	Organization allowances							Utilization allowances				
	Basic public benefit allowance	Tax support	Accreditation	Hardship	Unmet needs			Integrated research program	Outpatient services	Public services	Training program	
					10 to 25%	26 to 50%	51 to 100%					
Hospitals .....	50	20	20	10	10	20	30	10	10	10	10	100
Clinics .....	50	20	20	10	10	20	30	.....	.....	.....	.....	100
Nursing Homes .....	50	20	20	10	10	20	30	.....	.....	.....	10	100
Public Health Administration .....	<sup>2</sup> 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	<sup>2</sup> 100
Public Refuse Disposal and Water Systems .....	<sup>2</sup> 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	<sup>2</sup> 100
Research .....	<sup>2</sup> 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	<sup>2</sup> 100
Rehabilitation Facility .....	50	20	20	10	10	20	30	10	10	10	10	100
Special Services .....	50	20	20	10	10	20	30	.....	.....	10	.....	100
Assistance to the Homeless .....	<sup>2</sup> 100	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	<sup>2</sup> 100

<sup>1</sup> This public benefit allowance applies only to surplus real property being sold for on-site use. When surplus real property is to be moved from the site, a basic public benefit allowance of 100% will be granted.

<sup>2</sup> Applicable when this is the primary use to be made of the property. The public benefit allowance for the overall health program is applicable when such facilities are conveyed as a minor component of other facilities.

[45 FR 72173, Oct. 31, 1980, as amended at 53 FR 7745, Mar. 10, 1988]