

INDIAN HEALTH SERVICE



GOVERNMENT OWNED QUARTERS TENANT GUIDE



**OFFICE OF ENVIRONMENTAL HEALTH
AND ENGINEERING
Division of Facilities Operations**

ROCKVILLE, MARYLAND

**October
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On the Cover an IHS Quarters at Four Corners, Red Mesa, Arizona and above the IHS Quarters at Rapid City, South Dakota

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Guide for Government Owned Quarters

About the Guide:

The purpose of this guide is to provide Indian Health Services (IHS) employees, contractors, and volunteers residing in IHS government owned quarters a general overview of their tenant responsibilities and obligations when occupying IHS government owned quarters. It explains the importance to have a partnership between the tenant and U.S. Government (landlord/ property owner) to achieve and maintain a high quality of IHS government owned quarters. Tenants will be introduced to Federal quarters policies and regulations.

The guide does not attempt to address all the complexities of living in government owned quarters, but only to provide a brief explanation of various aspects of being a government owned quarters tenant. It is a quick reference on how IHS manages and operates its quarters program and what is required of tenants occupying IHS government owned quarters.

Please read this guide carefully, the guide is to supplement your Area's local quarters guidance. It does not change or revise current Federal, Departmental or IHS rules, regulations or guidance. Tenants are encouraged to keep this guide with your quarters assignment documents. If you have any questions or require more in-depth explanation concerning the guide's content, please contact your Housing Officer.

IHS Realty Points of Contact:

Area Realty Management Officers

Aberdeen Area
(605) 226-7337

Billings Area
(406) 247-7086

Oklahoma Area
(405) 951-3714

Alaska Area
(907) 729-3612

California Area
(916) 930-3981 ext. 341

Phoenix Area
(602) 364-5071

Albuquerque Area
(505) 248-4180

Nashville Area
(615) 467-1512

Portland Area
(503) 326-3180

Bemidji Area
(218) 444-0505

Navajo Area
(928) 871-1301

Tucson Area
(520) 295-5628

Headquarters

Division of Facilities Operations - Rockville (301) 443-5954

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1. Introduction

The purpose of this guide is to provide IHS tenants with an overview of the standard IHS quarters occupancy requirements and procedures. It will also serve to develop tenant and landlord (IHS) communications in an effort to maintain decent, safe, and sanitary living quarters for tenants and their dependents.

2. Definitions

Area Wide Housing Committee: this committee, established by the Area Director, is comprised of one representative from each of the Area Director's staff specialties: program administration, professional services, equal employment opportunity, facilities management, financial management and real property management. The committee recommends specific criteria for the operation of the housing program and submits these recommendations to the Chief Executive Officers of the Area's Service Units managing government quarters for their consideration and implementation. .

Service Unit Housing Committee: this committee, established by the Chief Executive Officer of the Service Unit is comprised of one representative from each of the Chief Executive's Officer's staff specialties: program administration, professional services, equal employment opportunity, facilities management, financial management and real property management. The committee recommends, with guidance and recommendations from the Area Wide Housing Committee, specific criteria for the operation of the Service Unit's housing program and submits these recommendations to the delegated official and /or Housing officer for implementation.

Housing Officer: the person with delegated authority to implement IHS management practices for government quarters within an IHS Health Care Facility.

Housing Premises: the housing unit as described in the Quarters Assignment and Acceptance Agreement and within the exterior boundary of the housing area as described in the documentation for the particular IHS Health Care Center.

Immediate Family: spouse and parents of the tenant; children of the tenant, including adopted children, foster care children, and their spouses; brothers and sisters of the tenant and their spouses; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Immediate Premises: the area around the house as described in the facilities documentation for the particular housing unit, usually consisting of the area from the front of the dwelling to the street; to the midpoint between the side of the tenant's dwelling and the next dwelling; and a defined area at the rear of the dwelling.

Maintenance: work on a scheduled or emergency basis that is required to keep the housing units and related utilities in such condition that they can be continuously used for their intended purposes.

Occupant: approved tenant, including the immediate family of federally owned quarters.

Quarters: Government owned housing facilities, including houses, duplexes, and apartments, which are, or can be, assigned to personnel employed at IHS health care centers.

Quarters Rules and Regulations: Federal and agency rules and regulations listed in the Quarters Assignment and Acceptance Agreement; the IHS Manual, and IHS OEHE Technical Handbook for Environmental Health and Engineering. (See Section 17 - Reference Materials).

Tenant: the person to whom the housing unit is assigned and whose name appears on the Quarters Assignment and Acceptance Agreement, and from whom the rent is received.

Transient Quarters: housing for permitted and approved tenants for not more than 90 days.

3. Roles and Responsibilities

Indian Health Service Area Offices and Service Units personnel who manage their quarters units locally serve as a valuable resource to IHS tenants. The following sections list roles, duties, and responsibilities of those involved with quarters operation and management, i.e., Service Unit's Chief Executive Officer (CEO), the Housing Officer, Housing Committee, Maintenance Staff, Area Realty Management Officer and the Tenant.

A. Chief Executive Officer (CEO)

The Chief Executive Officer (CEO) is responsible for:

1. overseeing and protecting government property;
2. ensuring that quarters shall be continuously maintained in the state of repair which will assure safe and otherwise acceptable living conditions for all occupants;
3. developing and implementing long-term care and repair of the health facility government owned quarters;
4. appointment of Housing Officer and Housing Committee;
5. ensuring the Regional Quarters Rental Survey's rental rates are charged and collected; and
6. reviewing and resolving any housing and tenant appeals or recommendation submitted by the Housing Committee;

B. Housing Officer

The Housing Officer is responsible for:

1. ensuring the Regional Quarters Rental Survey rental rates are implemented, in accordance with OMB Circular A-45, and all its amendments;
2. implementing quarters occupancy rules and regulations to ensure safe and secure occupancy of government owned quarters, as well as to ensure the management of the quarters complies with federal, departmental, and internal policies.

3. ensuring tenant compliance with established quarters maintenance, repair, and upkeep requirements;
4. serving as tenant liaison to the Housing Committee on tenant related issues; the Housing Officer shall **not** serve on the Housing Committee;
5. tenant point of contact for any changes to tenant and quarters status, such as, any health and safety issues affecting the tenants residing in the Government quarters, or change in tenant's family status, and
6. ensuring the Quarters Assignment and Acceptance Agreement (Form PHS 6070A) is signed by the Tenant before any occupancy, and a copy of this Tenant Guide is given to the tenant.

C. Housing Committee

An Area-wide Housing Committee shall be established by the Area Director as mandated by the IHS Manual, Part 5-13.5-E. Also, the OEHE Technical Handbook for Environmental Health and Engineering, Volume IV Real Property Management, Part 36 – Quarters Management. Volume IV, Part 36 Quarters Management states that for each Area Office/Service Unit that administers Government quarters, a housing committee shall be established by the Delegated Official/Housing Officer. The Housing Officer shall not serve on the Housing Committee. These committees shall include one representative from each of the following staff specialties: program administration, professional services, equal employment opportunity, facilities management, and financial management and/or real property management.

The committee recommends specific criteria for the operation of the housing program and submits these recommendations to the Housing Officer for approval/concurrence from the CEO. The Housing Committee **will not** establish rental rates or adjust rental rates, perform appraisals, or determine adequacy of quarters. The Housing Committee may:

1. Implement quarters assignment policy in accordance with the OMB A-45 Circular, Revised, Rental and Construction of Government Quarters; the HHS Facilities Program Manual (Volume II); the IHS Manual, Part 5, Chapter 13, Quarters Management; the IHS OEHE Technical Handbook for Environmental Health and Engineering – Volume IV – Real Property Management – Part 36 Quarters Management; and any subsequent revisions to these documents.
2. Recommend specific criteria for the operation of the Area housing program and submit their recommendations to the Housing Officer for final review and approval by the CEO; and
3. Advise the Chief Executive Officer on housing and tenant issues presented by the Housing Officer or tenants and make recommendations to Chief Executive Officer on any unsolved housing issues or appeals.

D. Maintenance Staff

The Facility Maintenance Staff is responsible for:

1. On a continuing basis, handling maintenance and repair problems as they arise, and as needed, including change-of-occupancy repairs;
2. Maintaining grounds for those open areas designated as common or shared quarters areas and transient quarters yards;
3. Performing routine preventive maintenance inspections of housing units, including equipment and/or systems as needed;
4. Accompanying the Housing Officer and Area Realty Management Officer on all quarters inspections for tenant move-in and move-out and on annual inspections.
5. Documenting inspection results in a written summary report to the facility CEO.
6. Documenting deficiencies identified during inspections in writing and providing a copy to the Tenant and the Housing Officer.

E. Area Realty Management Officer (ARMO)

The Area Realty Management Officer (ARMO) is responsible for:

1. Entering and maintaining Area/Service Unit tenant and rental information into the Quarters Management Information System (QMIS);
2. Coordinating with Human Resources and Finance in ensuring appropriate tenant and rental information is entered into the payroll system;
3. Checking with Finance concerning the status of issuances of Advice of Allowance entered into the Area's Account and reporting the status to the Service Units;
4. Ensuring the appropriate personnel have set up tenant payroll deductions in the Defense Finance and Accounting System (the DHHS payroll agent); and
5. Providing technical quarters program support to Housing/Quarters officers at Service Units, and serve as the liaison between the Housing Officer and the Area Director on housing issues.
6. Conduct annual inspection/inventory of government owned quarters to ascertain compliance with Federal regulations and report findings to the Area Director. The ARMO shall notify the Housing Officer and Facility Maintenance Staff of the intent to conduct an inspection and coordinate and schedule a convenient date for completing the inspection.

F. Division of Facilities Operations – Headquarters (HQ)

The Division of Facilities Operations (DFO) is responsible for:

1. Developing and providing IHS quarters program guidance, oversight, and support;
2. Coordinating with the National Business Center on National Federal rental rate issues;
3. Representing the IHS on the National Quarters Council;

4. Serving as the guidance and consultation resource for unresolved quarters and tenant issues at the Area Offices.

4. Check-in & Check-out Tenant Responsibilities

Tenants have a responsibility to perform due diligence to determine all the conditions that prevail in and near the quarters to which they might be assigned before accepting occupancy of this quarters unit.

All occupants of IHS quarters are required to complete and sign a Quarters Assignment and Acceptance Agreement, Form PHS-6070A, upon check-in. Once tenants are assigned to a quarters unit, the tenant shall participate with the Housing Officer in a pre-occupancy inspection of the assigned quarters prior to occupancy. The Housing Officer shall inventory and note the condition of the housing unit and record any deficiencies on the Quarters Deficiency Checklist (see Form PHS-6068). The Housing Officer will retain the original and a copy of the form will be given to the prospective tenant.

Tenants shall retain a copy of Quarters Deficiency Checklist (Form PHS-6068) along with their copy of the Quarters Assignment and Acceptance Agreement (PHS-6070A). Tenants should also retain this tenant guide, and any Area/Service Unit quarters guidance. All tenants shall receive these documents at the time of initial occupancy.

When a tenant decides to permanently vacate assigned quarters, they must notify the Housing Officer of his/her intent to vacate the assigned quarters. This written notice must be received by the Housing Officer at least 30 days in advance of the date the assigned quarters are to be vacated. A pre-termination inspection by the Housing officer should be held 10 to 30 days prior to the final inspection to identify conditions(issued to tenant in writing) which require corrective action (prior to termination) on either the tenant's or the Government's part.

Immediately prior to the tenant vacating the quarters, (preferably on the day the quarters are completely vacated), a joint inspection and inventory of the quarters and all Government-owned furnishings and equipment will be made by the Housing Officer (or his/her representative) and the vacating tenant. Any apparent loss of inventory or damage to the structure shall be noted as an exception on the Quarters Termination Record. A tenant who vacates assigned quarters effectively terminates the quarters assignment agreement. A tenant who vacates without participating in the inspection and inventory is still liable for any damage or loss identified by the Housing Officer.

Tenants shall be required to leave their quarters and immediate premises in a clean, orderly condition, suitable for immediate reassignment. Termination of their assigned quarter cannot be met until this requirement has been satisfied. Quarters left in an unsatisfactory condition may be cleaned by a commercial company at the direction of the Housing Officer. Cleaning charges are to be recovered from the vacating tenant. If desired, the vacating tenant may arrange for the cleaning to be done in any other manner acceptable to the Housing Officer.

5. Quarters Assignment and Acceptance Agreement

Any prospective occupant who refuses to sign the Quarters Assignment and Acceptance Agreement will not be allowed to occupy the quarters. Any occupants who refuse to sign an agreement modified and re-executed to address changes including changes made to implement a new or revalued rental rate due to annual adjustments of the monthly rental rate and/or charges may have the Quarters Assignment and Acceptance Agreement terminated and be evicted.

The Quarters Assignment and Acceptance Agreement provide the essential contractual elements common to all quarters assignments. The occupant and the Housing Officer must sign the Quarters Assignment and Acceptance Agreement. A copy of this agreement is provided to the tenant and Area Realty Management Officer. The Housing Officer will retain the original. Area Offices may incorporate additional terms and conditions deemed applicable to a given tenancy situation (i.e., volunteer, contractor, other Federal employee). The Area/Service Unit's may establish and implement additional guidance related to services made available with the occupancy of quarters including, but not limited to household furniture, equipment, utilities, trash and laundry services, pets, etc. In setting such guidance, the common interest of all residents to live in a safe, pleasant, and well-maintained housing unit building should be considered.

Below are some examples of supplemental quarters policies the Area can implement:

- **Pet Policy** - the rights of both pet owners and non pet owners should be considered and protected. An Area/Service Unit pet policy will provide the terms and conditions for owning a pet and identify the pet owner's responsibilities when pets are occupying quarters units. Any tenant who wishes to keep a pet must obtain approval from the Housing Officer and sign a pet agreement form. The quarters of pet owners may be inspected by the Housing Officers and/or their designated representatives to assure the premises are not being adversely affected by the pet's behavior. Pet owners are responsible for immediately paying for all damages or injuries caused by their pets. See attached Appendix A – Pet Policy Guidelines.
- **Ground Maintenance** – both tenant and IHS responsibilities will be clearly identified in the tenant agreement signed by IHS and the tenant. At a minimum the agreement will identify the IHS and tenant's responsibilities for outside maintenance of the housing unit such as, mowing lawns, shoveling walks and driveways, garbage/trash storage and removal, and cleaning up after pets.
- **Liability for Damage and Loss** - tenants will be advised they will be held responsible and financially liable for property loss or damage in excess of normal wear and tear and when Government property is lost or damaged. Any tenant who refuses to restore the property/premises to a satisfactory condition are reported to the housing committee and a determination of the negligence and liability will result in a collection action being initiated.

A tenant is required to sign Quarters Assignment and Acceptance Agreement including any supplemental Area/Service Unit written forms. By signing these documents the tenant is essentially agreeing to the rental rate assigned and the collection of rent and all other charges for related facilities¹ associated with the occupancy of the housing unit. However, the Tenant by

¹ "Related Facilities" mean household furniture and equipment, garage space, utilities, subsistence, and laundry service where available.

signing the Quarters Assignment and Acceptance Agreement does not waive his/her right to dispute the rental rate for the quarters unit. The IHS method of collection of rental payments is through payroll deductions.

Housing units made available to non-Federal tenants (e.g., tribal employees not under a P.L. 93-638 contract) need the approval of the CEO of the IHS health center. A revocable license will be required to grant temporary occupancy. The revocable license is incorporated as part of the quarters assignment agreement. The revocable license and Quarters Assignment Agreement are to state the rental charges to non-Federal tenants will be at fair market rental rate, as established by OMB Circular A-25.

6. Tenant Assignments

Federal agency tenant assignment policy is dependent upon the following conditions: necessary services, protection of government property, and remoteness of location. Tenant quarters assignments are prioritized with the highest priority being given to those employees required to live in remote areas in order to maintain the continuity of IHS health care services or who provide emergency health care services and/or protection on a 24-hour basis. In assigning housing, the Service Unit Chief Executive Officer will follow the priorities in the order listed below. IHS quarters occupants do not have a right to select a specific quarters unit.

1. **Essential Personnel (Required Occupants).** Individuals who have been designated by the Service Unit as essential personnel and whose Position Description states that occupancy of government quarters is mandatory requirement of the position. All occupants, including immediate family, will occupy assigned quarters as their primary residence.
2. **Permitted Occupant.** IHS employees identified by the Service Unit as permitted occupants. Permitted employees are not required to reside in government housing and therefore, all permitted employee assignments shall be made after all essential personnel have been assigned quarters.

As with required occupancy, management determines the actual number of permitted occupant positions needed.
3. **Contractors.** Contractors or a contractor's employees. Contractors may occupy government quarters after all essential personnel and all permitted occupants choosing to reside in government owned quarters have been provided suitable quarters.
4. **Volunteers.** Volunteers employed by IHS may be provided quarters only when the Area/Service Unit Director determines that the volunteer's services are part of a bona fide Volunteer Service Program designed for providing health care
5. **Employees of Other Department/OPDIVs, Other Federal Agencies, and Non-Federal individuals.** These individuals may be allowed occupancy during periods of temporary non-use, or in interim periods pending disposal of the quarters.

After the determination has been decided that an individual can be assigned to a IHS quarters, specific assignments should be made based on a variety of factors including, in order of priority:

- 1) Availability of vacant quarters units;

- 2) Family size; and,
- 3) Reasonable accommodation of other tenant needs and preferences.

7. Rents

A. General

IHS works with the National Business Center (NBC), Department of the Interior (DOI). The NBC offers iQMIS (internet Quarter's Management Information System), a comprehensive quarter's management system, and all the necessary services that are required to support this system. iQMIS is a regional rental survey method for estimating fair market rent of government quarters rented to civilians. The NBC will ensure the iQMIS accommodates regulatory requirements and provides for regional rental survey processing in accordance with procedures as prescribed by law, OMB Circulars, and appropriate regulations as described in the DOI Housing Policy – DM 400. Please refer to the DOI/NBC "Federal Tenant Brochure, March 2009 in Section 17 - Reference Materials. They can be found at: <http://www.nbc.gov/supportservices/quarter.html> .

B. Determination of Rents

The determination of reasonable value of Government quarters will be based upon an impartial study of comparative private rental housing. Determining rental rates take into account a number of factors, including the quarters condition, and amenities such as garbage disposal and/or collection, dishwasher, basement, etc. and distance to retail services. The reasonable value of Government quarters is the Monthly Base Rental Rate (MBRR), which is based on an assessment of the value of Government provided facilities.

IHS uses the Quarters Management Information System (QMIS) software to calculate and set rental rates. The QMIS rental rate must be paid by each tenant of Government quarters with the exception of qualified volunteers. If the Housing Officer has determined the volunteer is part of a bonafide Volunteer Service Program designed for providing health care, the Service Unit department or program accepting services from a volunteer is responsible for payment of all charges for rent, furnishings, appliances, and utilities at the unit assigned.

IHS is prohibited by law to adjust the rental rates in order to provide housing to its employees at a rate inconsistent with the rates determined by the Quarters Management Information System (QMIS) program. (See DOI – The National Business Center – Federal Tenant Brochure in Section 17 - Reference Materials.)

Reasonable value to the employee or other occupant is determined by the rule of equivalence; namely, that charges for rent and related facilities should be set at levels equal to those prevailing for comparable private housing located in the same area when practicable. Consequently, rents and other charges may not be set to provide a housing subsidy, serve as an inducement in the recruitment or retention of employees, or encourage occupancy of existing Government quarters. **There are no 'free' quarters.** The IHS is required to charge a 'reasonable value' for Governmental rental quarters and ensure that rents reflect a consistent local pattern for all Federal quarters in a given location.

C. Annual Rental Adjustments

Annually, federal agencies must implement Consumer Price Index (CPI) adjustments at the beginning of the first full pay period commencing on or after March 1 of each year. Tenants shall be notified in writing 30 days prior to implementation.

Rental charges are based upon changes in the rates in the private rental market; there is no limit on the amount of the increase. Tenants will never be charged more than they would pay for a similar dwelling in the nearest established community.

IHS employees and non-IHS employees residing in IHS government furnished housing are required to reimburse the agency for the full rental value of each housing unit. This includes the Consumer Price Index-adjusted Monthly Base Rental Rate (CPI-MBRR) plus charges for Government furnished related facilities and minus applicable administrative adjustments.

D. Requests for Reconsideration and Appeals of Rental Rates

Employees/tenants have the right to contest any aspect of the rental rate establishment process. This is a two-step process: (1) requests for reconsideration; and (2) appeals. Housing Officers are to ensure that tenants are aware of their rights and the procedures for exercising official claims.

A request for reconsideration is the first step in the appeal process. ***The request must be filed with the Housing Officer within 20 days following receipt of the notice of change in the rental rate. Please contact your Housing Officer for more details.*** This is a written request by the tenant for reconsideration of the rental rate establishment process. It is a prerequisite to an appeal. Tenants may request reconsideration of rental rates, adjustments, or other related charges whenever they believe the housing has been improperly classified by erroneous factual determination or that rates have not been established using the Regional Quarters Rental Survey guidelines or those of OMB Circular A-45.

The request for reconsideration must state in detail, the basis for the request and the name of the filing tenant or tenants participating in the request for reconsideration. The filing of a request for reconsideration **will not** delay the implementation of the revised rental rates and related facilities charges. Tenants are still required to pay the full rental value of housing.

Tenants will be notified at the time their rental rate is established or adjusted and of their right to request reconsideration of the rental rate. This notification appears on the Quarters Assignment Agreement Form and the Notice of Rental Adjustment Form.

An employee whose rental or utility rate is being adjusted has the right to appeal the results of the reconsideration process. A second appeal filed by the employee should be filed in writing to the Housing Officer within 10 days following the employee's receipt of a written notice by the Housing Officer identifying the results of the reconsideration process rate adjustment.

E. Non Payment of Rent.

IHS collects rents that are based on the full rental value of the housing from all tenants. **It is the tenant's responsibility to pay all rental charges timely and in full.**

In the event that a tenant fails to pay his/her rental amount, the housing officer will initiate a formal action against the delinquent tenant. Delinquent tenants will be provided reasonable time

to respond and make arrangements to repay the debt owed. In cases where the delinquent tenant is also suspected of abandoning the unit, the housing officer will secure the unit.

8. IRS Requirements for Tax Exemption

The Internal Revenue Service, under certain circumstances, allows items to be excluded from an employee's gross income for Federal income tax calculation purposes. This allowance is explained in United States Code, Title 26, Subtitle A, Chapter 1, Subchapter B, Part III, Items Specifically Excluded from Gross Income, Section 119 "Meals or lodging furnished for the convenience of the employer."

IHS tenants who believe they are considered a "required occupant" and meet the requirements for tax exemption are responsible for reading and understanding the applicable tax laws and providing sufficient documentation to the IRS. Employees have the responsibility as an IHS tenant to ensure that all applicable documents, files and systems including the payroll system which will report earnings and rental payments on a W-2 reflects their tax exempt status. **IHS is in no way responsible nor will be a party in defending any resulting audit the IRS may wish to conduct against an individual taxpayer.**

9. Tenant Responsibilities

It is IHS' policy that the tenant maintains the premises as their primary, private residence for himself/herself and his/her legal dependents. The tenant shall not sublet any part or portion of the premises to any person. In general, tenants may not allow any other person or persons to reside on the premises without the prior written consent and approval of the Housing Officer. IHS Area/Service Unit staff share a dual responsibility with the tenant to ensure that all occupied housing is safe, decent, sanitary and energy efficient. While unanticipated requirements must be satisfied on a day-to-day basis, Areas/Service Units will establish housing maintenance plans, in which intermediate and long-term maintenance needs are identified and programmed. Tenants at a minimum should consider the following quarters maintenance within their responsibilities:

The following is a list of tenant responsibilities that apply to all tenants residing in IHS owned quarters:

1. Keep the premises in a clean, livable (habitable), safe and sanitary condition
 - Clean all interior and exterior window surfaces;
 - Clean all interior and exterior walls and woodwork;
 - Clean light fixtures, windows, and window treatments;
 - Clean stove, refrigerator, sinks, bathtubs, showers, toilet fixtures, washing machines, dryers, bathroom exhaust fans, and other household appliances and fixtures; and
 - Clean garages, carports, sidewalks, yards, and driveways.

2. Upon vacating, leave the housing unit in a clean and orderly condition;
 - Maintain quarters yards (See below “General Housekeeping and Responsibilities”); care for the grounds adjacent to the assigned quarters unit. This includes lawn care, (mowing, edging, and watering), raking, weed control, and maintaining safe grounds.
 - Equipment required to accomplish this work is the responsibility of the tenant.
 - Remove snow from steps, sidewalks, and driveways to prevent the formation of ice; and
 - Participate in housing area clean up.

3. Assist and cooperate with the agency in the care and maintenance of the premises
 - Replace “burned out” lights that can be reached without a ladder.
 - Responsible for the repair of any damages caused by the tenant.
 - Keep furniture in good condition by cleaning as required.
 - Never modify furniture assigned to tenant for any reason.
 - Never relocate assigned furniture from quarters unit to another, for any reason.
 - Haul trash to designated area, put trash into cans, and close lid to prevent spread of garbage and prevent exposure to domestic animals.
 - Prevent the accumulation of garbage, including junk cars, appliances, furniture, and scrap etc. Disposal of such items are at the expense of the tenants and shall be done in an appropriate manner.
 - Keep quarters units free of hazards which could cause fires or injuries. Unnecessary accumulations of materials such as newspapers, paper boxes, and rags will not be allowed. Care is required with open flames such as candles and cigarettes, etc.
 - Do not overload electrical circuits with too many appliances plugged into one outlet, the use of electrical extension cords as a semi-permanent extended electrical receptacle is prohibited.
 - Do keep oils, greases, paints, flammable items such as paint thinners, gasoline, or cleaning fluids in a three (3) cubic foot metal storage container.
 - Do not store items in closets containing the hot water heater or furnace.
 - Call the Maintenance Department for any damage remediation or the need for repairs to the premises and call the appropriate telephone

number for emergency repairs. Follow up by submitting a written request for repair work. Send a copy to your Housing Officer and keep a copy for your records.

- 4 . Reimburse the agency for any damages to the premises, beyond reasonable wear and tear, resulting from the neglect of the occupant;
- 5 . Make no repairs, alterations, improvements or additions to the premises unless authorized, in advance and in writing, by the Delegated Official/Housing Officer;
- 6 . Operate no private business out of the premises unless authorized, in advance and in writing, by the Delegated Official/Housing Officer
- 7 . Conduct himself/herself, and assure that his/her family and guests conduct themselves, in such a manner as not to interfere with agency operations at the health care center;
- 8 . Permit the Housing Officer to enter the premises in order to inspect, make repairs, or take such other action as may be reasonable or necessary; the Housing Officer shall give notice of intent to enter the premises, as it deems reasonable and practical under the circumstances;
- 9 . Pay rent for quarters during temporary periods of absence; the occupant is responsible for rent, furnishings, and utility charges until the unit is completely vacated and cleaned; and
- 10 . Notify the Housing Officer in writing of:
 - a. Change in eligibility for Government quarters;
 - b. Intent to vacate, including specific date of move, at least 30 days prior to his/her vacating Government quarters;
 - c. Births, deaths, marriages, and divorces affecting the tenant's family status; the tenant's eligibility for specific sized dwelling units will be redetermined (number of bedrooms, the eligibility for specific sized dwellings may occur at the time of annual inspection);
 - d. Community health concerns such as contagious diseases; and
 - e. Persons outside of immediate family of the tenant residing in Government quarters.

10. Housing Maintenance Inspections

Periodic scheduled inspections and inventories will be made of the quarters units and housing premises by an inspection team. Area/Service Unit are responsible for initiating an annual inspection of each housing unit. Tenants shall permit reasonable access to the quarters unit and housing premises by the inspection team for the purpose of safety checks, inventory, repairs, renovation, spraying for pests, and/or to take other action as may be deemed reasonable or necessary.

Tenants will be provided written notice of the periodic scheduled inspection appointment date and time at least one (1) week prior to the inspection. However, circumstances may arise when a one (1) week notice may be unworkable (due to conflicting commitments, etc.) and is not possible. Under these conditions, the tenant will still be given either a verbal or written notice of intent to enter the quarters unit.

Tenants will cooperate with efforts of IHS pest control policies. Tenants should empty and clean cabinets, drawers, closets, pull furniture away from walls, and allow the exterminators to enter and treat the quarters unit.

The tenant may accompany the inspectors. The tenant shall notify the Housing Officer prior to the scheduled inspection if they would like to be present during the inspection. The tenant will be told the approximate time when the inspection team will arrive. Tenant must arrange for pets to be controlled when inspections are being performed.

At the time of the inspection, each deficiency shall be noted and describe as to type and degree on a Form IHS-6068, Quarters Deficiency Checklist. Subsequently, cost estimate and repair schedules are the responsibility of the Area/Service Unit representative attending the inspection. Tenants are advised that any unauthorized alterations, improvements made by an occupant will become the property of the Government, and any unacceptable repairs and alterations must be removed, and the costs of restoration shall be charged back to the tenant.

11. Tenant and Occupant Behavior

Tenants, tenant's dependents, guests, and all visitors shall be expected to conduct themselves in an orderly and respectful manner. Gatherings within the quarters unit and the housing premises should not violate the rights of other tenants. Noise, disturbance, and invasion of privacy are some examples of violations of the rights of other tenants. Tenants are responsible for the conduct of their dependents, guests and pets. Complaints should be communicated to the Housing Officer and/or as instructed by the documentation supplied by the management of the federally owned quarters complex.

12. Damages to Federal Property

Tenants are expected to promptly reimburse IHS for any damages done to IHS owned property including the federally owned housing quarters. Tenants will be assessed for any repair and/or restoration of the quarters unit, housing premises, or equipment because of tenant neglect or malicious damages. Damages shall include, but not limited to, damages occurred due to vandalism of the quarters unit and property in the housing premises, non-payment of utilities, failure of the tenant to maintain an interior temperature of 65 Degrees Fahrenheit to prevent damage (i.e. freezing and breakage of water pipes and growth of mold). Additionally, misuse or negligence in the care and use of any quarters unit and the immediate premises that causes deterioration beyond normal wear and tear, or the use of any equipment by the tenant, tenant's dependents, guests, pets, and all visitors.

13. Temporary Vacating of the Quarters

Tenants need to notify the Housing Officer if they are leaving their unit unoccupied for more than seven days (e.g., vacation trip). A tenant vacating their quarters unit without notifying the Housing Officer can constitute tenant neglect and the tenant may be assessed for any damages

arising during unoccupied periods. Such notice of proposed temporary vacancy obligates the Housing Officer to provide reasonable due diligence regarding safety and security of the federally owned housing unit during emergencies and/or anticipated emergencies such as severe cold and or wet weather. The Housing Officer can prevent problems arising from frozen water pipes, leaking roofs/basements, and similar incidents.

14. Evictions

When a Federal agency rents Federally owned government quarters to its employees and contractors, it is establishing a landlord-tenant relationship. Federal agencies are assuming the customary responsibilities of the landlord and those who occupy rental quarters are assuming the customary responsibilities as tenants. A breach of contract on the part of the tenant could lead to eviction.

A. Eviction Process

The Area/Service Unit will initiate the eviction action against a tenant by providing him/her a written notice specifying the reasons for initiating an eviction action. This notice may grant the Tenant up to 30 days to correct any deficiencies. This eviction notice period is dependent on the violation. If the tenant corrects deficiencies within the time granted in the notice, the eviction process will be terminated.

IHS will not physically remove or lock out the tenant, cut off utilities such as water or electricity, remove outside windows or doors, or seize (take) the tenant's belongings during the eviction notice period. However, at the end of the notice period, if the tenant has not moved out or corrected the problem specified in the notice to initiate an eviction process, IHS may carry out the eviction by physically removing and locking the tenant out of the unit and seizing (taking) the tenant's belongings remaining in the rental unit.

B. Types and Causes of Eviction

There are four basic types of eviction notices: a notice when rent is not paid on time; a notice when the tenant knowingly commits a substantial violation of the law; a notice to correct violations of the rental agreement or to enforce obligations imposed on tenants by law; and a notice to tell the tenant to move on a specific date when a tenant resigns or is terminated from employment by IHS or IHS contractor.

Some of the causes for eviction are listed below. This is not meant to be an all inclusive list; fair and reasonable judgment will be made by the Area/Service Unit, in coordination with the IHS Regional Attorney, in determining causes for eviction:

1. Tenant refuses to vacate a unit after resignation from or termination of employment by the Service Unit/IHS;
2. Contract employee residing in government housing refuses to vacate unit after contract expiration or termination of employment by the IHS contractor;
3. There is a tenant history of disturbance of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the unit or property;

4. The IHS has a business or economic reason for termination of the tenancy (such as transfer of the property or renovation/demolition of the unit);
5. There is a serious or repeated violation of the terms and condition of the Housing Policy, which is a cause for **immediate eviction**; or
6. The tenant, and the tenant's immediate family of the quarters are involved in crimes of physical violence to persons or property, and/or there is police involvement in disputes.
7. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents or persons residing in the vicinity of the premises,
8. Any drug-related criminal activity on or near such premises, engaged in by a tenant of any unit, any member of the tenant's household, or any guest or other person under the tenant's control

Any criminal activity on the part of the tenant, the tenant's immediate family, or anyone residing with the tenant is cause for **immediate eviction**.

15. Reference Materials

A. OMB Circular A-45, Revised, Rental and Construction of Government Quarters.

This circular sets forth policies and administrative guidance in establishing rental rates and other charges for Government-furnished or leased quarters.

http://www.whitehouse.gov/omb/circulars_a045/

B. HHS Facilities Program Manual (Volume II) Department of Health & Human Services, Office for Facilities Management and Guidance, Office of the Secretary, February 15, 2007

This document sets forth the policies, principles, and procedures for the management of government controlled quarters administered by the Public Health Service. See page 52 (2-47)

<http://www.hhs.gov/hhsmanuals/PHSVI2120604.pdf>

C. Indian Health Service Manual.

The Indian Health Service Manual, Part 5, Chapter 13, establishes policy, objectives, authority, responsibilities and program elements for the Indian Health Service Quarters Management

Program: <http://www.ihs.gov/PublicInfo/Publications/IHSMannual/Part5/pt5chapt13/pt5chpt13.htm>

D. Indian Health Service, OEHE Technical Handbook.

The OEHE Technical Handbook, Chapter IV – Real Property Management, Part 36 – Quarters Management, provides in-depth reference guidelines on a variety of quarters subjects.

<http://www.oehe.ihs.gov/hb/index.cfm?volume=IV&part=36>

E. Dept. of the Interior – The National Business Center- Federal Tenant Brochure

A guide for the tenant in understanding the process that is used to determine rent of government owned quarters. <http://www.nbc.gov/supportservices/pdf/TenantBrochure2009.pdf>

F. U.S. Environmental Protection Agency- Publication EPA 402-K-02-003, 2002, “A Brief Guide to Mold, Moisture, and Your Home”

A source of information and guidance for tenant and federally owned quarters management personnel on how to clean up residential mold problems and how to prevent mold growth. www.epa.gov/mold/moldguide.html

APPENDIX A - PET POLICY GUIDANCE

All tenants should receive a copy of the policy at the time the quarters are assigned and during the CPI adjustments period. All tenants should be made aware of a pet owner's responsibility for immediately paying for all damages or injuries caused by the owner's pets. In addition, pet owners must be advised that failure to adhere to the terms of the pet agreement in its entirety will result in the termination of their quarters tenancy.

Any tenant who wishes to keep a pet must obtain approval from the Housing Officer and sign a pet agreement form. It is recommended the tenant's acknowledge and signature on the pet policy agreement is obtained at the time the quarters are assigned and at lease renewal.

Listed below, at a minimum, are sample terms and conditions to consider when developing an Area wide pet policy. Tenant should contact their Housing Officer for guidance on the pet policy currently in force for their housing facility:

- An assessed fee charge for repairing any damages caused by the pet,
- The tenant signature/initials acknowledging that:
 - Tenant is responsible for ensuring pets do not disturb or annoy other housing residents.
 - Tenant will remedy the situation immediately when a pet is determined to be a nuisance.
 - A tenant who fails to remedy the situation will receive a 30-day notice to remove the pet
 - Failure to remove the pet is a breach of the tenant's rental agreement.
 - Failure to remove the pet is grounds for eviction.
 - Tenants must keep the pet area clean, safe, and free of parasites, including fleas.
 - Tenants are responsible for immediately picking up and disposing of pet waste.
 - All pet waste removal must be in a sanitary manner, such as,
 - all waste and soiled cat litter in tied plastic bags, and
 - all pet waste disposal bags placed in designated garbage pails.



INDIAN HEALTH SERVICE

TENANT GUIDE
for
GOVERNMENT
OWNED QUARTERS

