

INDIAN HEALTH SERVICE



GUIDE to the QUARTERS MANAGEMENT PROGRAM



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

ROCKVILLE, MARYLAND

**June
2009**





On the Cover an IHS Quarters at Parker, Arizona and above the IHS Quarters at Four Corners, Red Mesa, Arizona

Preparation Committee:

Felicia Snowden, Senior Realty Officer, Division of Facilities Operations, HQ
Tim McQuillen, Realty Specialist, Division of Facilities Operations, HQ
Pearl Hagans, Realty Management Officer, Aberdeen Area

Rockville, Maryland
June 2009

Guide to the Quarters Management Program

About the Guide:

The purpose of this guide is to provide an overview of the Indian Health Service (IHS) quarters management program. The guide is intended for Area Directors (AD), Chief Executive Officers (CEO), Administrative Officers (AO), non-realty, and non-quarters/housing personnel in IHS Service Units and Tribal facilities. Additionally, Housing Officers and tenants personnel could find this useful as a quick reference. This is not intended to replace the local Quarters Handbook or other IHS guidance.

The guide does not attempt to address all the complexities of the quarters management program, only to give the user a place to find a brief explanation of various aspects of quarters management. The reader is encouraged to contact their Housing Officer or Area Realty Management Officer for a more in-depth explanation of the various contents.

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) 248-4593

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

TABLE OF CONTENTS

1. Introduction	4
2. Roles and Responsibilities.....	4
A. Chief Executive Officer (CEO)	4
B. Area Delegated Official/Housing Officer	4
C. Quarters Committee.....	5
D. Maintenance Staff	5
E. Tenant.....	6
F. Area Realty Management Officer (ARMO).....	7
G. Division of Facilities Operations – Headquarters (HQ)	7
3. Funding for Government Quarters	7
A. Operations and Maintenance Funds.....	7
B. Construction Funds.....	7
4. Tenants and Priorities.....	8
A. Assignment Priority	8
B. Assignment of Contractors to Quarters.....	9
C. Assignment of Volunteers to Quarters	9
5. Maintenance of Quarters	10
A. Maintenance Standards	10
B. Housing Maintenance Inspections	10
6. Rents	10
A. General	10
B. Determination of Rents	11
C. IRS Requirements for Tax Exemption.....	11
D. Non Payment of Rent.....	12
E. Tenant Responsibilities.....	12
7. Quarters Assignment Agreement	12
A. General	12
B. Terms and Conditions.....	13
8. Utilities	14
9. Evictions	14
A. Eviction Process	14
B. Types of Eviction	15
C. Cause for Eviction.....	15
10. Re-designation, Conversion, Demolition, or Transfer	15
A. Re-designation of Government Quarters	15
B. Conversion of Government Quarters	16
C. Demolition of Government Quarters	16

D.	Transfer of Government Quarters	16
11.	Quarters Construction	17
A.	Policy	17
B.	Program Justification Document for Staff Quarters.....	17
12.	Tribal Management of Quarters	17
A.	Quarters Rental Collection.....	17
B.	Reporting Requirements for Tribally Operated Government Quarters	17
13.	Reference Materials	18
A.	IHS Office of Environmental Health and Engineering (OEHE)	18
B.	OMB Circular A-45.....	18
C.	PHS Facilities Manual, Volume II.....	18
D.	Indian Health Service Manual.....	18
E.	IHS, OEHE Technical Handbook.....	18
	APPENDIX A – QUARTERS RETURN FUNDS	19
	APPENDIX B – PET POLICY GUIDANCE	21

1. Introduction

The IHS owns and maintains over 2,400 quarters units at some 70 locations. The current replacement cost of these assets is approximately \$180 million. Many Indian Health Service (IHS) health care facilities are located in rural and often remote locations where housing is not available for employees. It is IHS policy to ensure that quarters are safe and suitable for personnel essential to the continuity of the health care delivery system or when the presence of personnel at the facility is necessary on a 24 hour basis to ensure protection of Government Property. In other limited circumstances, Government quarters units may be provided for employees because of the remoteness of the work site from available private sector housing. Proper use, management, and operation of IHS quarters are responsibilities of all IHS employees involved. The condition of the quarters can be a reflection of IHS' administration of its health care programs and services, and the quality of these services. Additionally, the quality and availability of IHS quarters will impact recruitment.

2. Roles and Responsibilities

The following sections list roles, duties, and responsibilities of those involved with Quarters operations, i.e., Service Unit's Chief Executive Officer (CEO), the Area Delegated Official/Housing Officer, Quarters Committee, Maintenance Staff, Area Realty Management Office and the Tenant. This list is not intended to be all inclusive and may vary depending on local and Area organizations.

A. Chief Executive Officer (CEO)

The Chief Executive Officer (CEO) is responsible for:

1. Assessing installation housing needs and development of a plan to meet those needs, including prioritization of housing assignments;
2. Appointing the Delegated Official/Housing Officer and Housing/Quarters Committee;
3. Reviewing and resolving any housing and tenant appeals or recommendation submitted by the Housing Committee;
4. Ensuring the quarters units are being utilized for their intended purpose;
5. Classifying, designating, identifying, assigning and inventorying the quarters;
6. Overseeing and protecting government property;
7. Ensuring rental rates are set by the Quarters Management Information System (QMIS);
8. Ensuring the QMIS rental rates are charged and collected; and
9. Ensuring quarters are safe and inhabitable.

B. Area Delegated Official/Housing Officer

The Delegated Official or Housing Officer is responsible for:

1. Implementing rental rates, in accordance with OMB Circular A-45, and all its amendments;
2. Implementing rules and regulations concerning quarters occupancy;
3. Ensuring quarters and contiguous property maintenance and upkeep;
4. Maintaining necessary quarters records and preparation of required reports;
5. Serving as tenant liaison with Quarters Committee on occupancy actions and issues. The Delegated Official/Housing Officer shall **not** serve on the quarters committee;
6. Implementing rules and regulations concerning the safe and secure occupancy of Government quarters;
7. Appointing one or more Housing Officers who shall administer the quarters management program at those installations under his/her purview;
8. Notifying the Area Realty Management Officer of any change in quarter's status;
9. Notifying the Area Realty Management Officer of any health and safety issues affecting the tenants residing in the Government quarters, such as, misconduct or criminal offenses by tenant(s) or tenant's family or contagious diseases of occupants; and
10. Ensuring leases are signed and in place before any occupancy.

C. Quarters Committee

The Quarters Committee **will not** establish rental rates, perform appraisals, or determine adequacy of quarters. The quarters committee may:

1. Determine who shall occupy Government controlled quarters using the established priority guidelines;
2. Recommend specific criteria for the operation of the housing program and submit to the Area Delegated Official/Housing Officer for final approval; and
3. Advise the Chief Executive Officer on housing and tenant issues presented by the Area Delegated Official/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. Maintaining and repairing quarters 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; and
3. Performing routine preventive maintenance inspections of equipment and/or systems as needed.

E. Tenant

The Tenant will maintain the premises as their primary, private residence for himself/herself and his/her legal dependents. The tenant will not sublet any part or portion of the premises to any person. Nor will the tenant allow any other person or persons to reside on the premises without the prior written consent and approval of the Delegated Official/Housing Officer.

Further, the Tenant will:

1. Keep the premises in a clean, sightly, and safe condition, and upon vacating, to leave the quarters in a clean and orderly condition;
2. Maintain quarters yards (including mowing lawns, shoveling walks and driveways);
3. Assist and cooperate with the agency in the care and maintenance of the premises and to promptly notify the Delegated Official/Housing Officer of any damage or need for repairs to the premises;
4. Make no repairs, alterations, improvements or additions to the premises unless authorized, in advance and in writing, by the Delegated Official/Housing Officer;
5. Reimburse the agency for any damages to the premises, beyond reasonable wear and tear, resulting from the neglect of the occupant;
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 installation;
8. Permit the Delegated Official/Housing Officer to enter the premises in order to inspect, make repairs, or take such other action as may be reasonable or necessary; the agency 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 Delegated Official/Housing Officer in writing of:
 - a. any change in eligibility for Government quarters;
 - b. intent to vacate, including specific date of move, at least 30 days prior to his/her release of Government quarters;
 - c. any births, deaths, marriages, and divorces affecting the tenant's family status;
 - d. any community health concerns such as contagious diseases; or
 - e. any persons outside of immediate family of the tenant residing in Government quarters.

F. Area Realty Management Officer (ARMO)

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

1. Entering and maintaining 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.

G. Division of Facilities Operations – Headquarters (HQ)

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

1. Providing program guidance and oversight;
2. Coordinating with the National Business Center on rental rate issues;
3. Representing the IHS on the National Quarters Council; and
4. Providing National program support.

3. Funding for Government Quarters

The funding for IHS-owned quarters can come from several potential sources depending on the type of action. Below is a list of the available IHS funding sources.

A. Operations and Maintenance Funds

1. Quarters Return (QR) Funds
2. Maintenance and Improvement (M&I) Funds
3. Third Party Medicare/Medicaid (M/M) Funds
4. Third Party non-Medicare/Medicaid (M/M) Funds
5. Tribal funding at IHS facilities – Gifting Rules Apply (HQ approval required)

B. Construction Funds

1. Congressional Appropriations (HQ approval required)
2. Third Party Medicare/Medicaid (M/M) Funds (HQ approval required)

3. Third Party non-Medicare/Medicaid (M/M) Funds (HQ approval required)
4. Tribal funding at IHS facilities – Gifting Rules Apply (HQ approval required)

4. Tenants and Priorities

A. Assignment Priority

Each Area and Service Unit should have a written policy with a priority system for assigning tenants in the quarters.

Quarters may be provided only to those civilian employees and commissioned officers who are designated “essential” personnel. These are employees required to live on station to maintain the continuity of health care services or to provide Federal property protection on a 24-hour basis. The requirement to occupy the quarters must be included in the position description for an employee to be considered “essential” personnel for the purposes of housing. In other limited circumstances, Government quarters may be provided to employees because of the remoteness of the worksite to available private sector housing.

In assigning housing, the Service Unit Chief Executive Officer will follow the priorities in the order listed below.

1. **Essential Personnel (Required Occupants).** Individuals, who have been designated as essential personnel in accordance with their position description. However, required occupants do not have a right to select a specific quarter’s unit. Required occupants will occupy assigned quarters as their primary residence. The employee does not satisfy the terms of required occupancy solely by paying rent on the assigned housing.
2. **Permitted Occupant.** IHS employees, including contractors, identified by the Service Unit as permitted occupants, may be allowed to reside in housing units. Permitted occupants are not designated as “essential personnel” and therefore are not required to reside in government housing. The following are some justifications for permitted occupancy:
 - Inadequate local market.
 - Remoteness (no local market exists within a 60 mile drive time).
 - Back-up emergency response.
 - Unpaid entities supporting the installation mission.
 - Temporary workforce needs.

As with required occupancy, management determines the actual number of permitted occupant positions needed.

3. **Volunteers.** Volunteers employed by IHS.
4. **Other Department/OPDIVs.** Employees of the Department and other DHHS Operating Divisions (OPDIVs), who are allowed occupancy during periods of temporary non-use, or in interim periods pending disposal of the IHS quarters

5. **Other Federal Agencies.** Employees of other Federal agencies, who are allowed occupancy during periods of temporary non-use, or in interim periods pending disposal of the quarters.
6. **Non-Federal Tenants.** Non-Federal tenants, who are allowed occupancy during periods of temporary non-use, or in interim periods pending disposal of the quarters.

B. Assignment of Contractors to Quarters

Available, adequate quarters may be provided to contractors or a contractor's employees when it is determined that occupancy by such individuals is in the best interest of the Government. In such cases, it must be positively demonstrated that the objectives of the Government cannot be met if the person for whom the quarters are provided are allowed to live away from the installation. In all cases, the occupant will pay charges for rent and utilities periodically (monthly preferred).

A contractor or a contractor employee's will pay the federal quarters rental rate for occupying the unit when their assignment is in direct support of the agency's mission. The individual during this time is considered a "government" employee and eligible for interim use of government furnished quarters. In cases where a block of quarters are reserved exclusively for the contractor's employees' use through a contract offset, the contractor will pay the quarters rental rate amount for all quarters under the contract whether or not all units in the block are occupied.

For the purposes of quarters assignment priorities, Public law 93-638 contractors/compactors are considered 'government' employees.

C. Assignment of Volunteers to Quarters

Government quarters may be made available to volunteers in certain limited situations. To ensure equitable and consistent implementation of Department policy, IHS quarters may be provided to volunteers only when the Housing Officer determines that the volunteer is part of a bonafide Volunteer Service Program designed for providing health care. See IHS Office of Environmental Health and Engineering Technical Handbook, Assignment of Quarters, Chapter 36-3, for additional requirements.

When necessitated by the special nature of the volunteer assignment, quarters may be furnished temporarily at no charge to volunteers. In this situation, the Service Unit department or program accepting services from a volunteer is responsible for payment of all rents and related charges at the assigned unit. The Housing Officer is responsible for properly accounting for the volunteer's occupancy costs, collecting these charges from the program utilizing the volunteers services, and ensuring that the funds are deposited in the QR account.

Volunteers may be assigned quarters if all the following conditions apply:

1. Volunteer assignments to Government quarters does not exceed 90 days;
2. The volunteer cannot reasonably provide for his/her own housing; and
3. The installation is located in an area sufficiently remote, necessitating assignment to Government quarters.

5. Maintenance of Quarters

Service Unit staff is responsible for ensuring that all occupied housing is safe, decent, sanitary and energy efficient. While unanticipated requirements must be satisfied on a day-to-day basis, Areas will establish housing maintenance plans, in which intermediate and long-term maintenance needs are identified and programmed. In meeting these responsibilities, Areas will be guided by the following requirements and priorities and incorporate these in their housing maintenance planning.

A. Maintenance Standards

While unanticipated requirements must be satisfied on a day-to-day basis effective maintenance standards shall be adopted for all IHS-controlled quarters. Area Offices are to establish housing maintenance plans and develop housing priorities, in which intermediate and long-term maintenance needs are identified and programmed. Detailed standards for maintenance and repair should provide necessary flexibility while considering widely varying local conditions and construction practices. Among other resources, the following should be used in developing these standards:

1. Available standards and cost information for comparable private or other Government-managed family housing;
2. IHS Technical Handbook for Environmental Health and Engineering;
3. The IHS quarters shall be maintained no differently, than what would be found in a suburban subdivision; and
4. The condition of IHS quarters affect the staff living in them. Failure to maintain quarters adequately may affect staff morale and overall functionality of the installation at which they work.

B. Housing Maintenance Inspections

Each Area Office and installation facility manager is responsible for initiating an annual or semi annual inspection of each housing unit. The inspection team may include the Housing Officer, Area Realty Management Officer, a facility management representative, and an environmental health representative; others may be included as necessary. 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, a cost estimate and repair schedule developed and the data recorded in the Health Facilities Data System. Any unauthorized alterations, improvements made by an occupant will become the property of the Government, unacceptable repairs and alterations must be removed, and the costs of restoration may be charged back to the tenant.

6. Rents

A. General

The IHS is required to charge a 'reasonable value' for Governmental rental quarters. **There are no 'free' quarters.**

The IHS works in conjunction with all other Federal agencies with quarters in the United States to establish these rental rates. Rental rates take into account a number of factors in determining the rates, including quarter's condition and amenities such as garbage disposal and/or collection,

dishwasher, basement, etc. and distances for services. The National Business Center of the Department of Interior manages this initiative. They can be found at:<http://www.nbc.gov/supportservices/quarter.html>

Additionally, frequently asked questions related to government rental rates can be found at:
http://www.nbc.gov/supportservices/pdf/tenant_faq.pdf

B. Determination of Rents

The IHS uses the QMIS software to manage its quarter's inventory and 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 (see 8.B below). The IHS **cannot** 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.

The determination of reasonable value of Government quarters will be based upon an impartial study of comparative private rental housing. The reasonable value of Government quarters is the Monthly Base Rental Rate (MBRR), based on an assessment of the value of Government provided facilities. Only two methods may be employed to determine the MBRR: regional surveys and appraisals. The IHS uses the regional survey method for all Government quarters located within designated survey regions in accordance with Federal policies and administrative guidance for the establishment of rental rates and other charges for Government furnished or leased quarters (OMB Circular A-45).

Per OMB Circular A-45, agencies of the Federal Government must adhere to the following in determining rental rates for Government quarters.

1. ***Rental rates and charges for Government quarters and related facilities will be based upon their "reasonable value...to the employee...in the circumstances under which the quarters and facilities are provided, occupied or made available." 5 U.S.C. 5911.*** 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;
2. ***Federal employees whose pay and allowances are fixed by statute or regulation may not receive additional pay and allowances for any service or duty unless specifically authorized by law. 5 U.S.C. 5536.*** Consequently, rents and other charges may not be set so as to provide a housing subsidy, serve as an inducement in the recruitment or retention of employees, or encourage occupancy of existing Government quarters; and
3. ***When properly determined in accordance with the provisions of OMB Circular A-45, rental rates will be fair as between the Government and the employee (or authorized occupant) and as between employees of different agencies living in the same area in similar housing, or employees living in Government quarters at different locations.*** Rents should reflect a consistent local pattern for all Federal quarters in a given location.

C. IRS Requirements for Tax Exemption

United States Code, [TITLE 26, Subtitle A, CHAPTER 1, Subchapter B, PART III](#), Section 119 of the Internal Revenue Code, Meals or lodging furnished for the convenience of the employer. IHS tenants who believe they 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 the individual taxpayer.

D. Non Payment of Rent.

IHS is responsible for ensuring that all tenants residing in IHS quarter units pay the full rental value of housing. **It is the tenant's responsibility to pay all rental charges timely and in full.** The housing officer should keep adequate documentation on the tenants' quarters rent delinquencies owed IHS. The housing officer will promptly notify the tenant when rent due has not been paid and when delinquent charges are owed to IHS.

The housing officer before initiating any formal action against a tenant who fails to pay his/her rental amount is to contact Human Resources, the Finance Office and the Regional Solicitor for guidance in handling non-payment issues before initiating any formal action against a tenant who fails to pay his/her rental amount. In cases where the delinquent tenant is also suspected of abandoning the unit, the housing officer, shall promptly secure the unit.

The IHS handles the procedures for collecting debt from a Non-IHS employee differently than an IHS employee. Therefore, the Housing Officer should (a) work closely with your Regional Solicitor, Human Resources and Finance Office when dealing with non-payment of rent owed IHS and (b) a tenant should be provided reasonable time to respond and make arrangements to repay the debt owed.

E. Tenant Responsibilities

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, minus applicable administrative adjustments.

Tenants who are IHS employees have a responsibility to perform due diligence to determine all the conditions that prevail in and near the quarters and duty stations to which they might be assigned before accepting transfer to or employment at such duty station.

7. Quarters Assignment Agreement

A. General

All occupants of IHS quarters are required to complete and sign a Quarters Assignment Agreement. The agreement provides the essential contractual elements common to all quarters' assignments. Area Offices may incorporate additional terms and conditions deemed applicable to a given tenancy situation (i.e., volunteer, contractor, other Federal employee). The occupant

and the designated official/housing officer must sign the Quarters Assignment Agreements. A copy of this agreement is provided to the tenant; the housing officer and Area Realty Management Officer will retain the original.

This agreement should be signed before occupancy. Any prospective occupant who refuses to sign the agreement will not be allowed to occupy the quarters. Any occupants who refuse to sign a re-executed agreement, implementing a revalued rental rate due to annual adjustments of the monthly rental rate and/or charges for related facilities will be evicted. Occupants who complete this form are 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. The normal IHS method of collection of rental payments is through payroll deductions.

In regards to housing units made available to non-Federal tenants (tribal employees), a revocable license will be the document to grant temporary occupancy. IHS will only make its quarters available to non-Federal tenants when the quarters have been determined un-utilized, under utilized or excess to IHS needs. The revocable license is incorporated as part of the quarter's assignment agreement. The revocable license and Quarters Assignment Agreement are to state that the rental charges to non-Federal tenants will be at fair market rental rate, as established by OMB Circular A-25.

B. Terms and Conditions

It is the Area/Service Unit's sole discretion to establish and set additional guidance related to services made available in connection 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 building should be considered.

Area quarters guidance that establishes additional quarters charges must be consistent with the prevailing rates at comparable housing identified in the QMIS Regional Rental Survey for your Area. Areas should check QMIS to determine whether these charges are already identified before implementing any new fees. Tenants must be provided reasonable amount of time to review any new policies and charges prior to enactment.

Below are a few examples of supplemental quarters policies:

- Pet Policy - the rights of both pet owners and non pet owners should be considered and protected. 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. Any tenant who wishes to keep a pet must obtain approval from the Housing Officer and sign a pet agreement form. See Appendix B for guidance in developing the terms and conditions for tenants when pets are occupying quarters units.
- Ground Maintenance – both tenant and IHS responsibilities must be clearly identified in the tenant agreement signed by IHS and the tenant. At a minimum consider having the tenant being responsible for moving lawns, shoveling walks and driveways, garbage/trash storage and removal, and cleaning up after pets,

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

- Liability for Damage and Loss - tenants should be held responsible and financially liable for property loss or damage in excess of normal wear and tear or where Government property is missing. Areas should provide the tenant with an opportunity to repair or replace the property rather than to pay for the loss or damage. Any tenant who refuses to restore the property/premises to a satisfactory condition must be reported, a determination of the negligence and liability made, and collection action will be initiated.

8. Utilities

Utilities should be furnished by the utility provider and billed directly to the occupant, wherever possible.

It is Federal policy to minimize energy consumption. Consumption has been found to decrease when occupants of Government quarters are required to pay for the actual cost of utilities used (such as electricity, oil, natural gas, propane, coal, telephone, cable television, water and sewer).

When Government furnished utilities are provided, they should be metered or measured, where practicable. The rate for utilities furnished by the Government will be the same as the residential rate for these utilities in the nearest established community or survey area used in determining the base rental rate. The consumed amount of Government furnished utilities that are individually metered or measured will be determined by actual readings.

When Government furnished utilities are not individually metered or measured, consumption will be determined on the basis of an analysis of the average amounts of utilities used in comparable private rental housing in the nearest established community or survey area. (Such estimates are usually available from local utility companies.) Alternatively, consumption may be determined using engineering tables (such as design heat loss tables from the American Society of Heating and Refrigeration Engineers) and meteorological records. Normally, utility charges will be clearly shown and separated from rent charges. Utility charges may be combined, for those tenants who are charged for non-housekeeping rooms. Where it is impractical to shut off heat and electricity to unused rooms and the employee is otherwise entitled to the reduction for quarters of excessive size, a proportionate reduction in the utility charges based on the area of the unused quarters may be made.

9. Evictions

When a Federal agency provides rental quarters and related facilities to its employees and contractors on a rental basis, 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.

As stated in the Quarters Assignment Agreement an employee occupying IHS quarters must take responsibility to be informed of all the general terms and condition of occupying the quarters and understand that upon signing the Agreement they are agreeing to those terms and conditions. A breach of the terms and conditions may result in eviction.

A. Eviction Process

The Service Unit shall notify the Area Realty Management Officer before any eviction notice is sent to a tenant. The Area Realty Management Officer will contact the Regional Office of General Counsel, as State and local laws may differ and apply. After consultation with IHS Area Regional

General Counsel, the eviction process will start with a written notice to the tenant specifying the grounds for such action.

B. Types of Eviction

There are four basic types of eviction notices:

1. A notice when rent is not paid on time;
2. A notice when the tenant knowingly commits a substantial violation of the law;
3. A notice to correct violations of the rental agreement or to enforce obligations imposed on tenants by law; and
4. 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.

C. Cause for Eviction

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 Service Unit, in coordination with the 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**; and
6. Tenant members are involved in crimes of physical violence to persons or property, and/or there is police involvement in disputes. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences or persons residing in the immediate vicinity of the premises, or 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 is a cause for **immediate eviction**.

10. Re-designation, Conversion, Demolition, or Transfer

A. Re-designation of Government Quarters

All quarters under the control and management of the IHS shall be specifically designated as either Rental Quarters or Transient Quarters. The official within the Area Office who has been

assigned this responsibility will make designations, re-designations, and changes in category (quarter's type). All changes shall be reported to the Lead Realty Officer within 10 days along with a complete and detailed statement of the findings that support the basis for such a determination and re-designation. The Director, of Facilities Operations shall review and approval such changes. The Lead Realty Officer will update the appropriate fields within the Health Facilities Data System (HFDS) to reflect the current use and designation.

B. Conversion of Government Quarters

Quarters will not be used for any purpose other than as a residence, except when it is determined that the use of the quarter's unit is required for official business. The request to convert quarters to any other use must be sent to the Director, Division of Facilities Operations (DFO) for approval. Upon approval, the Area will provide a Real Property Voucher to the Lead Realty Officer to make the appropriate updates to the HFDS. The Area will also notify the National Business Center (NBC) of any such conversions to make appropriate updates to the Quarters Management Information System (QMIS).

C. Demolition of Government Quarters

Prior to demolition of any Government quarters, the Area will request approval from those with the delegated authorities in the Office of Environmental Health and Engineering (OEHE), Headquarters, via Real Property Survey Report (HEW-579). Service Units must contact the appropriate Area Realty Management Officer for the proper demolition procedures. The destruction of IHS federal property without authorization from OEHE, Headquarters, and the delegated agency official, can result in disciplinary actions.

Once approved, the signed HEW-579 is returned to the Area for further action. Once demolition has occurred, the Area will complete the HEW-579 and return a copy to the Lead Realty Officer, along with a Real Property Voucher, to make the appropriate updates to the IHS real property inventory.

D. Transfer of Government Quarters

All requests to transfer Government quarters must be submitted to the Director, DFO for review, action and submission to the Director, OEHE, for approval. The request should include a recommendation from the Area Director and identify the method of disposal (Transfer to Tribe, Transfer to BIA, or Excess through GSA). IHS will not transfer quarters determined to be unsafe or inadequate or quarters units being replaced under the Repair by Replacement Program.

Service Units are to contact the appropriate Area Realty Management Officer for the proper transfer procedures. The transfer of IHS federal property without authorization from the Director, OEHE, the delegated agency official, can result in disciplinary actions.

Once the Director, OEHE approves transfer, the transfer document will be returned to the Area Realty Management Officer (ARMO) for coordination with the Tribe or direct processing to BIA. Once the transfer document has been fully signed by the receiving entity (Tribe, BIA or GSA), a copy of the executed document is forwarded to the ARMO. The ARMO shall submit a Real Property Voucher along with the executed transfer documents to the Lead Realty Officer to make appropriate updates to the IHS real property inventory.

11. Quarters Construction

A. Policy

The cost to the Government of acquiring, constructing, operating, maintaining, managing and disposing of Government quarters typically far exceeds the value of rental receipts collected. For this reason, new or replacement Government quarters will not be provided unless it has been determined that the Government quarters are essential to the accomplishment of a Service Unit's mission. Further, the need to construct, retain or acquire additional Government quarters (including replacement units) is limited to circumstances where it is determined that 1) the employees must live at the station to provide necessary service or protection, or 2) adequate housing is not available in the area. (OMB policy)

B. Program Justification Document for Staff Quarters

A Program Justification Document for Staff Quarters (PJDQ) is prepared as part of a planning process conducted to ascertain the need for each proposed additional or replacement Government housing project. The prototype PJDQ can be found at <http://www.oehe.ihs.gov/hb/pdf/01306.pdf>. The Division of Facilities Planning and Construction, OEHE, HQ can provide additional information.

Regardless of the method contemplated for establishing new or replacement Government quarters, the provisions of OMB Circulars A-11 and A-45 are applied. The Circulars establish the policies, justifications, requirements and restrictions associated with the construction of Government quarters.

12. Tribal Management of Quarters

Rental rates and related charges for Federally-owned/leased quarters used by IHS contractors to house other than Government or contractor employees working on such contract, shall be equal to the full fair-market value, as established by the Secretary under applicable laws and regulations (Office of Management and Budget (OMB) Circular A-25, as amended; 41 Code of Federal Regulations (CFR) 114-52; OMB Circular A-45, as amended), and provisions to the contractor by the Secretary. **Administrative adjustments shall not be used to reduce the rates below fair market value.**

A. Quarters Rental Collection

Contract/compact tribes who manage and operate IHS owned quarters may elect to also collect and manage the Quarters Return Fund. The aggregate of funds collected within each Area must be reserved for the operation and maintenance of Government quarters in the Area.

B. Reporting Requirements for Tribally Operated Government Quarters

The following requirements apply to federally-owned or leased Government quarters operated by a contract/compact tribe in compliance with a contract/compact.

1. The tribe shall submit quarters management reports annually to the IHS Area office, Division of Facilities Management, Office of Environmental Health & Engineering. The reports shall be submitted on or before the anniversary date of the contract/compact.
2. The reports shall include assignment data; quarter's rental collections data; and repairs and alterations done to the quarters.

13. Reference Materials

A. IHS Office of Environmental Health and Engineering (OEHE)

An initial source of information to use as a starting point for details on the IHS quarters management program. <http://www.oehe.ihs.gov/>

B. OMB Circular A-45.

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

C. PHS Facilities Manual, Volume II.

Section 2-9 of the PHS Facilities Manual, Volume II establishes those considerations under which HHS may provide quarters for its employees, and establishes requirements for quarters management and reporting.

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

D. Indian Health Service Manual.

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

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

E. IHS, OEHE Technical Handbook.

The Technical Handbook, 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>

APPENDIX A – QUARTERS RETURN FUNDS

Quarters Return Funds Process Government-Owned/Government Operated Rental Units by Payroll Deduction

- Quarters are assigned by execution of the Quarters Assignment and Acceptance Agreement (IHS-6070A)
 - ❖ Identifies: Occupant(s), Quarters Data, Rental Data, Terms/Conditions
- IHS-6070A is processed by the Service Unit Housing Officer and submitted to the Area Realty Management Officer (ARMO)
- ARMO will use the IHS-6070A to enter appropriate information into the Quarters Management Information System (QMIS)
- ARMO uploads the IHS-6070A to the IHS Quarters Document website located at <https://webehrs.ihs.gov/oehe/qtrsdocs/login.cfm>
- ARMO forwards the IHS-6070A to the appropriate personnel for input into the payroll system.
 - ❖ Send to Area Division of Human Resources for Civilian employees who then enters the appropriate data into the Defense Civilian Pay System (DCPS) database
 - ❖ Send to PSC Compensation Branch for Commissioned Corps personnel who then enters the appropriate data into the Commissioned Corps Personnel and Payroll System
- Payroll deduction is set up with the Defense Finance and Accounting System (the DHHS payroll agent)
- Monies received by payroll deduction are then deposited into the Quarters Return account with the U. S. Department of Treasury
- Areas receive allotments for funds collected that are posted as employees and from billing non-employees. The employee collections are received via central payroll deductions every pay period. These funds are collected in three different methods in UFMS:
 - ❖ Civilian payroll deductions are posted as a negative 183 transaction code from central payroll every pay period. This amount is posted to CAN JAPQTRS object class code 11120 and 11121. The Allowance Status by Location Report (Discoverer) for Appropriation 75 X 5071 will show the entry and funds availability.
RESOLUTION: Areas are required to process a negative entry to this allotment for the amount posted by Payroll and a positive allowance to the Service Units that receive these collections. No allotments will be issued for Government Civilian quarters Collections from Headquarters.
 - ❖ Commissioned Officers Quarters deductions are IPAC'd monthly from Payroll by PSC to Areas.

RESOLUTION: Headquarters will process an allotment to Areas when the collection is posted in the General Ledger to issue an allowance to the Service Units.

- ❖ General collection from non-employees and companies.
RESOLUTION: Headquarters will issue an allotment as the collections are posted in the General Ledger on a weekly basis for Areas to issue an allowance to the Service Units.

- Area Office, Division of Facilities Management distributes quarter's return funds to the Service Units to be used for maintenance of quarters units.
 - ❖ Distribution of funds within the Area is determined by the Area's distribution methodology

**Quarters Return Funds Process
Government-Owned/Government Operated
By Cash Collection**

- Quarters are assigned by execution of the Quarters Assignment and Acceptance Agreement (IHS-6070A)
 - ❖ Identifies: Occupant(s), Quarters Data, Rental Data, Terms/Conditions
- IHS-6070A is processed by the Service Unit Housing Officer and submitted to the Area Realty Management Officer (ARMO)
- ARMO will use the IHS-6070A to enter appropriate information into the Quarters Management Information System (QMIS)
- ARMO uploads the IHS-6070A to the IHS Quarters Document website located at <https://webehrs.ihs.gov/oehe/qtrsdocs/login.cfm>
- Tenant is notified of the rental considerations by the IHS-6070A or by a Bill of Collection (used for Contractor's assigned to transient quarters)
- Cash Collections are received by the designated official at the Service Unit on a regular basis, as stipulated in the IHS-6070A (i.e. weekly, monthly, etc.) and a Field Receipt is presented to the occupant
- Cash Collections, along with Field Receipts, are forwarded to the Area Finance Office
 - ❖ Collections are forwarded on a weekly basis
- Area Finance Office deposits cash collections into the Quarters Return account with the U.S. Department of Treasury.
 - ❖ Area specific CAN is used to track quarter's return funds
 - ❖ Cash collections for damages are returned directly to the Service Unit.
- HQ Finance issues an Advice of Allotment to the Area Offices based on the amounts submitted on the weekly collection report.
- Area Office, Division of Facilities Management distributes quarter's return funds to the Service Units to be used for maintenance of quarters units.
Distribution of funds within the Area is determined by the Area's distribution methodology

APPENDIX B – 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:

- An annual fee or pet deposit due upon signing the pet agreement,
- An assessed fee charge for repairing any damages caused by the pet,
- The tenant signature/initials acknowledging that:
 - The assessed fee is for all costs that exceed the pet deposit.
 - Tenant must immediately restore all pet fees balances to their full, original amount.
 - 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

**GUIDE
to the
QUARTERS
MANAGEMENT
PROGRAM**

