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TECHNICAL HANDBOOK FOR  
ENVIRONMENTAL HEALTH AND ENGINEERING  
VOLUME IV - REAL PROPERTY MANAGEMENT  
**PART 36 - QUARTERS MANAGEMENT**

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**CHAPTER 36-3 ASSIGNMENT OF QUARTERS**

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**36-3.1 LEGISLATIVE POLICY**

The assignment of Government-controlled rental quarters shall be consistent with all applicable provisions of the Act of June 20, 1874 (5 U.S.C. 5536) which states, in part, that "No civil officer of the Government shall receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his/her salary or compensation allowed by law..." Clearly, the authorized pay and allowances of any Federal employee are not to be supplemented. 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 housing.

**36-3.2 DETERMINATION OF QUARTERS ASSIGNMENT PRIORITIES**

Each Delegated Official (DO) shall annually review the personnel requirements of his/her agency programs, by installation, and shall determine or confirm the installation's quarters assignment priorities (which shall reflect the degree of employee essentiality). Assignment priorities shall be separately determined for each of the following categories of quarters:

- A. Continuity of Service or Protection - Quarters are those Government-controlled quarters required to house personnel necessary to assure the continuity of essential program services on a 24-hour basis or for the protection (including maintenance) of Government property. Classification under this category shall reflect quarters requirements for the minimum staff complement necessary to assure a balanced service delivery capability. A full staff complement will not be considered necessary to assure the continuity of essential program services on a 24-hour basis, except at remote or isolated locations.

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- B. Remote/Isolated Location - Quarters are those Government-controlled quarters required to house personnel employed by the Indian Health Service (IHS) at remote or isolated locations where the distance to adequate private housing, available in sufficient quantity at reasonable cost, is excessive (more than one-hour travel time each way).

### **36-3.3 PUBLIC QUARTERS DESIGNATION**

Public quarters are those Government-controlled quarters set aside for exclusive occupancy by Commissioned Corps personnel, without rental charge. Effective October 1, 1988, all IHS quarters were designated as rental quarters. The IHS quarters were not constructed as public quarters; therefore, there is no requirement that they be reserved for sole occupancy by members of the Commissioned Corps.

### **36-3.4 CRITERIA FOR ASSIGNING QUARTERS**

Government-controlled quarters shall be assigned only when any one or more of the following conditions exists:

- A. Necessary Services - When the head of the agency determines that necessary service cannot be rendered [78 Stat. 557];
- B. Protection - When the head of the agency determines that Government property cannot adequately be protected [78 Stat. 557];
- C. Remoteness - When no suitable private housing exists within a reasonable commuting distance; (see Office of Management and Budget (OMB) Circular A-45).

### **36-3.5 ASSIGNMENT OF CONTRACTORS TO QUARTERS**

Available, adequate quarters may be provided to contractors or a contractor's employees.

- A. Government Benefit - Government quarters may be assigned to contractors or similar non-Government persons when it is determined that occupancy by such individuals is in the best interests 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, charges for rent and utilities will be paid by the occupant periodically (monthly is preferred). Instead of separate collections, these charges may be deducted from the amount the Government pays the contractor if provided for in the contract. The contracting officer, in consultation with the DO or Housing Officer (HO), is responsible for the proper accounting of contractor rent and utility payments.
- B. Exclusive Reservations - When a block of quarters are reserved exclusively for the contractor's employees through a contract

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offset, the contractor will be charged for full occupancy even if all units are not occupied.

- C. Non-Government Occupants - Because non-Government occupants (contractors or contractors' employees) of Government-owned or leased quarters are not considered to be "required occupants," the Government will not issue a "Certification to Civilian Occupancy of Government Quarters" to those occupants.

### **36-3.6 ASSIGNMENT OF VOLUNTEERS TO QUARTERS**

45 C.F.R. 57 and the implementing instructions in Health and Human Services (HHS) Personnel Manual, Instruction 930-2 (4/3/84), "Accepting Volunteer Service for use in Providing Health Care," allows the provision of Government quarters to volunteers in certain limited situations. To ensure equitable and consistent implementation of Department of Health and Human Services (DHHS) policy, IHS quarters may be provided to volunteers only when the DO/HO determines the following:

- A. Bonafide Volunteer Program - The volunteer is part of a bonafide Volunteer Service Program designed for providing health care.
- B. Assignment Criteria - When necessitated by the special nature of the volunteer assignment (including students assignments), quarters may be furnished temporarily at no charge to volunteers. 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. No isolation adjustment is permitted for these rental rates.

In all cases, rental charges shall be paid periodically (monthly is preferred) by the program, and deposited into the Quarters Return (QR) account. The DO/HO is responsible for properly accounting for the volunteer's occupancy costs and for collecting these charges from the program utilizing the volunteer's services. Volunteers may be assigned quarters on the following basis:

- (1) Temporary assignments to Government quarters may 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 (in excess of one hour travel time from the volunteer's permanent residence), necessitating assignment to Government housing.
- C. Authorized Agreement - The volunteer must sign a Volunteer Service Program agreement which describes the services to be provided by the volunteer and the term of appointment. Volunteers will be authorized to serve by a letter of authorization signed by an authorized Department official. The term of appointment and termination must be documented on Form SF 50-B, "Notification of

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Personnel Action," in accordance with Federal Personnel Management (FPM) Supplement 296-33, Subchapter 33, "Documentation of Volunteer Service." (See Chapter 36-11 APPENDIX J)

- D. Quarters Availability - Quarters may be assigned to volunteers only when available units are not required by regular employees assigned to the installation.
- E. Government Employee - Neither the volunteer nor any member of his/her immediate family residing in Government-furnished quarters is a Government employee.
- F. Letter of Authorization - When it is essential to assign quarters to a volunteer, a copy of the letter of authorization must be appended to the PHS-6070A and forwarded to the Director, Division of Facilities Management (DFM), Headquarters.

### **36-3.7 ASSIGNMENT CRITERIA**

Once eligible assignees are identified, the assignment of available quarters shall be based on the following criteria:

- A. Size - To the maximum extent possible, quarters size shall be directly related to the size of the employee's family. The age and sex of the employee's children should be considered when determining the number of bedrooms and the size of the recreation area required.
  - (1) Adults and children should not occupy the same bedroom.
  - (2) Children of the same sex may share a bedroom. Separate bedrooms shall be provided for children of the opposite sex, ideally as soon as possible, and absolutely when the older of the siblings attains the age of 3 years.
  - (3) No more than two occupants shall share a bedroom.
- B. Length of Federal Service - When the evaluation required by 36-3.7A. above shows that two or more families' needs are the same, priority will be determined based upon length of Federal service.
- C. Employees Without Dependents - Students, interns, employees, and Commissioned Officers without dependents will normally be assigned bachelor (single-type) quarters when available. In exceptional circumstances, several employees may jointly occupy a family-type housing unit, on a bachelor basis; however, all records and reports shall clearly reflect the justification for such use.

### **36-3.8 REQUIRED OCCUPANCY**

An employee is considered a "required occupant" when the circumstances of sections 3.4A and/or 36-3.4B apply. The requirement of occupancy

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shall be made part of the employee's position description or billet and a condition of employment (see Chapter 36-1.5 B.(3)).

- A. Service/Protection - To meet the criteria of "service" or "protection", the occupant must be engaged in an activity related to protection of life and/or property and subject to frequent call back or emergency overtime duties.
- B. Typical Commuting Habits - When the nearest available housing units are further away from the installation, than approximately two hours per round trip by automobile or public transportation, the IHS agency head may require occupancy in available quarters on the installation to ensure availability of employees to meet service or protection requirements. However, in making this determination, the agency head will fully consider the established local commuting habits in the area and only require occupancy when available housing is significantly beyond the typical commuting distance. (See section 3.4C.)
- C. Certification Statement - All employees who are required occupants shall be provided with a completed certification statement. (See Chapter 36-1.5C.)

### **36-3.9 ASSIGNMENT PROCEDURES**

Two steps are required to initiate a new quarters assignment:

- A. Occupancy Inspection - A joint inspection, inventory of the quarters structure, and all Government-owned furnishings and equipment will be made by the HO (or his/her representative) and the assigned employee, preferably on the day that the quarters are to be occupied. Any deficiencies in the inventory, structure, or grounds shall be noted in writing on the Quarters Deficiency Checklist, PHS 6068 (see Chapter 36-11 APPENDIX B). When completed and co-signed by the participants, the original will be maintained in the permanent file for the appropriate quarters.
- B. Assignment and Acceptance Agreement (PHS-6070A) - The DO/HO will prepare a Quarters Assignment and Acceptance Agreement, PHS-6070A specifying the rental data and terms and conditions applicable to the quarters occupancy. This form must be co-signed by the quarters assignee and DO/HO. After completion, copies of the assignment record will be distributed to:
  - (1) the employee assigned quarters (white copy);
  - (2) payroll (if a civil service employee) or Division of Commissioned Personnel, Office of the Surgeon General, OASH, for commissioned officers (yellow copy);
  - (3) quarters file maintained at the installation (pink copy);
  - (4) the Director, DFM, Headquarters (Orange copy).

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### **36-3.10 TEMPORARY ASSIGNMENT OF QUARTERS**

Employees may, upon recommendation of the DO/HO, be permitted to occupy quarters on a temporary basis. In such instances, the quarters shall be designated "temporary" and the dates of occupancy shall be established. An employee permitted to occupy "temporary" quarters shall be required to amend the PHS-6070A by inserting a clause stating the employee's agreement to vacate quarters within 30 days of receipt of written notice from the DO or HO.

### **36-3.11 TRANSIENT QUARTERS**

Transient quarters or rooms may be assigned for occupancy of official visitors, commissioned and civilian personnel in Government travel status, and guests. Guidelines for establishment of rental and service charges for such accommodations are detailed in OMB Circular A-45. However, in the case of commissioned and civilian personnel in official travel status, the prevailing rates specified in Government travel regulations shall apply.

### **36-3.12 REASSIGNMENT OF QUARTERS**

Reassignment of personnel from one set of quarters to another should take place only under unusual circumstances in which the best interests of the Government are clearly served. Expenses of such reassignment at the Government's request, will be incurred by the Government.

At such time, adequate housing becomes available, the housing committee shall make written recommendations for reassignment to the DO/HO. These recommendations shall be based upon economics and local conditions. The DO/HO will make the final decision whether the tenant's move is in the best interest of the Government.

### **36-3.13 QUARTERS DEFICIENCY CHECKLIST, PHS 6068**

This form is completed twice, once when quarters occupancy begins and again before the occupant leaves. Any deficiencies in the inventory, structure, or grounds shall be noted in writing on PHS Form 6068.

### **36-3.14 VACATING/TERMINATING QUARTERS ASSIGNMENT**

- A. Vacating Quarters - Occupant Responsibility - Occupants must notify the DO of his/her intent to vacate assigned quarters. This written notice must be received by the DO at least 30 days in advance.
- (1) Inspection and Inventory - A pre-termination inspection should be held 10 to 30 days prior to the final inspection to identify conditions which require corrective action (prior to termination) on either the occupant's or the Government's part. A joint inspection and inventory of the quarters and all Government-owned furnishings and equipment will be made by the HO (or his/her representative) and the vacating

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employee, preferably on the day that the quarters are completely vacated. Any apparent damage or loss of inventory or damage to the structure shall be noted as an exception on the Quarters Termination Record, Form PHS 6070B.

- (2) Cleaning of Quarters - Occupants shall be required to leave quarters and immediate premises in a clean, orderly condition, suitable for immediate reassignment. Assignment should not be terminated until this requirement has been satisfied. Quarters left in an unsatisfactory condition may be cleaned by a commercial company at the direction of the HO, in which case the charges are to be recovered from the vacating employee. If desired, the vacating employee may arrange for the cleaning to be done in any other manner acceptable to the HO.

- B. Government Responsibilities - Occupants will be given a minimum of 30 days notice to vacate quarters. The occupant shall be notified in writing as far in advance as possible of the date, the reason for, and any conditions under which assignment is to be terminated.

The subsequent relief of responsibility for quarters (when vacated) shall be documented on the Quarters Termination Record, PHS-6070B. Four copies shall be distributed in the same manner as the PHS-6070A, "Quarters Assignment and Acceptance Agreement." (See section 3.9B.)

### **36-3.15 LIABILITY FOR DAMAGE OR LOSS**

Personnel to whom Government housing and/or furnishings have been assigned shall be held responsible for any loss or damage arising from willful or malicious acts or negligence committed by themselves, their dependents, guests, and/or pets.

- A. Restoration by the Tenant - In cases of loss or damage to real or personal Government property, the occupant may elect to repair or replace the property rather than pay for the loss or damage. Should he/she do so to the satisfaction of the HO, then he/she is relieved of further liability. Repairs or replacement of lost or damaged property in lieu of cash reimbursement is preferred and should be encouraged.
- B. Scale of Charges for Damages and Loss - The housing committee may, subject to the approval of the DO/HO, establish a schedule of charges for specific losses or damage. Alternatively, the charges may be determined by a formula in which the damage or loss is considered equal to the cost of repair or replacement less depreciation. Whatever procedure is used, a list of charges for typical kinds of damage or loss should be available to all occupants. See IHS, Chapter 12, Personal Property Management, 4/29/92, "Reports of Survey." (See Chapter 36-11 APPENDIX L)

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- C. Use of Collected Reimbursements - The ruling that applies to the use of funds collected as reimbursements for loss or damage to Government property states the following: "Section 3617, Revised Statutes, requires the gross amount of all monies received from whatever source for the use of the United States (with certain exceptions not here involved) to be deposited and covered into the Treasury as miscellaneous receipts, and it is well established by a long line of decisions that this question requires all sums collected as damages or reimbursement for expenses of repairs to public property other than that of the Postal Service to be deposited as miscellaneous receipts and prohibits any reimbursement to the appropriation from which the property was purchased, repaired or maintained, in the absence of specific statutory authority therefore." (5 Comp Gen 928, 929, May 21, 1926).

In the Indian Health Service (IHS), rents collected are deposited in a special fund for the maintenance and operation of the quarters, and are available until expended. This is allowed only for IHS in Section 320, Public Law 98-473, dated October 12, 1984. Also see Chapter 13, "Indian Health Manual; Quarters Management," for more details.

- D. Occupant Refusal to Stand the Cost of Repair or Replacement - Whenever the occupant indicates that he/she will refuse to repair or replace damaged or lost property at his/her expense, the HO shall immediately initiate a Report of Survey action in accordance with HHS Materiel Management Manual, Property Subject to Board of Survey Action, Section 103-25.51.