

Army Regulation 405–16

Real Estate

Homeowners Assistance Program

**Headquarters
Department of the Army
Washington, DC
29 September 2016**

UNCLASSIFIED

SUMMARY of CHANGE

AR 405-16

Homeowners Assistance Program

This major revision, dated 29 September 2016--

- o Adds the statutory authority of Section 1001 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, that expanded the Homeowners Assistance Program to include wounded, injured, or ill members of the Armed Forces, Department of Defense and Coast Guard civilian employees, and surviving spouses (para 5).


Real Estate

Homeowners Assistance Program

By Order of the Secretary of the Army:

MARK A. MILLEY
General, United States Army
Chief of Staff

Official:



GERALD B. O'KEEFE
Administrative Assistant to the
Secretary of the Army

History. This publication is a major revision.

Summary. This regulation updates the policy for the administration of the Homeowners Assistance Program, delegates authority, assigns responsibilities, and prescribe procedures. This regulation implements DODD 4165.50E.

Applicability. This regulation applies to the Active Army, Army National Guard/Army National Guard of the United

States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority. The proponent of this regulation is the Chief of Engineers. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency of the proponent agency, in the grade of colonel or civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without the prior approval of the Chief of Engineers (DAEN–ZA), 441 G Street NW, Washington, DC 20314–1000.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the office of the Chief of Engineers (CERE–R), 441 G Street NW, Washington, DC 20314–1000.

Distribution. This publication is available in electronic media only and is intended for command levels C and D for the Active Army, Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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Glossary

Section I

General

1. Purpose

This regulation provides policies and procedures for the administration and execution of the Homeowners Assistance Program (HAP). It assigns responsibilities and delegates authority for this program.

2. References

See appendix A.

3. Explanation of abbreviations and terms

See the glossary.

4. Responsibilities

Responsibilities are listed in section II.

5. Statutory Authority

a. Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, Public Law 89–754 (PL 89–754), (80 Stat. 1255, 1290), as amended, authorizes the Secretary of Defense to provide financial aid to eligible military (including Coast Guard), civilian, certain overseas employees, and nonappropriated fund employee homeowners who have served or have been employed at or near military installations which the Department of Defense (DOD) has ordered to be closed or whose operations have been significantly reduced. Section 1001 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5 (PL 111–5), (123 Stat. 194, 198), expanded the HAP authority to authorize the Secretary of Defense to provide financial aid to wounded, injured, or ill members of the Armed Forces (30 percent or greater disability), wounded DOD and Coast Guard civilian homeowners reassigned in furtherance of medical treatment or rehabilitation or due to medical retirement in connection with their disability, and surviving spouses of fallen warriors.

b. The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) has overall responsibility for the HAP and through the Assistant Secretary of Defense for Energy, Installations, and Environment (ASD(EI&E)), provides oversight for this program. The Secretary of the Army, acting as the DOD Executive Agent, in accordance with DODD 4165.50E, for administering the HAP, uses the Headquarters, U.S. Army Corps of Engineers (HQUSACE) as the executive manager to implement the program. "HAP" as used in this regulation refers to both the authority granted in Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, PL 89–754, and to the HAP authority granted under Section 1001 of the American Recovery and Reinvestment Act of 2009, PL 111–5, both codified in Section 3374, Title 42, United States Code (42 USC 3374).

Section II

Responsibilities

6. Assistant Secretary of the Army (Installations, Energy and Environment)

The ASA (IE&E) will—

- a.* Provide overall policy and program direction for the HAP.
- b.* Approve recommendations for implementation of an HAP at a given location.
- c.* Obtain necessary program approvals under procedures established for the Future Years Defense Program.
- d.* Approve reports required by the Assistant Secretary of Defense (Logistics and Materiel Readiness).
- e.* Review appeals that have been forwarded recommending denial. ASA (IE&E) may approve an appeal but must forward recommendations for denial to the ASD(EI&E) for decision as the senior appeals authority.

7. Assistant Secretary of the Army (Financial Management and Comptroller)

The ASA (FM&C) will advise and assist—

- a.* In supervising and directing the preparation of budget estimates.
- b.* In establishing and supervising the execution of principles, policies, and procedures to follow in connection with organizational and administrative matters relating to—
 - (1) The preparation and execution of the budget.
 - (2) The fiscal cost, operating, and capital property accounting.
 - (3) The progress and statistical reporting.
- c.* In establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by HQUSACE.
- d.* In establishing uniform terminologies, classifications, and procedures concerning budgetary matters.

8. Chief of Engineers

The COE will ensure—

a. The Commanding General, U.S. Army Corps of Engineers (USACE)—

(1) Administers, manages, and executes the HAP in accordance with DODD 4165.50E and Part 239, Title 32, Code of Federal Regulations.

(2) Establishes procedures to implement HAP, which will be subject to review by the ASA (IE&E).

(3) Maintains an HAP central office and one or more HAP field offices to process HAP applications from all military installations.

(4) Accesses whether, as a result of the actual or pending closure of military installations (including Coast Guard), there is a market for the sale of eligible property, upon reasonable terms and conditions, and make recommendations to the ASA (IE&E), as to the implementation of HAP at specific installations in accordance with 42 USC 3374.

(5) Issues guidance regarding available benefits, which will be subject to review by the ASA (IE&E).

(6) Ensures contractor accountability and quality control, with emphasis on potential abuses caused by collaboration between contractors or contractors and applicants.

(7) Maintains necessary records, prepare reports, and conducts audits.

(8) Prepares the Future Years Defense Program and annual budgets for the DOD Homeowners Assistance Fund.

(9) Publishes Army regulations and forms concerning HAP, which will be subject to review by the ASA (IE&E).

(10) Maintains an HAP Web site containing information about eligibility, benefits, and how to apply.

b. The Director of Real Estate, USACE—

(1) Determines the eligibility of each applicant for HAP assistance.

(2) Determines and advises each applicant on the most appropriate type of assistance.

(3) Acquires eligible properties and prescribes policies for sufficiency of title. Determines the amounts to be paid and makes payments or authorizes and arranges for acquisition or transfer of the applicant's property.

(4) Maintains, manages, and disposes of acquired properties or contract for such services.

(5) Establishes and maintains an appeals procedure to ensure each applicant is treated fairly and receives the maximum authorized benefit.

(6) Authorizes redelegation of HAP management responsibilities to the lowest practical level.

(7) Makes and executes on behalf of the United States all deeds, conveyances, or other legal instruments required for the disposal of properties acquired under the HAP. This authority may be redelegated.

(8) Electronically retains and manages documentation relative to each HAP case.

9. Supply of DD Form 1607

Copies of DD Form 1607 (Application for DOD Homeowners Assistance Program) are available from USACE Publication Depot (CEIM-IM-PD), 2803 52nd Avenue, Hyattsville, MD 20781-1102 or at <http://hap.usace.army.mil/HowToApply.html>.

Appendix A References

Section I Required Publications

DODD 4165.50E

Homeowners Assistance Program (HAP) (Cited on the title page) (Available at <http://www.dtic.mil/whs/directives/>.)

PL 89-754

Demonstration Cities and Metropolitan Development Act 1966 (Cited in para 5a.) (Available at <http://www.gpo.gov/>.)

PL 111-5

American Recovery and Reinvestment Act of 2009 (Cited in para 5a.) (Available at <http://www.gpo.gov/>.)

42 USC 3374

Acquisition of property at or near military bases which have been ordered to be closed and certain property owned by members of the Armed Forces, Department of Defense and United States Coast Guard civilian employees, and surviving spouses (Cited in para 8a(4).) (Available at <http://www.uscode.house.gov/>.)

32 CFR 239

Homeowners Assistance Program-Application Processing (Cited in para 8a(1).) (Available at <http://www.gpo.gov/>.)

Section II Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 11-2

Managers' Internal Control Program

AR 25-30

Army Publishing Program

AR 405-10

Acquisition of Real Property and Interests Therein

AR 405-80

Management of Title and Granting Use of Real Property

AR 405-90

Disposal of Real Estate

Section III Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

Except where otherwise indicated below, the following DA Forms are available on the APD Web site (<http://www.apd.army.mil>); DD Forms are available on the OSD Web site (<http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>).

DA Form 11-2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

DD Form 1607

Application for DOD Homeowners Assistance Program

Appendix B Internal Control Evaluation Certification

1. Function

The function covered by this checklist is the administration of the HAP.

2. Purpose

The purpose of this checklist is to assist assessable unit managers and Management Control Administrators in evaluating the key management controls outlined below. It is not intended to cover all controls.

3. Instructions

Answers must be based on the actual testing of key management controls (for example, document analysis, direct observation, sampling, simulation, other). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls must be evaluated at least once every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification).

4. Test questions

a. Has policy/guidance been issued implementing the HAP? If so, was the policy/guidance reviewed by ASD(EI&E)?

b. Has policy/guidance been issued for determining the eligibility of an applicant, calculating benefit payments and reimbursable costs? If so, was the policy/guidance reviewed by ASD(EI&E)?

c. Are procedures in place to assure applications are approved or disapproved appropriately?

d. Are procedures in place to assure that benefits are calculated and paid appropriately?

e. Are procedures in place to assure that applicants make bonafide efforts to sell their homes prior to government acquisition?

f. Have government acquisitions been approved at HQUSACE level?

g. Have applicants been advised of their rights of appeal?

h. Have sufficient funds been received to operate the program?

i. Is documentation retained and managed for each HAP case?

j. Are personnel working the HAP trained in real estate authorities, fiscal law, and anti-deficiency act?

5. Suppression

No previous internal control evaluation checklist exists for this program.

6. Comments

Help to make this a better tool for evaluating management controls. Submit comments to Chief of Engineers (CERE-R), 441 G Street NW, Washington, DC 20314-1000.

Glossary

Section I Abbreviations

ASA (FM&C)

Assistant Secretary of the Army (Financial Management and Comptroller)

ASA (IE&E)

Assistant Secretary of the Army (Installations, Energy and Environment)

ASD(EI&E)

Assistant Secretary of the Defense (Installations, Energy, and Environment)

COE

Chief of Engineers

DOD

Department of Defense

HAP

Homeowners Assistance Program

HQDA

Headquarters, Department of the Army

HQUSACE

Headquarters, U.S. Army Corps of Engineers

USACE

U.S. Army Corps of Engineers

Section II

Terms

This section contains no entries.

Section III

Special Abbreviations and Terms

This section contains no entries.

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