Appendix G

United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

Director's Order #36: National Park Service Housing Management

Approved: _____
Acting Director

Effective Date: 12/5/2009

Duration: This order will remain in effect until amended or rescinded

This Director's Order and Reference Manual 36: "Housing Management" (RM 36), supplement section 9.4.3 in *Management Policies 2006* and supersede all previously published directives and policy-related memoranda regarding NPS Housing Management (see list in section 1, Introduction).

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1. Introduction

The purpose of this Order is to provide accountability, consistency, and continuity to the National Park Service's Housing Improvement Program. This Order clarifies specific provisions

of NPS *Management Policies 2006 (MP 2006)* and establishes specific instructions and requirements concerning the management of NPS housing assets.

This Order must be applied to management actions carried out within the framework of park General Management Plans, Annual Performance Plans, Asset Management Plans, and Housing Management Plans (HMPs). Criteria and standards for implementing this Order will be available in RM 36.

The following guidance documents are superseded and rendered obsolete by this Order and RM 36:

- NPS Employee Housing Management Handbook;
- NPS-76, Housing Design and Rehabilitation Guideline;
- Special Directive 85-2, Home Businesses in National Park System Areas;
- Special Directive 87-5, Required Occupancy of Government Furnished Housing;
- Special Directive 88-4, Employee Housing – Design and Rehabilitation;
- Special Directive 91-2, Guideline for Installing Official Phone Service in Government-owned Housing; and
- Special Directive 92-1, Employee Housing – Lead and Lead-based Paint.

This Order is intended only to improve the internal management of the NPS and is not intended to, and does not, create any right or benefit, substantive or procedural, that is enforceable at law or equity by a party against the United States, its department, agencies, instrumentalities or entities, its officers or employees, or any other person.

2. Background and Objectives

Locations for park housing vary from extremely remote sites to highly populated urban areas. Park housing plays an important role in both protecting public assets and ensuring visitor safety and enjoyment—to which the NPS and its employees have an ongoing commitment. The objective of this Order is to provide guidance in carrying out the Service's commitment to:

- Preserve and protect resources;
- Provide for public enjoyment;
- Provide for public and employee safety and health (see *Management Policies 2006*: 1.9.1.4);
- Protect government and private property;
- Ensure consistency in application and adherence to laws, regulations, and Departmental policies pertaining to Government-provided housing;
- Manage housing with an approach that considers all aspects of park operations, the park mission, and applicable NPS management reform.
- Rely upon the local community to supply current housing whenever feasible;
- Describe clearly the conditions under which housing is required;
- Provide housing that is safe, sanitary and as energy efficient as possible;
- Demonstrate and follow sustainable practices, accessibility standards, and energy efficiency,

especially in renovation of existing housing and construction of new housing;
- Meet NPS housing needs in a cost-effective manner;
- Actively pursue private and public alternatives to onsite NPS housing where it would be economically feasible and meet the park's mission.

3. Authority for this Director's Order

Authority to issue this Order is contained in the NPS Organic Act (16 USC 1- 4) and in delegations of authority contained in Part 245 of the Department of the Interior Manual. The Service's policies on housing (also known as Government Furnished Quarters) are governed by provisions contained in the Department of the Interior Manual and by:

Public Laws

- P.L. 88-459, *The Employees Quarters and Facilities Act* (5 USC 5911);
- P.L 98-473, *Department of the Interior and Related Agencies Appropriations Act of 1985;*
- P.L. 100-446, *Department of the Interior and Related Agencies Appropriations Act of 1989;* and
- P.L 104-333, *Omnibus Parks and Public Lands Management Act of 1996*, Division I, section 814, (16 USC 7o. note);

Office of Management and Budget Circulars

- A-11, *Preparation and Submission of Budget Estimates;*
- A-25, *User Charges;* and
- A-45, *Rental and Construction of Government Quarters*

Other Provisions

- Department of the Interior Housing Management Handbook, and other Department of the Interior policies;
- National Historic Preservation Act; and
- General Services Administration Disposal Requirements.

The National Historic Preservation Act, the National Environmental Policy Act, and the Secretary of the Interior's Standards for the Treatment of Historic Properties have significant bearing on the establishment and implementation of NPS housing policy, especially concerning historic structures used as housing.

Parks must also adhere to the regulations promulgated by the General Services Administration (GSA) concerning the utilization and disposal of real property, as found in the Federal Management Regulation (41 CFR Subtitle C, Part 102, Subchapter C -- Real Property), and to section 501 of the McKinney-Vento Homeless Assistance Act (42 USC 11411).

4. Housing Management Policy

The following excerpts are from the NPS *Management Policies 2006.* These provisions specifically govern housing management for NPS employees and other who utilize NPS housing:

> ***9.4.3 Employee Housing***
> *The Park Service will generally rely on the private sector to provide housing for NPS employees. If reasonable price and quality housing is not available in the private sector, the Service will provide only the number of housing units necessary to support the NPS mission.*
>
> *Occupancy may be permitted or may be required to provide for timely response to park protection needs, to ensure reasonable deterrence to prevent threats to resources, and to protect the health and safety of visitors and employees. Acceptable and appropriate locations for employee housing will be determined based on these prevention or response services provided for the benefit of the government in meeting the NPS mission.*
>
> ***9.4.3.1 Housing Management Plan***
> *A housing management plan will be prepared and updated every three to five years to determine the necessary number of housing units in a park. Park superintendents are accountable to their regional directors for employee housing in their parks. Regional directors are responsible for approval of park housing management plans and ensuring the consistent application of Service-wide housing policy.*
>
> ***9.4.3.2 Eligible Residents***
> *Park housing will be provided for persons who are essential to the management and operation of the park. These may include not only NPS employees, but also concession employees, volunteers in the parks, Student Conservation Association volunteers, researchers, essential cooperators (for example, schoolteachers, health personnel, contractors, state or county employees), and employees of another federal agency.*
>
> ***9.4.3.3 Historic Structures***
> *The use of historic structures for housing is encouraged when NPS managers determine that this use contributes to the preservation of these structures, and after feasible cost-effective alternatives have been considered.*
> *(See Use of Historic Structures 5.3.5.4.7; Adaptive Use 9.1.1.4)*
>
> ***9.4.3.4 Design and Construction***
> *Because of location, use, and other unique factors, special design concerns must be considered for housing constructed in parks. Housing must be designed to be as much a part of the natural or cultural setting as possible, yet it must be well built, functional, energy efficient, and cost-effective. The design of park housing will minimize impacts on park resources and values, comply with the standards for quality design, and consider regional design and construction influences. Value analysis principles will be applied in all NPS housing construction projects. Design costs will be kept to a minimum by using designs from the NPS Standard Design Catalog and a cost model.*

(See Facility Planning and Design 9.1.1. Also see Reference Manual #36: Housing Management, and #90: Value Analysis)

5. Operational Procedures

5.1 Reference Manual

RM 36: "Housing Management" replaces the Employee Housing Management Handbook and serves as a supplement to this Order. The RM contains comprehensive guidance and criteria to assist park managers in managing the housing program.

5.2 Roles and Responsibilities

5.2.1 Director. The Director is responsible for implementing the Secretary of the Interior's objectives. The Director approves any requests for certification of housing need. The Director reviews certain construction projects and ultimately approves all requests prior to construction.

5.2.2 Service-wide Development Advisory Board (DAB). The Service-wide Development Advisory Board (DAB) reviews and provides recommendations on construction projects. Housing Initiative Fund projects that use non-standard designs or estimates that exceed established thresholds require DAB review.

5.2.3 Associate/Assistant Directors. Associate and Assistant Directors provide guidance in their respective areas of responsibilities such as human resources, labor relations, budget, cultural resources, and integrated pest management.

5.2.4 Associate Director, Park Planning, Facilities and Lands. The Associate Director, Park Planning, Facilities and Lands is accountable for adhering to the laws and regulations that govern the Housing Improvement Program. The Associate Director is responsible for preparing and issuing RM 36 to further explain the application of such laws and regulations. The Associate Director allocates funds for projects under the Housing Improvement Program based on Service-wide rating criteria, approves all requests for new and replacement housing units, and holds the WASO Housing Office responsible for providing updated housing guidance to the field.

5.2.4.1 WASO Housing Office. The WASO Housing Office develops and interprets Service-wide policies and procedures; provides program guidance, training and direction to the field; prepares RM 36; and provides necessary RM updates to the field. The WASO Housing Office provides consistency with DOI policy and guidance on the acquisition, management, maintenance and disposal of government housing; rent setting, rent collection, and disposition of funds; eviction criteria and recommended procedures; and recommendations for housing design, construction, and rehabilitation.

5.2.5 Regional Directors. Regional directors are responsible for the consistent application of the overall housing program within their region and are accountable for adhering to the laws

and regulations that govern the Housing Improvement Program. In addition, they are responsible for ensuring that each park has an approved HMP that identifies and justifies the number of housing units necessary to support the mission of the park. Performance measures for superintendents will be used to ensure compliance with NPS housing policy, cost effectiveness, and proper use of funds. Regional directors will approve all required occupancy determinations and HMPs, and will certify the number of housing units necessary to support the mission of each park. Regional directors can concur and recommend new and replacement housing; however, only the Associate Director, Park Planning, Facilities and Lands, can approve such requests on behalf of the Director.

5.2.6 Superintendents. Superintendents are responsible for the management and implementation of the overall park housing program. This includes, but is not limited to, establishing acceptable levels of response time and determining and recommending to their regional director and WASO the number of mission-critical housing units. The superintendent also ensures that all programs with required occupancy needs have input in determining necessary levels of protection in required occupancy and response time determinations that impact housing decisions.

5.2.7 Tenants. Tenants are responsible for reviewing the housing assignment agreement for accuracy. They must keep the housing unit and premises in a clean and safe condition and notify the Park Housing Office of any unsafe conditions. Tenants must be familiar with and adhere to park policies and regulations, as well as to the terms of the signed housing rental agreement.

5.3 Accountability and Planning

Housing management accountability will be established through the following:

5.3.1 Housing Management Plan (HMP). An HMP is a document containing the rationale for existing housing, acquiring new housing and upgrading or replacing substandard housing in a park area. Each superintendent with housing will complete an HMP and recommend for approval. Regional directors will approve all HMPs. An HMP will be prepared and updated at least every 5 years. If significant changes occur, parks should update their plans as soon as practical and not wait for the fifth year. Significant changes may include, but are not limited to, staffing needs, local market, acquisition of in-holdings, and boundary expansion.

To ensure the plan contains necessary information, parks will be required to use a certain format (see RM 36). Among the main components of an HMP are the Housing Needs Assessment, which documents the legitimate need for housing, and the Required Occupancy Plan, which documents the staff needed to occupy government housing in order to respond to emergencies that cannot be accomplished otherwise. Specific details related to the Housing Needs Assessment process can be found in RM 36, 3.5.

5.3.2 Alternatives to Government Housing. Superintendents will fully explore and pursue alternatives to government housing, including leasing, private/public partnerships, and cost sharing. (See Director's Order #89: Acquisition and Management of Leased Space, and Director's Order #38: Real Property Leasing.) Superintendents will ensure that viable, cost

effective and appropriate options to on-site living or on-site construction are explored and implemented when found suitable. All alternatives considered must be documented in the park's HMP.

5.3.3 Housing Initiative Funds. Housing Initiative Funds are non-ONPS funds approved for distribution by the Associate Director, Park Planning, Facilities and Lands and distributed to the field through the WASO Budget Office. Housing Initiative funding will be used in support of the Housing Improvement Program for the replacement of trailers and/or obsolete housing, major rehabilitation of existing housing, and/or the removal of excess housing.

Where supplemental funding is provided to address the upkeep, construction, rehabilitation or removal of housing, the budget requests are to be reviewed by the Associate Director, Park Planning, Facilities and Lands. Policies and procedures for the allocation and use of such funds will be in accordance with the specific policies and procedures established for the fund source, as well as in accordance with the uses specified in the NPS Budget Justifications and subsequent appropriations approval processes for the fund source/budget activity. No funds are to be expended from such sources for housing projects unless they comply with the NPS housing policy.

5.3.3.1 Value Analysis. The NPS will use the principles of value analysis as a management tool in planning, design, construction, and rehabilitation of housing units. The value analysis process provides a structured approach to verify that functional needs are met and that all viable alternatives are considered. Elements of the value analysis include Life Cycle Cost Analysis and Cost-Benefit Analysis. (See Director's Order #90: Value Analysis.)

5.3.3.2. NPS Housing Construction Cost Model. The National Academy of Public Administration (NAPA), in their July 1998 report to Congress, recommended that the NPS use standardized housing designs and adapt the "Military Family Housing Tri-Service Cost Model and Site Work Cost Model" for developing cost estimates for new NPS housing. NPS adapted the Military Cost Model to meet our construction needs with the concurrence of the National Association of Home Builders (NAHB). Estimates that deviate from the NPS cost model thresholds must be approved by the DAB. (See RM 36.)

5.3.3.3. NPS Housing Rehabilitation Cost Model. The NPS Rehabilitation Cost Model was designed and patterned after the NPS Housing Construction Cost Model. No housing rehabilitation project can be funded over the established rehabilitation thresholds or the allowable rehabilitation cost estimate, whichever is greater, unless there are special circumstances which must be approved by the WASO Housing Office. Proposed changes to the rehabilitation thresholds will be prepared by the WASO Housing Office to account for inflation or significant changes in market conditions and reviewed and approved by the Associate Director, Park Planning, Facilities, and Lands.

5.3.4. Housing Rental Income. Superintendents must ensure that proper rents are collected consistent with the Office of Management and Budget (OMB) Circular A-45 (Revised), October 20, 1993, through the official database in accordance with Departmental guidelines and payroll deduction, as appropriate. Rental income must be dedicated exclusively to the maintenance and

operation of park housing as set forth in Public Law 98-473 (5 USC 5911 note). Rental income will be used to maintain housing units in good condition prior to use for other housing program costs.

5.3.4.1 Income and Expenditure Report. Each superintendent will complete an annual Income and Expenditure Report, detailing the income, expenditure, disposition and projection of all rental income. This report will provide documentation of work requirements, including those projects that exceed available housing income funds and should be included in the park Housing Management Plan. These annual reports will be maintained in the park as part of the program's recordkeeping requirement (see section 5.3.8) and made available to the WASO Housing Office upon request. (See RM 36.)

5.3.5 Competencies for Key Staff. Each key person responsible for the management of housing will be knowledgeable in the application of laws, regulations, policies, software systems, rent settings, etc. to ensure accountability for their specific housing responsibilities.

5.3.6 Performance Measures. Performance measures for superintendents, as implemented by the regional directors, will be used to ensure compliance with NPS Housing Policy, cost effectiveness, and proper use of funds.

5.3.7 Certification of Housing Inventory. Certification of park housing needs will be justified based on established criteria using a web based application with the assistance of an independent contractor. The results will be reviewed and approved by region and WASO. Once the assessment is conducted and approved, the results are final. The outcomes will then be associated to total cost of ownership. Re-certifications may be warranted only if there is a change in the park mission, market area (documentation needed), park boundary changes, etc. All subsequent re-certifications must be completed with the assistance of an independent contractor using the Housing Needs Assessment application and will require pre-approval by the NPS Director. Parks will be responsible for all costs associated with subsequent re-certifications. Rental income may be used to accomplish subsequent re-certifications.

5.3.8 Records Management Requirements. Superintendents will maintain an accurate and current records system for housing management in accordance with Director's Order #19: Records Management. Documents and records will be used to demonstrate compliance with this DO and all applicable laws and standard operating procedures. (See RM 36, Section 8.1.2 on Records Management.)

5.4 Determination of Eligible Residents

The NPS will provide housing for its workforce after feasible cost-effective alternatives have been explored and documented. Determinations will be based on the number of available units and the number of employees needed to be housed in order to fulfill the park mission. A determination to provide housing can be made if at least one of the following reasons applies: (1) to render necessary services, (2) to protect government property, or (3) because adequate housing is not available for sale or rent within a reasonable commuting distance. Park housing will be provided to those who perform specific functions that are necessary to the management and

operation of the park. (See OMB Circular A-11.)

Consistent with section 9.4.3.2 of *Management Policies 2006*, eligible residents may include NPS employees, concession employees, volunteers, researchers, essential cooperators and employees of another Federal agency. Superintendents will use Service-wide criteria and standards in making these decisions. (See RM 36.)

Those NPS employees assigned housing as a condition of employment are referred to as *required occupants* because their positions require them to reside in government housing. Their physical presence is required within a specific geographic area to provide a timely response to emergencies involving human life and safety and/or park resources, and to provide a reasonable level of deterrent protection. As a result, most injuries that occur to required occupants in or around their park housing would be covered by workers' compensation. (See RM 36.) Protection activities may involve law enforcement, visitor assistance, resource protection, facility management, or other functions which support the park mission. It is the responsibility of the superintendent to recommend to the regional director and WASO for approval, the number of staff required to live at the park to meet the desired levels of safety, deterrence, protection and emergency response. Regional directors must approve required occupancy determinations.

In rare cases a superintendent might be considered a required occupant, but only where he/she is fulfilling an emergency response activity related to a condition of employment. That activity would also need to be articulated in their position description. In these rare circumstances, approval for the required occupancy would be at the Director level.

Permitted occupants are those that are assigned housing to provide a reasonable level of deterrent protection, to ensure the preservation of historic structures after all alternatives are explored or while alternatives are being explored, or due to remoteness of a park or unavailability of housing in local communities to meet permanent and seasonal staffing needs. These are non-required occupants and residing in housing is not a condition of employment.

5.5 Historic Structures

The National Historic Preservation Act (16 USC 470h-2(a)(1)) and Executive Order 13006 require each Federal agency—prior to acquiring, constructing, or leasing buildings—to use, to the maximum extent feasible, historic properties available to it whenever operationally appropriate and economically prudent. The Act also requires each agency to implement alternatives for the adaptive use of historic properties it owns, if that will help ensure the properties' preservation. Consequently, use of historic structures for housing is encouraged when park management determines that such use contributes to preservation and when cost-effective or appropriate alternatives for use of the historic structure, such as leasing, have been considered and documented. HMPs must contain documentation on considered alternative uses of historic structures and a decision process documenting the number of historic structures needed as housing. While analysis of alternatives is pending, use of historic buildings as housing may continue, to ensure that the structures are not vacant and that their resources are not unnecessarily threatened.

6. Asset Management

Housing will be managed in accordance with accepted real property asset management principles found in Director's Order #80: Real Property Asset Management. As a real property asset, housing stock will be managed according to life-cycle management practices and principles and accounted for in the official NPS accounting and property systems. When housing is linked to a park's mission through Asset Management Plans, park managers can make sound decisions regarding their park's total portfolio of real property.

6.1 Standards for Housing

Use of standardized guidelines to determine the condition of assets will enable managers to prioritize actions that improve operational and financial management, and make life-cycle cost estimates associated with the prioritized actions. (See Director's Order #80: Real Property Asset Management.) NPS housing will be safe and sanitary, sited to avoid natural hazards, integrated into the park environment, and, to the best extent possible, energy efficient and cost-effective to maintain. In addition to federally mandated laws and regulations, parks must comply with applicable local laws and regulations pertaining to health, safety, fire and accessibility. (See RM 36.)

It is important to ensure that sub-standard housing is eliminated or upgraded and that quality, well-designed, long-term housing facilities with full life-cycle cost considerations are properly constructed, rehabilitated, and maintained. Sustainable practices must be incorporated in planning, design, facility-siting, construction, and maintenance of housing units, to the maximum extent practicable.

6.1.1 Accessibility. Housing must be accessible to, and usable by, persons with disabilities based on the requirements of applicable Federal, state and local laws. Whenever rehabilitation or alteration of existing housing units alters elements, spaces, essential features, or common areas, each such altered aspect must consider the modification necessary to help accomplish the requirements for the entire housing area. (See Director's Orders ##16A and 42, and RM 36.)

6.2 Standard Designs

The NPS will employ standard housing designs as a key part of its strategy for improved planning, design, and construction of employee housing. Exceptions to standard designs will be considered on a case-by-case basis. To facilitate this effort, the WASO Housing Office will maintain a catalog of prototypical or standardized house plans (NPS Prototype Design Catalog) that can be easily adapted to various park sites. Any deviation must be reviewed in accordance with current NPS or DOI and/or DAB policy.

Designs must be flexible to allow adaptation to unique conditions of the locations in which they will be constructed, i.e. park theme and/or park visual quality and to cultural/historic influences, climatic variations, the physical site and the principles of sustainable design. In addition, the designs should accommodate either pre-manufactured or site-built construction.

Manufactured homes may be considered as cost-effective housing options. Manufactured and off-site constructed buildings for the NPS as housing must meet the same specifications and design criteria as all new housing construction.

6.3 Trailers and Mobile Homes

Trailers and mobile homes must not be considered a permanent solution to housing needs. They may be obtained only for temporary use when situations warrant, such as a special emergency need. Prior approval of the Associate Director, Park Planning, Facilities and Lands is required. After removal/replacement, continued use of trailers and mobile homes as housing is not authorized.

7. References

It is important to note that comprehensive housing management must consider other policies and guidelines specific to individual park missions and relevant program areas. Additional information and cross references may be found in Chapter 2 of RM 36.

----------*End of Director's Order*---------