

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**

**AIR FORCE INSTRUCTION 32-9002**

**3 AUGUST 2017**



**CIVIL ENGINEERING**

**MANAGEMENT OF REAL PROPERTY**

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OPR: AFCEC/CIT

Certified by: SAF/IEI  
(Ms. Jennifer L. Miller, SES)

Supersedes: AFI32-9002, 22 November 1993

Pages: 21

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This instruction implements AFD 32-90, *Real Property Asset Management*. It provides guidance on the effective management of real property to include periodic review of installation boundaries, how to efficiently use land and facilities, and how to manage annexations and changes in jurisdictions. It applies to real property holdings in the United States, its territories and foreign nations. This AFI does not apply to Air Force Plants– Defense Industrial Reserve Property. This AFI may be supplemented at any level, but all supplements that directly implement this Instruction must be routed to SAF/AA for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through Major Command (MAJCOM) publications/forms managers. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“(T-0).”, (T-1)., (T-2)., (T-3).”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW the Air Force Records Disposition Schedule (RDS) in the Air Force Records Information Management System (AFRIMS). The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

***SUMMARY OF CHANGES***

This publication is substantially revised from the original instruction and must be completely reviewed. Major changes include: removes requirement for annual land use surveys; removes approval authorities; removes facility conversion policy; adds installation boundary guidance; adds requirement for annual ingrant and outgrant compliance inspections; adds guidance on proposed annexations and federal jurisdiction; and adds guidance for real property interests held in foreign nations.

This revision updates and replaces AFI 32-9002, *Use of Real Property Facilities*, 22 November 1993, in its entirety.

## Chapter 1

### MANAGEMENT OF AIR FORCE REAL PROPERTY

#### 1.1. General Guidelines. Maximize efficient and effective use of AF real property.

1.1.1. Comply with current strategic basing requirements IAW AFI 10-503, *Strategic Basing*.

1.1.2. Comply with the current base Installation Development Plan (IDP) showing efficient use of assets, both current and future, as well as projected peacetime and wartime/contingency real property requirements.

1.1.3. Review real property holdings annually to identify unutilized, underutilized, or excess properties.

1.1.4. Maintain, on behalf of the Air Force, an accurate and complete real property inventory IAW DoDD 4165.06, *Real Property*, DoDI 4165.70, *Real Property Management*, and DoDI 4715.14, *Operational Range Assessments*. A complete real property inventory consists of all sites, including all lands and facilities, for which the Air Force has real property accountability, regardless of the organization using or funding the facility or land. Reference: AFI 32-9005, *Real Property Accountability and Reporting*

1.1.5. Maintain historical files for legislative jurisdiction, annexation, boundary surveys, annual compliance inspections, etc.

1.1.6. Be familiar with all DoD-controlled real property within the installation commuting area (50-mile radius).

1.1.7. Real property should not be used to promote political causes, issues or candidates.

1.1.8. Any real property in the inventory or accepted into the inventory (whether programmed for demolition or acquired as a result of an on-going base realignment and closure, consolidation, etc.) will be maintained (to include caretaker responsibilities) until final disposition of that property.

#### 1.2. Roles & Responsibilities.

1.2.1. Assistant Secretary of the AF for Installations, Environment and Energy (SAF/IE). Responsible for the formulation, review, and execution of plans, policies, programs and budgets for installations, environment, safety infrastructure, and energy.

1.2.2. Deputy Assistant Secretary of the AF for Installations (SAF/IEI). Provides overall guidance and direction for real estate management, privatization, installation planning, basing, base realignment and closure (BRAC), environmental impact analysis, encroachment management, and community partnerships.

1.2.3. Deputy Assistant Secretary of the AF for Environment, Safety and Infrastructure (SAF/IEE). Provides overall guidance and direction for all AF real property life-cycle management, military construction, military housing, environment, safety, and occupational health.

1.2.4. Secretary of the Air Force General Counsel for Installations, Energy and Environment Law (SAF/GCN). Provides legal advice and counsel to SAF/IE, SAF/IEE, SAF/IEI, and AFCEC/CI on real estate decisions. Instrumental in developing and evaluating changes to standard real estate templates for AF use.

1.2.5. AF Director of Civil Engineers (HQ AF/A4C). Establishes procedures, controls, and reporting for real property (RP) accountability (Integrated Data Call, Office of the Secretary of Defense (OSD) Facility Sustainment Model (FSM), Plant Replacement Value (PRV), etc.).

1.2.6. AF Installation and Mission Support Center (AFIMSC). Responsible for resource advocacy for Air Force real property accountability and reporting, acquisition, and divestiture activities.

1.2.7. Air Force Civil Engineer Center Installations Directorate (AFCEC/CI). Responsible for all AF real property acquisition, management, and disposal actions.

1.2.8. AFCEC/CI Real Estate Management Division (AFCEC/CIT). Provides guidance to MAJCOMs and Installations (see 1.2.11.1 and 1.2.11.2. for exceptions) relating to real property management and real estate transactions.

1.2.9. AFCEC/CIT operating location for US Air Forces in Europe (USAFE) (AFCEC/CFE). The primary point of contact for all AF real estate actions in foreign countries within USAFE and US Air Forces in Africa (AFAFRICA).

1.2.10. AFCEC/CIT operating location for Pacific Air Forces (PACAF) (AFCEC/CFP). The primary point of contact for all AF real estate actions within PACAF including all foreign countries, Alaska and Hawaii.

1.2.11. Major Command. Provides mission and/or operational endorsement of any proposed real estate action. The intent of the endorsement is for the MAJCOM to ensure all proposed real estate actions are in the best interest of the Air Force and do not conflict with any basing or strategic planning actions at the MAJCOM level.

1.2.11.1. Reserve Command [Air Force Reserve Command (AFRC)]. Provides guidance and endorsement to Reserve Installations relating to real estate transactions.

1.2.11.2. Reserve Command [Air National Guard (ANG)].

1.2.11.2.1. National Guard Bureau (NGB) for Air National Guard (ANG). NGB acts as both a Headquarters and MAJCOM (MAJCOM) on the behalf of ANG. Provides guidance and endorsement to ANG Installations relating to real estate transactions; determines the facilities necessary to accomplish mission and unit stationing for the components of the National Guard; and a channel of communication between Department of the Air Force and the states. Reference 10 United States Code (10 USC) 10501, *National Guard Bureau*

1.2.11.2.2. Installation Commander for ANG. Overall responsibility for the efficient and effective use Installation real property.

1.2.11.2.3. United States Property and Fiscal Officer (USPFO) for ANG. Appointed by Governor of each State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands with concurrence from Chief of the NGB and the approval of Secretary of the

Air Force and Secretary of the Army to serve as property and fiscal officer of that jurisdiction. Serves as Real Property Accountable Officer (RPAO) (on title 10 orders) and can appoint an Assistant USPFO for real property and funds. Provides concurrence on federal property acquisitions and disposals. Supervises the acquisition and accountability of the States for Federal property issued to National Guard. The USPFO also addresses official audit reports to mitigate identified deficiencies. Reference Title 32 USC 708, *Property and Fiscal Officers*, ANGI 36-2, *United States Property and Fiscal Officer Appointment, Duties, and Responsibilities* and DoDI 1200-18, *The United States Property and Fiscal Officer (USPFO) Program*

1.2.12. Installation Commander. Overall responsibility for the efficient and effective use of Installation real property and will:

1.2.12.1. Appoints a Real Property Accountable Officer (RPAO) by special order (G-Series) to oversee the integrity of the installation real property inventory. **(T-1)** The RPAO may be the Base Civil Engineer, an officer, a non-commissioned officer, or a U.S. citizen federal employee. Contractors are not authorized to be RPAOs. Reference AFI 32-9005, *Real Property Accountability and Reporting*

1.2.13. Base Civil Engineer (BCE). Reviews all proposed real property actions for impacts to current AF real property and recommends any proposed alternatives to the Installation Commander. Manages, oversees and accounts for the Installation's real property inventory. **(T-1)**

1.2.14. Real Estate Office (REO)/Real Property Office (RPO). Ensures proper preparation of all real property action requests. Engages directly with AFCEC/CIT (except as noted in 1.2.11.1 and 1.2.11.2.). Maintains the official file for all installation real property actions to include executed agreements and supporting documentation.

1.2.15. United States Army Corps of Engineers (USACE). USACE serves as custodian of AF real property records (relating acquisition, disposition or temporary use), may provide technical support services as needed (title, surveys, appraisals, etc.), and may serve as real estate agent for AF installations (condemnations, relocation assistance, etc.) when requested.

1.2.16. General Services Administration (GSA). GSA provides leasing services outside of the installation, serves as the real estate agent for DoD disposals, and may provide technical support services (title, surveys, appraisals, etc.) when requested and available.

**1.3. Special Considerations.** Additional procedures for management of real property may apply to property:

1.3.1. Classified as general purpose space off the installation (controlled by GSA).

1.3.2. Currently classified as excess or scheduled for closure or disposal. Reference AFI 32-9004, *Disposal of Real Property*

1.3.3. Classified as industrial facilities. Reference AFI 63-609, *Managing Industrial Facilities* and other related AFI's

1.3.4. Classified as Intercontinental Ballistic Missile Sites or commercial space launch control facilities. Reference Title 51 United States Code (51 USC), *National and Commercial Space Programs*

1.3.5. Awaiting BRAC action completion. Reference Title 10 USC 2687, *Defense Base Closure and Realignment Act of 1990* (Public Law 101-510) or as amended

**1.4. Facility Files Maintenance.** RPAOs will establish, maintain and secure a file (hard copy), IAW AF RDS, with the following information until the entire installation is closed: **(T-1)**.

1.4.1. Initial acquisition or change documentation (for example, DD Forms 1354 and associated RPIE documentation, AF Forms 123, McKinney Act submission, AF Form 300).

1.4.2. Inventory inspection form, database change input screen shot, and parent journal voucher log. Also complete the Asset Review Tab within the Accountable Property System of Record (APSR).

1.4.3. Facility Manager appointment letter or list of current Facility Managers within file plan.

1.4.4. Utilization information of pertaining facility (for example, Facility Board (FB)/space utilization meeting minutes/approval, space studies). Reference AFI 32-10142, *Facilities Board* and ANG reference ANGI 32-1003, *Facility Board*

1.4.5. Historic outgrants for facility and miscellaneous documentation (for example, correspondence, environmental documentation).

1.4.6. Map or visual representations (for example, boundary maps, legislative jurisdiction maps, photographs, floor plans).

**1.5. Grant Files Maintenance.** A file will be established IAW AFRIMS and maintained within RPAO custody until entire installation closure for each grant (on AF property or ingranted facilities) to include the following information: **(T-1)**.

1.5.1. Grant with any amendments. Proof of current insurance (self-insured or certificate).

1.5.2. Initial justification and support documentation (for example, FB approval, AF Form 813, strategic basing approval, McKinney Act submission for outgrant leases, delegated authority memorandum).

1.5.3. Inventory/compliance inspection form. Rental payments reconciliation (copy of real property revenue log). Inventory database change screen shots.

1.5.4. Utilization information (for example, FB/space utilization approval for use changes, space studies).

1.5.5. Miscellaneous documentation (correspondence, environmental documentation). If the environmental documentation is too large to include in file, attach a memorandum for record stating exact location of documentation.

1.5.6. Map or visual representations (maps, photographs, floor plans).

1.5.7. All grants, CONUS and OCONUS must be entered into the APSR and associated to an Real Property Unique Identifier (RPUID).

## Chapter 2

### LAND AND FACILITY USE MANAGEMENT

#### 2.1. Boundary Surveys.

2.1.1. All boundaries for AF Installations and/or sites will have a legal description certified by a licensed surveyor.

2.1.2. A copy of the boundary survey will be kept by the RPAO.

2.1.3. The BCE will ensure a new boundary survey is accomplished upon any acquisition or disposal of land or any time the boundary cannot be verified.

2.1.3.1. If an acquisition or disposal has occurred and a boundary survey was not accomplished at that time, a boundary survey will be programmed immediately.

2.1.3.2. Provide the local district office of the USACE a copy of any updates to the installation boundary survey.

**2.2. Boundary Inspections.** Boundary inspections will be accomplished annually to identify possible encroachments or security issues. The BCE is responsible to assert the accomplishment of boundary inspections annually. **(T-1)**.

2.2.1. The BCE is responsible to report encroachment or security issues immediately through chain of command to the Installation Commander. **(T-1)**.

2.2.2. Document inspection and any findings in boundary facility folder. **(T-1)**.

**2.3. Retaining USAF-owned Property.** USAF-owned property will be retained when it:

2.3.1. Supports current or planned missions authorized by the AF, DoD, or another Federal agency.

2.3.2. Is being used effectively, is necessary to satisfy current or projected peacetime needs, or is needed to meet wartime/contingency requirements.

2.3.3. Is essential to protect mission sustainability, flexibility, operational changes, changes in equipment types, mobilization for a national security emergency, or for research and development of future defense or weapons systems.

2.3.4. Serves as a buffer to protect from encroachment, safety zones, projected sea level rise, storm surges, inundation, and/or flooding.

**2.4. Managing Real Property Facilities.** Ensure facilities are efficiently used. The RPO is responsible for working collaboratively with the BCE, facility user, base environmental and planning offices to ensure facilities meet the following requirements:

2.4.1. AFMAN 32-1084, *Facility Requirements*, to establish space shortages and overages and facility deficiencies.

2.4.1.1. ANG, ANGH 32-1084, *Facility Space Standards*

2.4.1.2. AFRC, AFRCH 32-1001, *Standard Facility Requirements*

2.4.1.3. Facility and facility components are properly identified IAW AF Category Code Book. The AF Category Code Book can be located on the AFCEC/CIT Sharepoint <https://afcec-portal.lackland.af.mil/sites/CI/cit/accountability/Forms/AllItems.aspx?RootFolder=%2Fsites%2FCI%2Fcit%2Faccountability%2FFinancial%20Improvement%20and%20Audit%20Readiness%20%28FIAR%29%2FFIAR%20Existence%20and%20Completeness%20SITE%20VISITS%20Aug%2DDec%202015%2FAF%20CATEGORY%20CODE%20BOOK%20FEB%2016&InitialTabId=Ribbon%2EDocument&VisibilityContext=WSSTabPersistence>

2.4.2. Minimum antiterrorism requirements found in DoDI 2000.16, *DoD Antiterrorism Standards*, UFC 4-010-01, *DoD Minimum Antiterrorism Standards for Buildings*, and Department of Homeland Security's Interagency Security Committee, *The Risk Management Process for Federal Facilities*.

2.4.3. Keep records of facility use in comparison with facility requirements.

2.4.4. Document any discrepancies and notify BCE.

2.4.5. Make presentations to the installation FB on facility retention, use, improvement, replacement, or acquisition recommendations.

2.4.6. Dispose of excess facilities IAW AFI 32-9004, *Disposal of Real Property*.

**2.5. Changing the Use/Category Code of Facility.** The RPO with concurrence of using activity, gaining activity, base environmental and community planning office presents the proposed change in use to the FB. Use the FB meeting minutes to record approval or disapproval of the change. All category code changes must be documented on an AF Form 123 signed by the appropriate approval authority. **(T-1)**.

2.5.1. The use and category code of a facility will be requested to change when there is a shortage of facility space that may be met with underutilized space from another category code. **(T-1)**. Reference AFI 32-9005, *Real Property Accountability and Reporting* and AFI 32-1032, *Planning and Programming Appropriated Fund Maintenance, Repair, and Construction Projects*

2.5.2. Approval Authority. Installation commanders approve all change in use except:

2.5.2.1. Munitions and Maintenance Facilities. To request changes in use of munitions storage and maintenance facilities that would reduce clear zone siting for weapons or munitions and support items, forward to AF Form 123 to AFCEC/CIT. AFCEC/CIT will forward the AF Form 123 through MAJCOM to HQ USAF/A4LW for approval. **(T-1)**.

2.5.2.1.1. ANG must request changes of munitions and maintenance facilities through NGB to AFCEC/CIT for HQ USAF/A4LW approval. **(T-1)**.

2.5.2.2. Family Housing. Facilities cannot be converted to or acquired as military family housing units unless the number of units to be converted or acquired has been specifically authorized by law. **(T-0)**. Reference 10 USC § 2822, *Requirement for Authorization of Number of Family Housing Units*

2.5.2.2.1. For permanent conversion (change in use) of family housing units to other use, route an Installation Commander signed conversion request (to include



coordination with receiving organization) and an AF Form 123, through AFIMSC to HAF/A4C for SAF/IEE approval. **(T-1)**. Reference: AFI 32-6001, *Family Housing Management*

2.5.2.2.2. For temporary changes in use (diversion) of less than three years, the Installation Commander approves IAW AFI 32-6002, *Family Housing Planning, Programming, Design, and Construction*. Diversions of non-surplus family housing for use by an unaccompanied Key and Essential personnel are the only temporary changes in use allowed. **(T-1)**. This authority does not apply to ANG.

2.5.2.3. Unaccompanied Housing. For change in use of permanent-party unaccompanied housing facilities identified on the Dormitory Master Plan, route an Installation Commanders signed change in use request, the AF Form 123 and support documentation through AFIMSC to HQ AF/A4C for approval. **(T-1)**. Reference: AFI 32-6005, *Unaccompanied Housing Management*

2.5.2.3.1. ANG must request unaccompanied housing facility change in use through NGB. NGB will coordinate proposed changes with AFIMSC and forward to AFCEC/CIT for HQ AF/A4C approval. **(T-1)**.

2.5.2.4. New Facilities. For new facilities, do not change the use that was justified on DD Form 1391, Military Construction Project Data, until two years after project completion and beneficial occupancy. However, if a change in use is necessary because of base mission or other overriding needs, send AF Form 123 through AFCEC/CFS to AF/A4C for approval and congressional notification. **(T-1)**.

2.5.2.5. Morale, Welfare, and Recreation (MWR). For all recreation centers or facilities constructed or purchased with nonappropriated funds, send AF Form 123 to AFCEC/CIT. AFCEC/CIT will send AF Form 123 to AFSVA for coordination and approval. **(T-1)**. Reference AFI 34-101, *Air Force Morale, Welfare, and Recreation (MWR) Programs and Use Eligibility*

2.5.2.5.1. ANG must request change of use to MWR facilities through NGB. NGB will forward AF Form 123 to AFSVA for coordination and approval. **(T-1)**.

2.5.2.6. Religious Facilities. To change the use of religious facilities, send AF Form 123 to AFCEC/CIT. AFCEC/CIT will send AF Form 123 to USAF/HCP, Personnel, Budget and Readiness ([usaf.pentagon.af-hc.mbx.af-hcp-workflow@mail.mil](mailto:usaf.pentagon.af-hc.mbx.af-hcp-workflow@mail.mil)) for USAF/HC approval. **(T-1)**.

2.5.2.6.1. ANG must request change in use of religious facilities through NGB. NGB will send AF Form 123 to USAF/HCP, Personnel, Budget and Readiness ([usaf.pentagon.af-hc.mbx.af-hcp-workflow@mail.mil](mailto:usaf.pentagon.af-hc.mbx.af-hcp-workflow@mail.mil)) for USAF/HC approval. **(T-1)**.

## **2.6. Annual Grant Compliance Inspections.** The RPO is responsible to:

2.6.1. Ensure all installation ingrats and outgrants will be physically inspected each year for compliance with the terms of the granting agreement and to verify continued use is warranted. **(T-1)**.

2.6.2. Review ingrats for continual operational needs. **(T-1)**. Reference AFI 32-9004, *Disposal of Real Property*

2.6.3. Ensure outgrant insurance requirements are current and sufficient to cover risk to the AF. **(T-3)**.

2.6.4. Ensure payments are made on time IAW the ingrant or received IAW the outgrant.

2.6.4.1. Ensure all payments are received on time and that proceeds are returned to the installation correctly.

**2.7. Resolving Non-compliance Items with Grants. (T-3).**

2.7.1. The RPO notifies the BCE and the installation legal office prior to notifying the other party (grantee or grantor as the case may be).

2.7.2. The RPO attempts to correct informally.

2.7.3. When informal resolution is not possible, the RPO prepares a formal request from the BCE.

2.7.4. When a grant is administered by USACE, the RPO notifies the USACE district office to resolve.

2.7.5. If no resolution is possible, exercise termination IAW the grant through the appropriate approval authority.

## Chapter 3

### ANNEXATION

#### 3.1. Definition and Applicability.

3.1.1. Annexation is when a municipality (city, county, state) desires to expand boundaries, the municipality may annex contiguous property. Property ownership does not change; however, taxation and municipal services (trash removal, fire and police protection services, schools, etc.) may change.

3.1.2. None of the powers or immunities of the Installation Commander are affected by annexation.

3.1.3. Annexation does not apply to foreign holdings.

**3.2. Annexation of Land.** The Installation must remain neutral on all proposed annexations until SAF/IEI can determine whether to oppose the annexation IAW DoDD 4165.06, *Real Property and DoDI 4165.70, Real Property Management*. **(T-0)**.

3.2.1. Installation commanders must notify AFCEC/CIT immediately when they receive a formal or informal request or notice of annexation. AFCEC/CIT will immediately notify HAF/A4CA, SAF/IEI and AFLOA/JACE of the proposed annexation. This notification must occur within 24 hours from the notice of annexation from the local municipality. Note: The processes described below replace previous guidance outlined in Joint Memo by SAF/IE & TJAG Memo entitled "Procedures for Annexation Proposals of Air Force Installations". **(T-0)**.

3.2.1.1. ANG Installation Commanders must immediately notify NGB. NGB will notify AFCEC/CIT. Processing will continue as stated above. **(T-0)**.

3.2.2. The BCE, with the help of the Staff Judge Advocate (SJA), prepares an annexation and evaluation report within 30 days from the notice of annexation from the local municipality with the following information: **(T-0)**.

3.2.2.1. Location and current use of proposed annexation area.

3.2.2.2. Title held by the Federal Government and degree of current legislative jurisdiction (e.g.; exclusive, proprietary, etc.).

3.2.2.3. Area map showing current or planned use of proposed annexation area and how this might affect jurisdictional boundaries.

3.2.2.4. Possible effects of proposed annexation on the installation comprehensive plan.

3.2.2.5. Possible effects on installation's mission, including review of whether the proposed annexation complies with the air installation compatible use zone (AICUZ) study.

3.2.2.6. Possible effects on current or proposed privatized housing (e.g. if the municipality has additional tax(es) or regulatory compliance obligations that the county may pass on to AF or residents in privatized housing under privatized housing contracts).

3.2.2.7. Possible effects on concessionaires or contractors (i.e., whether the municipality imposes additional taxes (income, sales, gross receipts, utility, property, general employment or franchise taxes) or other costs (licensing and permitting fees) other than the county, and whether, under contract, these costs may be passed on to the AF).

3.2.2.8. Known benefits of annexation on the installation or its personnel (e.g. comparative analysis of municipal and county utility rates).

3.2.2.9. Current source of utilities for the installation and an explanation of whether the cost or provider of utilities will change as a result of the proposed annexation.

3.2.2.10. Current providers of police, fire, emergency medical services, street maintenance, sanitation services, snow removal and other services, and an explanation of whether the cost or the providers of these services will change as a result of the proposed annexation.

3.2.2.11. If the proposal includes (or reasonably could include in the future) area(s) outside the installation, current zoning of such area(s) and an explanation of whether the proposed annexation may cause changes to the permitted land use in such area(s).

3.2.2.12. Possible adverse effects on the Installation or Installation personnel from municipal taxation, licensing, or other actions. Note: Special attention should be given to the potential for storm water fees imposed by the annexation authority, or any other State or local authority, under Section 313(c) of the Federal Water Pollution Control Act, 33 U.S.C. § 1323(c).

3.2.2.13. Reasons given for annexation.

3.2.2.14. Whether another jurisdiction (county or other municipality) will oppose the proposed annexation.

3.2.2.15. Installation's relationship with the municipality.

3.2.2.16. Installation Commander's recommendation on whether or not the AF should protest the proposed annexation.

3.2.3. The installation forwards the annexation and evaluation report to AFCEC/CIT to obtain SAF/IEI concurrence with recommendations. This entire process must be accomplished within 30 days from the notice of annexation from the local municipality. **(T-0)**.

3.2.3.1. ANG forwards the annexation and evaluation report to NGB. NGB will forward to AFCEC/CIT. Processing will continue as stated above. **(T-0)**.

**3.3. Litigation Report.** The Installation SJA sends a separate and concurrent litigation report analyzing the potential impact of a proposed annexation to AFLOA/JACE and to AFLOA/JACL (ULT) IAW AFI 51-301, *Civil Litigation*. AFLOA/JACE reviews the SJA litigation report and prepares a litigation review for SAF/IEI that is forwarded to AFCEC/CIT and SAF/GCN. **(T-0)**.

**3.4. Determination to Protest.** The litigation review from AFLOA/JACE and the annexation and evaluation report from the BCE will be combined at AFCEC/CIT and forwarded to SAF/IEI. The decision on whether or not to protest a proposed annexation will be made by SAF/IEI. AFCEC/CIT has the responsibility to notify AFLOA/JACE of SAF/IEI's determination. **(T-0)**.

## Chapter 4

### FEDERAL LEGISLATIVE JURISDICTION

#### 4.1. Federal Legislative Jurisdiction. Does not apply to foreign holdings.

4.1.1. The RPO/REO is responsible to know the legislative jurisdiction(s) within the installation boundary and retain documentation with maps in the land record file. (T-1).

4.1.2. Federal legislative jurisdiction is the power of the federal government to pass and enforce laws on matters that are ordinarily reserved for the States, such as crime prevention and enforcement and family laws. It may also affect taxation and municipal services.

4.1.3. Regardless of legislative jurisdiction, the federal government has many powers and immunities in federal land areas (i.e., exemption from property taxes, Uniform Code of Military Justice (UCMJ) authority, etc.).

4.1.4. In most cases, the State continues to hold the right to serve State civil or criminal process (e.g., subpoena rights, warrant processes, etc.).

#### 4.2. Types of Federal Legislative Jurisdiction.

4.2.1. Proprietary (or Proprietary). The Federal government has acquired some right or title to an area in a State (fee simple, lease, easement, etc.) but has not obtained any of the State's authority to legislate over the area. The State retains all jurisdiction for crime prevention and enforcement (other than UCMJ violations), family laws, and certain metropolitan services.

4.2.1.1. This is the preferred jurisdiction unless the Federal government requires another jurisdiction to carry out the assigned mission.

4.2.2. Partial. The State grants the Federal government some of its authority to legislate but reserves the right to exercise, alone or with the Federal government, some authority beyond the right to serve criminal process in the area (for example, the right to tax private property). The cession documentation will contain the reservations made by the State.

4.2.3. Concurrent. The State grants the Federal government legislative jurisdiction over an area but has reserved to itself the right to exercise the same authority at the same time as long as the State does not interfere with the federal mission. This may be the preferred jurisdiction for a non-contiguous installation housing area, as one example. This jurisdiction also currently exists in Alaska because of the special provisions in the Alaska Statehood Act.

4.2.4. Exclusive. The State grants all of the State's authority to the Federal government in an area. Only Congress has authority to legislate in this area, and the Federal government has the responsibility for law enforcement and municipal services (trash removal, road maintenance, fire protection, etc.). The right to vote or have access to State courts is limited by this jurisdiction.

#### 4.3. Changing Federal Legislative Jurisdiction.

4.3.1. Each State has its own unique process for ceding and retroceding legislative jurisdiction.

4.3.1.1. When federal legislative jurisdiction is required over property where there is none (proprietary), the government must request the state cede (give) its powers over the property to the federal government. **(T-0)**. Reference 40 USC § 3112, *Federal Jurisdiction*

4.3.1.2. Changing federal legislative jurisdiction from exclusive to another jurisdiction requires the government to request the state retrocede (take back) some or all of its powers over the property. Reference 10 USC § 2683, *Relinquishment of Legislative Jurisdiction*

4.3.2. To request change in jurisdiction, Installation Commander is responsible to submit request and support documentation to AFCEC/CIT to staff through SAF/IEI to State Governor for action. **(T-0)**.

4.3.2.1. ANG Installation Commander is responsible to submit request and support documentation to NGB. NGB will submit to AFCEC/CIT for further processing. **(T-0)**.

4.3.3. After state grants jurisdiction change, RPO/REO is responsible to ensure notification of change is provided to local US Attorney and the US Department of Justice, Criminal Division, Policy and Statutory Enforcement Unit, Office of Enforcement Operation. **(T-1)**.

## Chapter 5

### REAL PROPERTY INTERESTS IN FOREIGN NATIONS

**5.1. Responsibilities.** To the extent they do not contradict the Status of Forces Agreement (SOFA) or respective bilateral agreement governing the property, the responsibilities in **Chapter 1** apply to all AF real property interests held in foreign nations. **(T-0)**.

**5.2. Land Management.** **Chapter 2** requirements apply to Installations and sites in foreign nations with the following exceptions:

5.2.1. Installation boundary surveys will:

5.2.1.1. Be IAW the SOFA, or respective bilateral agreement, in a nationally recognized format, performed by a surveyor certified by a national surveying organization or meeting nationally accepted standards, whichever is greater, or by a surveyor certified in the US. **(T-0)**.

5.2.1.2. A copy of the installation boundary survey will be filed with local authorities IAW the SOFA or respective bilateral agreement, or lacking these, with the appropriate local authorities. This also applies to surveys for easement and lease ingranants with terms greater than 20 years. **(T-0)**.

5.2.2. Annual boundary inspections are required. Encroachments discovered during an annual boundary inspection will be resolved IAW the SOFA or respective bilateral agreement governing the property. **(T-0)**.

5.2.3. Real property determined excess to DoD needs will be reported excess IAW DoDI 4165.69, *Realignment of DoD Sites Overseas*, CJCSI 2300.02J, *Coordination of Overseas Force Structure Changes and Host-Nation Notification*, CJCSI 2300.03D, *Realignment Of Overseas Sites*; AFI 10-504, *Overseas Force Structure Changes and Host Nation Notification*, the SOFA or respective bilateral agreement and in coordination with the State Department. **(T-0)**.

5.2.4. When considering vacating leased property, take prompt action to relocate AF and DoD activities in leased building space into DoD consigned Host Nation installation, and to dispose of excess leaseholds IAW the SOFA, or respective bilateral agreement. **(T-0)**.

5.2.5. Outgranting property will be done to the extent allowable by the SOFA or respective bilateral agreement. Applications for outgrants affecting land or water uses in the coastal zone will be processed IAW the SOFA, or respective bilateral agreement. Where the SOFA, or respective bilateral agreement, and this AFI are not in agreement, the SOFA or respective bilateral agreement shall prevail. **(T-0)**.

**5.3. Managing Real Property Facilities.** **Chapter 2** requirements apply to installations and sites in foreign nations with the following exceptions:

5.3.1. Follow the SOFA or respective bilateral agreement guidance for submitting environmental documentation. In addition to the environmental documents required by the SOFA or respective bilateral agreement, an Environmental Baseline Survey (EBS) will be required IAW 32-7066, *Environmental Baseline Surveys in Real Property Transactions*. **(T-0)**.

5.3.2. Annual outgrant compliance inspections are required. Follow the guidance in the SOFA or respective bilateral agreement in resolving encroachments. Where the SOFA or respective bilateral agreement and this AFI are not in agreement, the SOFA or respective bilateral agreement will prevail. **(T-0)**.

RICHARD HARTLEY, SES, SAF/IE  
Acting Asst Secretary of the AF  
(Installations, Environment & Energy)



**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

- 10 USC 2822, *Requirement for Authorization of Number of Family Housing Units*
- 10 USC 2683, *Relinquishment of Legislative Jurisdiction*
- 10 USC 10501, *National Guard Bureau*
- 32 USC 708, *Property and Fiscal Officers*
- 40 USC 3112, *Federal Jurisdiction*
- 51 USC, *National and Commercial Space Programs*
- AFMAN 32-1084, *Facility Requirements*, 26 February 2016
- AFMAN 33-363, *Management of Records*, 1 March 2008, Incorporated Change 2, 9 June 2016, Certified Current 21 July 2016
- ANGH 32-1084, *Facility Space Standards*, 27 January 2015
- ANGI 36-2, *United States Property and Fiscal Officer Appointment, Duties, and Responsibilities*, 7 December 1999
- ANGI 32-1003, *Facility Board*, 1 January 2005
- AFJI 32-9006, *Army and Air Force Basic Real Estate Agreements*, 22 February 1995
- AFI 10-503, *Strategic Basing*, 27 September 2010
- AFI 10-504, *Overseas Force Structure Changes and Host Nation Notification*, 21 October 2011
- AFI 32-10142, *Facilities Board*, 14 May 2013
- AFI 32-1032, *Planning and Programming Appropriated Fund Maintenance, Repair, and Construction Projects*, 24 September 2015
- AFI 32-6001, *Family Housing Management*, 21 August 2006 corrective actions applied 31 May 2016
- AFI 32-6002, *Family Housing Planning, Programming, Design, and Construction*, 20 November 2015
- AFI 32-6005, *Unaccompanied Housing Management*, 29 January 2016
- AFI 32-7066, *Environmental Baseline Surveys in Real Property Transactions*, 20 January 2015
- AFI 32-9003, *Granting Temporary Use of Air Force Real Property*, 19 August 1997
- AFI 32-9004, *Disposal of Real Property*, 21 July 1994
- AFI 32-9005, *Real Property Accountability and Reporting*, 4 March 2015
- AFI 33-360, *Publications and Forms Management*, 1 December 2015
- AFI 34-101, *Air Force Morale, Welfare, and Recreation (MWR) Programs and Use Eligibility*, 28 March 2013

AFI 51-301, *Civil Litigation*, 20 June 2002

AFI 63-609, *Managing Industrial Facilities*, 18 January 2005

AFPD 32-90, *Real Property Asset Management*, 6 August 2007

AFRCH 32-1001, *Standard Facility Requirements*. 25 January 2012

CJCSI 2300.02J, *Coordination of Overseas Force Structure Changes and Host-Nation Notification*, 15 April 2016

CJCSI 2300.03D, *Realignment of Overseas Sites*, 26 June 2013

DoDD 4165.06, *Real Property*, 13 October 2004 certified current 18 November 2008

DoDI 4165.69, *Realignment of DoD Sites Overseas*, 6 April 2005

DoDI 4165.70, *Real Property Management*, 6 April 2005

DoDI 4715.14, *Operational Range Assessments*, 30 November 2005

DoDI 2000.16, *DoD Antiterrorism Standards*, 2 October 2006 incorporating through change 2, 8 December 2006

DoDI 5200.8, *Security of DoD Installations and Resources*, 10 December 2005 incorporating change 3 effective 20 November 2015

### ***Abbreviations and Acronyms***

**ACES**—Automated Civil Engineer System

**AF**—Air Force

**AF/A4C**—Air Force Civil Engineer

**AFH**—Air Force Handbook

**AFI**—Air Force Instruction

**AFJI**—Air Force Joint Instruction

**AFPD**—Air Force Policy Directive

**AFRC**—Air Force Reserve Command

**AFRIMS**—Air Force Records Information Management System

**AICUZ**—Air Installation Compatible Use Zone

**ANG**—Air National Guard

**APSR**—Accountable Property System of Record

**AT**—Antiterrorism/Force Protection

**BCE**—Base Civil Engineer

**BOD**—Beneficial Occupancy Date

**BRAC**—Base Realignment and Closure

**CONUS**—Continental United States

**CFR**—Code of Federal Regulations

**CJCSI**—Chairman of the Joint Chiefs of Staff Instruction

**DE**—Declaration of Excess

**DoD**—Department of Defense

**DoDD**—Department of Defense Directive

**DoDI**—Department of Defense Instruction

**EO**—Executive Order

**EUL**—Enhanced Use Lease

**FB**—Facility Board

**FH**—Family Housing (formerly MFH (Military Family Housing))

**FMV**—Fair Market Value

**FPMR**—Federal Property Management Regulations

**GSA**—General Services Administration

**HAF**—Headquarters Air Force

**IAW**—In accordance with

**IDP**—Installation Development Plan

**MAJCOM**—Major Command

**MCP**—Military Construction Program

**NGB**—National Guard Bureau

**OCONUS**—Outside Continental United States

**OSD**—Office of the Secretary of Defense

**REO/RPO**—Real estate office/real property office

**REPI**—Readiness and Environmental Protection Initiative

**RDS**—Records Disposition System

**RPAO**—Real Property Accountable Officer

**RPUID**—Real Property Unique Identifier

**SAF/GCN**—Secretary of the Air Force General Counsel for Installations, Energy and Environment Law

**SAF/IE**—Assistant Secretary of the Air Force for Installations, Environment and Energy

**SAF/IEE**—Deputy Assistant Secretary of the Air Force for Environment, Safety, and Infrastructure

**SOFA**—Status of Forces Agreement

**US**—United States

**USACE**—United States Army Corps of Engineers

**USPFO**—United States Property and Fiscal Officer

**USC**—United States Code

### *Terms*

**Annexation**—When a municipality desires to expand their municipal boundaries, they may annex property. Property ownership does not change; however, taxation and municipal services (trash removal, fire and police protection services, schools, etc.) may change.

**Boundary Survey**—A study made by a certified surveyor to define or to redefine the perimeter (boundary line) of the installation property or to obtain data for constructing a map or plat showing a boundary line.

**Caretaker**—The continued security and maintenance of a vacant facility or facilities scheduled for disposal or demolition so as not to deteriorate the facility further than normal wear and tear.

**Changed Use**—A change in the use of a facility or part of a facility that does not need conversion; such a change in use exceeds one year.

**Continental United States (CONUS)**—United States territory, including the adjacent territorial waters, located within the North American Continent between Canada and Mexico.

**Conversion**—For purposes of this instruction only, a structural alteration of a real property facility to provide for a use other than the one it was originally designed (or later converted) for, thereby making the original or converted AF design obsolete.

**Excess Property**—Any property under the control of any Federal executive agency that is not required for the agency's needs or the discharge of its responsibilities, as determined by the head of the agency pursuant to 40 U.S.C. § 483.

**Facility**—In this AFI, facility refers to any real property (structure, building, or linear asset to include any non-equity asset) that is not bare land.

**Fair Market Value**—The amount in cash, or on terms reasonably equivalent to cash, for which the property would be sold by an owner willing, but not obligated to sell, to a purchaser who desires, but is not obligated, to buy.

**Industrial Facility**—Any AF owned, leased, or controlled real property facility that a contractor uses to fulfill government research, development, test, evaluation, production, maintenance, or modification contracts, or to store production machinery and equipment in support of such activity.

**Legislative Jurisdiction**—Authority to enact general State or municipal laws for an area of land.

**Metes and Bounds Survey**—a surveyor's description of a parcel of land, using a surveyor's monument as point of reference, then using carefully measured distances, angles, and directions, describing a point of beginning, then points along the boundary, returning to the point of beginning, which results in what is called a "legal description" of a land parcel.

**Not Being Put to Optimum Use**—Property or part of a property whose nature, value, or location is such that it could be put to a significantly better purpose, also includes properties with occupancy costs that substantially exceed those of other properties available through transfer,

purchase, or leases, and that are suitable for the purpose. When computing total net savings to the government, consider property values as well as costs of moving, occupancy, operation efficiency, environmental effects, regional planning, and employee morale.

**Not Used**—Any property or portion of a property that is not occupied for current program purposes, or is occupied in caretaker status only (such properties will be considered for shelters for the homeless according to the policy used in AFI 32-9003, *Granting Temporary Use of Air Force Real Property*).

**Outside Continental United States (OCONUS)**—Outside United States territory (i.e. Germany, Japan, England, Korea, etc.).

**Placed in Service Date**—Date property is accepted by the AF.

**Real Property**—Lands, buildings, structures, utilities systems, improvements, and appurtenances thereto. Includes equipment attached to and made part of buildings and structures (such as heating systems) but not movable equipment (such as plant equipment).

**Real Property Facility**—A building, structure, or other real property improvement.

**Real Property Requirement**—A valid military need for real property to support authorized forces. In determining need, consider the purpose to be served, the problem to be solved, and the end to be achieved. A requirement does not necessarily identify or describe the needed property; it states why the property is needed, and how the property is to be used.

**Remaining Economic Life**—The value to the government in terms of time. (Such value ceases when the property becomes unsuitable or uneconomical for its designed use because of depreciation or obsolescence.)

**Substitute Real Property**—Property that can serve or is economically suited to the use of the property it replaces. (When determining the practicality of substituting real property, consider value, suitability, cost of operation and maintenance, and physical condition.)

**Temporary Changed Use**—A change in the use of a facility or part of a facility, in effect for three years or less. Modifications must be clearly reversible to previous configuration.

**Underutilized Property**—An entire property or portion of a property that is not occupied or used for current program purposes of the accountable agency or property that is occupied in caretaker status only. An entire property or portion of a property that is used only at irregular periods or intermittently by the accountable agency or property that is being used for the agency's current program purposes that can be satisfied with only a portion of the property. (Reference 41 CFR, Subpart 101-47.801)