

Definition of "Building for the General Conduct of Government"

December 8, 1987

MEMORANDUM FOR: All Regional Administrators
All Category A Field Office Managers

ATTENTION: Regional Directors for CPD
CPD Division Directors
State CDBG Coordinators

FROM: Jack R. Stokvis, General Deputy Assistant Secretary for Community Planning and Development,
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SUBJECT: Definition of "buildings for the general conduct of government"

The Office of General Counsel (OGC) has recently provided us with guidance on interpreting the term "buildings for the general conduct of government". It is important to have a clear understanding of this concept since these buildings are not eligible for CDBG assistance, in accordance with sections 105(a)(2) and (14) of the Housing and Community Development Act of 1974, as amended (the Act).

Section 102(a)(21) of the Act states: "The term 'buildings for the general conduct of government' means city halls, county administrative buildings, State capital or office buildings or other facilities in which the legislative or general administrative affairs of the government are conducted." The portion of this definition that is not clear is the catch-all phrase: "or other facilities in which . . . general administrative affairs of the government are conducted." The OGC has determined that the concept "general administrative affairs" covers all overall, departmental, program management, and operation functions, including functions carried out by executives, managers, program staff, clerical staff, and support staff such as lawyers and engineers; and purely administrative functions carried out by personnel, payroll, and accounting staffs.

In applying this definition to buildings, those that are used for activities such as the planning and administration of the CDBG program would be considered to be "buildings for the general conduct of government", and therefore ineligible for CDBG assistance; while buildings used to deliver services to the public would not be considered as "buildings for the general conduct of government."

As examples, a police headquarters building would fall within the definition of "buildings for the general conduct of government," but a police station or a jail would not. An office building containing the community development department would fall within the definition, but a library would not. Generally, the distinction is made between government office buildings and public facilities where services are provided directly to the public. In determining whether a building is a "building for the general conduct of government," look at the predominant use of the building. No allocation would be permitted if the

predominant use was for the general conduct of government, unless the requirements of 24 CFR §570.200(b)(1) were met.

The definition in the Act also includes a specific exclusion: "Such term ['buildings for the general conduct of government'] does not include such facilities as neighborhood service centers or special purpose buildings located in low- and moderate-income areas that house various nonlegislative functions or services provided by government at decentralized locations." This provision was intended to exclude "mini city halls" located in low- and moderate-income areas from the definition.

It should be noted that determining if a building is a "building for the general conduct of government" is not the only determination that must be made in assessing the eligibility of a building to receive CDBG assistance under the Entitlement, State, or HUD-administered Small Cities program. To be eligible, the building must also meet at least one of the three national objectives of the programs:

1. benefiting low and moderate income persons;
2. preventing or eliminating slums or blight; or
3. meeting community development needs having a particular urgency.

Please provide copies of this memorandum to CPD staff in your office, all Entitlement grantees, and all State Administrators in the State CDBG program in your jurisdiction.