**Instructions for Real Property Acquisition and Construction Review Form**

**Community Centers**

Note: Refer to Texas Administrative Code, Title 25, Part 1, Chapter 411, Subchapter G, Rule 411.310, and Title 40, Texas Administrative Code, Part 1, Chapter 1, Subchapter G, Rule §1.310. Refer also to Texas Health and Safety Code Chapter 534, Sections 534.020 and 534.021.

**WHEN TO USE:**

This form shall be used by a Community Center for acquisition of real estate and prior to construction.

1. If Health and Human Services Commission (the Department) funds are used:
2. Submit the Real Property Acquisition and Construction Review Form (PCRF) to the Department contract manager(s) for their approval prior to the acquisition or construction.
3. Include an appraisal or county tax roll records for real estate, rough bid for construction.
4. Include Board of Trustees approvals and non-participation declarations as necessary.
5. Include supporting documents or reports as indicated in the PCRF.
6. If Department funds are NOT used:
7. Submit the PCRF to the Department 31 days or earlier than an agreement to purchase real estate is executed, as a Notice.
8. Submit the PCRF if a Notice Waiver is requested.

Guidelines:

* Construction means any building alterations, renovation, or design build exceeding $50,000 for each project per fiscal year. In the case of construction, the Community Center must seek advance written approval from the Department at least 31 days prior to the release of the project for competitive bids.
* Real estate appraisal is explained in Health and Safety Code Section 534.020.

**SUBMITTAL OF FORM:**

Form and all attachments shall be submitted to the appropriate Department contract manager(s), who will coordinate obtaining department and inter-department approvals and providing a response to the Community Center.

**Real Property Acquisition and Construction Review Form**

*-- Refer to instructions --*

1. Community Center:
2. Property Address and/or Legal Description:
3. Describe the reason for the acquisition or construction and explain the purpose that the real property will serve.

1. Request:

Seek Approval: Department funds will be used to purchase or retire debt and Department approval is required.

Amount of HHSC funds to be used: $

Seek Approval: Local funds that are required to match Department funds will be used to purchase or retire debt.

Amount of local match (to HHSC funds) to be used: $

Notification Only: No Department funds and no local funds that are required to match Department funds will be used; this notice is not later than 31 days before the Community Center enters into a binding obligation to acquire the real property or to the release of a construction project for competitive bids.

Notice Waiver Request: No Department funds are to be used and no local funds are required to match Department funds. Request waiver of 31-day notification period from the Department. *(The Community Center shall attach a statement detailing the need for requesting waiver of the notification period.)*

1. Type of Activity (check all that apply):

Purchase of Real Property

Lease-Purchase of Real Property

Construction of Buildings and Facilities

Other Type of Transaction as described:

1. State the agreed upon acquisition price or, in the case of construction, provide a pre-bid construction cost estimate. Describe plans for paying for the real property or construction.

1. If unimproved real estate, provide an assessment of the suitability of the property for construction purposes and the following:

A current Environmental Site Assessment or summary thereof is included.

Drainage or topographical information is included for sloped sites.

Zoning or other municipal issues verified as satisfactory by attached correspondence with local authority.

Title of ownership, liens analysis provided by attached County records review.

Current boundary survey provided.

Other comments:

1. Provide an assessment of the condition of the real property being acquired or the subject of construction.

A current Environmental Site Assessment or summary thereof is included.

An Americans with Disabilities Act study on the improvements is included.

A building systems review of major systems such as roof, hvac, electrical, plumbing, structural, elevators if any, life safety and security systems provided.

Title of ownership, liens analysis provided by attached County records review.

Current as-built survey provided.

1. Other comments:

1. Other conditions:

1. In the case of purchase or lease-purchase, attach a copy of an independent appraisal of the real estate the Community Center intends to acquire. The appraiser must be certified by the Texas Appraiser Licensing and Certification Board. If the purchase or lease-purchase price is less than the value listed for the property by the local appraisal district and the property has been appraised by the local appraisal district within the preceding two years, the Community Center may instead submit a copy of the appraisal district’s valuation. (Note: A Community Center may not purchase or lease-purchase property for an amount that is greater than the property’s appraised value unless: 1) the purchase or lease-purchase of that property at that price is necessary; 2) the Board of Trustees documents in the official minutes the reasons why the purchase or lease-purchase is necessary at that price; and 3) a majority of the board approves the transaction.)
2. Attach a copy of the Community Center’s Board of Trustee’s minutes, approving the acquisition or construction.
3. Attach signed statements from each of the Community Center’s Board of Trustees members and executive staff attesting that they are not participating financially in the acquisition or construction and will derive no personal benefit from the acquisition or construction.
4. If non-residential real property is being acquired or is the subject of construction, or if no department funds are to be used and no local funds are to be used that are required to match department funds, provide evidence that notification to each local agency that appoints members to the Community Center’s Board of Trustees was provided at least 31 days before the Community Center enters into a binding obligation to acquire the real property or, in the case of construction, before the release of the project for competitive bids.

*For Department use only below*

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Reviewed: HHSC REM \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_