

## Federal Property Management Regulations

## § 101-17.104-4

present facility already exceeds an average of 45 minutes.

(c) The Department of Housing and Urban Development will be consulted concerning the availability on a non-discriminatory basis of low- and moderate-income housing to the project area for those Federal employees who will work in the space to be assigned or reassigned when the action meets the criteria in paragraph (b) of this section.

(d) When, after consultation, it is determined that (1) there is a lack of low- and moderate-income housing on a nondiscriminatory basis within reasonable proximity and (2) the location is not readily accessible from other areas of the urban center, an affirmative action plan shall be developed as described in §101-19.101-4 with agency participation as described in §101-19.101-5.

[42 FR 57462, Nov. 3, 1977]

### **§101-17.104 Reviews and appeals of space assignment actions.**

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

#### **§101-17.104-1 Informal review.**

Agencies may, at any time, request a regional review of space assignment actions without resorting to formal procedures. Space assignment actions include but are not limited to space allowances, measurements, classifications, layouts, delineated areas, recommended offers, and proposed relocations. Requests for an informal review shall be directed to the appropriate GSA regional office (see §101-17.4801), which will furnish a written response if it is requested.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

[42 FR 57462, Nov. 3, 1977]

#### **§101-17.104-2 Formal review.**

A request for a formal review of a space assignment action shall initially be submitted to the appropriate GSA regional office by the agency official authorized to sign the Standard Form 81, Request for Space. A request for a formal review shall be in writing and shall include all pertinent information and supporting documentation. The

GSA regional office will verify the data and perform additional investigation as necessary. The Regional Director, Space Management Division, will review all data and make a written determination. A copy of the decision will be sent to the requesting agency.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

[42 FR 57462, Nov. 3, 1977]

#### **§101-17.104-3 Initial appeal.**

Within 30 calendar days after receipt of the decision, the regional agency head (or his designee) may submit an appeal of that decision to the Regional Administrator, GSA.

(a) In the appeal the agency official shall state, in writing, the basis for the original request for formal review. Only information provided with that request will be considered. Any new or additional information or facts introduced at this level will require that the appeal undergo another formal review.

(b) Within 30 calendar days the Regional Administrator, GSA, will notify the agency of his decision. In cases requiring more detailed analysis than can be accomplished within 30 days, the Regional Administrator will notify the agency and establish a date on which his decision will be rendered.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

[42 FR 57462, Nov. 3, 1977]

#### **§101-17.104-4 Further appeals.**

(a) Within 30 calendar days after the agency has been notified of the Regional Administrator's decision, a further appeal may be filed by the agency head with the Administrator of General Services. Substantial justification should be furnished that the decision was arbitrary, capricious, or not supported by the evidence presented. The Administrator will render the agency's decision within 30 calendar days of receipt of the appeal.

(b) [Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[42 FR 57462, Nov. 3, 1977, as amended at 44 FR 16394, Mar. 19, 1979]