

FAQs



BJA
Bureau of Justice Assistance
U.S. Department of Justice

REAL PROPERTY FAQs

1) What is Real Property Reporting?

When OJP grant funds are used to acquire an interest in real property or to make improvements to such property (such as through a grant-funded construction or renovation project), OJP has an interest in the grant award recipient's continuing use of said property for the originally funded purpose. OJP's interest extends throughout the useful life of the real property acquired or real-property improvements made, regardless of the award's end date. In order to protect OJP's interest, 2 C.F.R. § 200.330 (<https://www.govinfo.gov/content/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-sec200-330.pdf>) requires the award recipient to report on the real property acquired or real-property improvements made throughout the grant funding period for as long as OJP's interest therein is retained.

2) Which awardees are required to complete the Real Property Reporting?

Grant recipients awarded funding to support construction and renovation of real property that are active as of April 28, 2022, and any recipients that may have expired or closed grants before that date which contained an award condition requiring them to comply with the federal Real Property Reporting requirements.

3) How do I satisfy my Real Property Reporting?

The grant award recipient must submit its initial report under 2 C.F.R. § 200.330 to OJP not later than 90 days after completion of the project or grant closeout, whichever is earlier, using Standard Form (SF) 429, Real Property Status Report. The form is available at: <https://www.grants.gov/forms/post-award-reporting-forms.html>. In addition, the recipient must submit the form annually to report on the real property's status unless the OJP interest in the real property extends 15 years or longer. In instances where the OJP interest extends beyond 15 years, the recipient must submit the SF-429 several times per year, as directed by the OJP real property coordination team.

The recipient must submit the required SF-429 and accompanying documents via email to the following email address, which is monitored by the OJP real property coordination team: realpropertyreporting@usdoj.gov.

4) When should I begin my Real Property Reporting?

The award recipient must submit its initial report not later than 90 days after completion of the project or grant closeout, whichever is earlier, and submit status reports annually or more often, as directed.

ABOUT BJA

BJA helps America's state, local, and tribal jurisdictions reduce and prevent crime, lower recidivism, and promote a fair and safe criminal justice system. BJA provides a wide range of resources, including grants and funding, training and technical assistance, to law enforcement, courts and corrections agencies, treatment providers, reentry practitioners, justice information sharing professionals, and community-based partners to address chronic and emerging criminal justice challenges nationwide. To learn more about BJA, visit bja.ojp.gov or follow us on Facebook (www.facebook.com/DOJBJA) and Twitter ([@DOJBJA](https://twitter.com/DOJBJA)). BJA is a component of the Department of Justice's Office of Justice Programs.

5) How long should I report real property?

2 C.F.R. § 200.330 requires the award recipient to report on the real property acquired or real-property improvements made throughout the grant funding period, for as long as OJP's interest therein is retained. This interest extends throughout the useful life of the building constructed or improved using OJP grant funding.

6) Is Real Property Reporting limited only to buildings constructed or renovations made to building premises?

The regulation states: "Real property means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment." Buildings and anything affixed to the land, to include fencing or paving, as examples, would require Real Property Reporting.

7) Who determines the useful life of the building?

The useful life of each grant-funded real-property construction or improvement shall be indicated by the grant award recipient in its initial report as directed by 2 C.F.R. § 200.330 (<https://www.govinfo.gov/content/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-sec200-330.pdf>), and it shall be consistent with the useful life indicated in the award recipient's tax returns and/or annual financial statement depreciation schedules.

8) According to the Real Property Policy, I must provide information about ongoing usage of the real property, which includes ensuring it complies with the originally authorized purpose. What is considered "originally authorized purpose"?

"Originally authorized purpose" means the specific purpose or purposes described in the OJP-approved program narrative and any accompanying grant and/or cooperative agreement program scope changes approved by OJP via a grant adjustment modification submitted in the JustGrants award management system.

9) Who do I contact if we want to change the use of the real property or if we want to sell or transfer ownership of the real property?

When the real property is no longer needed for its originally authorized purpose, the award recipient must obtain disposition instructions from OJP. Options may include:

1. Retaining the title after compensating OJP for the fair market value of the property. The amount paid to OJP will be computed by applying OJP's percentage of participation in the cost of the original purchase, including the cost of any improvements. However, in those situations where the recipient is disposing

of real property acquired or improved with an award and acquiring replacement real property under the same award, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.

2. Selling the property and compensating OJP. The amount due to OJP will be calculated by applying OJP's percentage of participation in the cost of the original purchase, including the cost of any improvements, to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the award has not been closed out, the net proceeds from the sale may be offset against the original cost of the property. When the recipient is directed to sell property, sales procedures must be followed that provide for competition, to the extent practicable, and result in the highest possible return.
3. Transferring title to OJP or to a third party designated/approved by OJP. The grant recipient is entitled to be paid an amount calculated by applying the award recipient's percentage of participation in the purchase of the real property and the cost of any improvements to the current fair market value of the property.
4. Repurposing the facility to meet another criminal justice need, as approved by OJP. The grant recipient may alter or change the use of the building from its originally intended purpose through renovation/repurposing at no cost to OJP, and it will continue to report on the facility's ongoing use.

10) Who do I contact if the building is damaged or destroyed?

Recipients may contact the OJP real property coordination team via email at realpropertyreporting@usdoj.gov to report damaged or destroyed real property. Award recipients should include the award number under which the real property was constructed, renovated, or acquired and provide the final disposition plans.

11) What are the potential penalties if I fail to comply with the Real Property Reporting requirements?

A grant award recipient's failure to report under 2 C.F.R. § 200.330 (<https://www.govinfo.gov/content/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-sec200-330.pdf>) as required may lead to a designation, by OJP, of "high-risk" under 2 C.F.R. § 200.206 (<https://www.govinfo.gov/content/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-sec200-207.pdf>) and/or to pursuit, by OJP, of other remedies, including those specified at 2 C.F.R. § 200.339 (<https://www.govinfo.gov/content/pkg/CFR-2019-title2-vol1/pdf/CFR-2019-title2-vol1-sec200-339.pdf>).

12) Who do I contact if I have additional questions about these requirements?

You may direct your questions to the assigned state policy advisor managing your award or to the

OJP real property coordination team via email at realpropertyreporting@usdoj.gov.

13) I received a grant solely for furniture, fixtures, and equipment. Do I need to submit a Real Property Report?

No. Per 2 C.F.R. § 200.1, "Real property means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment." Equipment disposition should be made following the guidelines set forth in the OJP Financial Guide, Section III, Post Award Requirements, 3.7, Property and Equipment (<https://www.ojp.gov/funding/financialguidedoij/iii-postaward-requirements>).