

Department of State Standardized Regulations - (Last updated 09/10/2000)

QUARTERS ALLOWANCES (Last updated 9/10/2000)

110 GENERAL

111 Definition

"Quarters allowance" means an allowance granted under the authority of title 5 U.S.C. 5923 and Sections 120 or 130 of these regulations.

112 Scope

The quarters allowance is intended to reimburse an employee for substantially all costs for either temporary or residence quarters whenever Government-owned or Government-rented quarters are not provided to the employee without charge. Such costs are those incurred for temporary quarters (temporary quarters subsistence allowance) or one unit of residence quarters (living quarters allowance). The temporary quarters subsistence allowance includes lodging, meals and laundry expenses while the living quarters allowance includes rent, plus any costs not included therein for heat, light, fuel, gas, electricity and water. The temporary quarters subsistence allowance and the living quarters allowance are not payable to an employee simultaneously, except under special circumstances specified in 124.1 and 132.41.

113 Advance Payments

113.1 General

In accordance with the criteria and restrictions set forth in Sections 113.2 and 113.3, quarters allowances may be paid in advance, or an advance of funds may be made therefor, through the proper disbursing officer.

113.2 Advance of Funds for Temporary Quarters Subsistence Allowance

An advance of funds may be made for the temporary quarters subsistence allowance through the authorized disbursing officer. The initial advance of funds for subsistence expenses shall not exceed the maximum amount allowable under Sections 123 or 124 for the first 30 day period. Thereafter, funds may be advanced for subsequent periods (not to exceed the maximum amount for each subsequent 30 day period) as authorized by the agency.

113.3 Advance Payment of Living Quarters Allowance

a. Advance payment of living quarters allowances may be made in localities where local custom necessitates such advance payments and where the individual lessor requires the customary advance payment of rent. Advances shall be in accordance with agency guidelines.

b. Additionally, at posts which require initial excessive rental expenses (see definition of rent in Section 131.2), employees may receive an advance of the living quarters allowance not to exceed 3 months of the annual rate of payment.

c. Refundable security deposits cannot be included in the advance. Agent's fees may be included in the advance provided certification is obtained under Section 131.2.

#### 113.31 Private Leases

At posts where a determination has been made under Section 113.3 that advance payments are required, employees should endeavor to have the lessor accept a minimum advance rental payment. Wherever possible, leases should contain a 30-day cancellation clause; provide for refund of the remaining portion of the prepaid rent to the lessee in case of cancellation; provide for the privilege of subletting or assigning to another employee, or other person, at the lessee's option; and provide for payment of the rental in local currency.

#### 113.32 Application for Advance Payment

Application for advance payment of living quarters allowance must be stated in United States dollars and submitted to the official authorized to grant the employee's quarters allowance.

#### 113.33 Approval of Advance Payment

The approval of the application for an advance payment of living quarters allowance shall be in U.S. dollars in order to simplify the accounting and to lessen the possibility of loss by exchange to the Government or to the employee in the event a refund of any part of the advance payment is necessary prior to the expiration of the period covered.

#### 113.34 Form of Payment

Advance payment of living quarters allowances, when authorized under Section 113.3, shall be computed in U.S. dollars. Payment may be made in dollar instruments or in local currency as appropriate.

#### 113.35 Amount of Advance Payment

a. The amount that may be paid in advance to any employee shall be made in accordance with agency guidelines for a period of not more than one year unless specifically approved by the officer designated to authorize allowances, and shall not exceed: (1) the rate of the employee's living quarters allowance authorized in accordance with subsection 130, or (2) the total rent advanced to the lessor, whichever is less.

b. For initial excessive rental expenses (Section 113.3b), advance living quarters allowance may be authorized for periods of less than 3 months.

#### 113.4 Recovery of Unpaid Balance of Advance Payments for Rent

Upon transfer or separation of the employee, any balance of an advance payment for a temporary quarters subsistence allowance or a living quarters allowance which has not been repaid to the Government shall be recoverable in U.S. dollars by the Government except as provided hereinafter. The recovery may be made by setoff against accrued allowances, salary, pay, compensation credit, or other amount due from the Government to the employee, and by such other method as may be provided by law for the recovery of amounts owing to the Government. In unusual circumstances when it is shown that the advance rent, excluding any subsistence expense, paid has not been recovered by the employee after all reasonable steps have been taken for such recovery and that recovery from the employee would be against equity and good conscience or against the public interest, the head of agency may waive, in whole or in part, any right of recovery under this subsection. Showings that merit exercise of this waiver include circumstances where the employee: (1) is transferred in emergency situations such as evacuation, or a Government agency has directed his/her transfer on exceptionally short notice owing to urgent need for his/her services at another post on a continuing basis, or (2) has left the post after receiving a notice of involuntary separation. In exercising the authority to waive repayment in the above or equally unusual circumstances the head of agency is expected to satisfy himself/herself that the employee has taken all reasonable steps to dispose of his/her quarters to others, including efforts to sublease or assign even at a financial sacrifice, and that the unpaid balance did not result from any action within the control of the employee. Any waiver granted under this section shall be reported promptly to the Secretary of State, citing these regulations and describing the circumstances.