



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Gregory Scheer - Real Estate Expenses - Impact Fees

File: B-232720

Date: September 13, 1989

DIGEST

A transferred employee may not be reimbursed for an impact fee included in the closing costs for a newly constructed residence which the employee purchased at his new duty station. Under paragraph 2-6.2d of the Federal Travel Regulations, only expenses resulting from the construction of a residence which are comparable to expenses allowable in connection with the purchase of an existing residence may be reimbursed, and there is no indication that a comparable expense would have been paid for the purchase of an existing residence.

DECISION

This decision is in response to a request from William E. Burrow, Jr., Authorized Certifying Officer, Federal Bureau of Investigation (FBI), concerning the entitlement of Mr. Gregory Scheer, an FBI employee, to be reimbursed for an educational impact fee associated with the purchase of a newly constructed residence incident to a permanent change of station. For the following reasons, we hold that he may not be reimbursed.

BACKGROUND

Mr. Scheer was transferred from New York, New York, to Miami, Florida, in July 1988. Mr. Scheer purchased a new home in Coral Springs, Florida, from Hidden Hammocks Associates, the developers of the property on which the new residence was constructed. In connection with the purchase, Mr. Scheer paid various closing costs, including an educational impact fee of \$776. Broward County, where the home was located, had assessed the impact fee against the developer as a condition for the issuance of a building permit "to provide additional educational facilities" within the area of the development. The developer passed this

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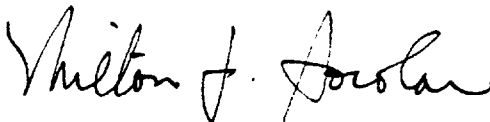
expense to Mr. Scheer and required him to pay the fee at closing.

Mr. Scheer submitted the closing costs, including the impact fee, for reimbursement. The Authorized Certifying Officer approved a voucher for the other costs but suspended reimbursement for the impact fee and referred this matter to our Office for review.

OPINION

The provisions governing reimbursement for real estate expenses incident to a transfer of duty station are contained in 5 U.S.C. § 5724(a) (1982) and regulations issued pursuant thereto. These regulations are contained in part 6 of chapter 2, Federal Travel Regulations (Supp. 1, Sept. 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1987) (FTR), as amended by Supp. 4, Aug. 23, 1982. Paragraph 2-6.2d(1)(j) of the FTR provides for reimbursement of "expenses in connection with construction of a residence, which are comparable to expenses that are reimbursable in connection with the purchase of an existing residence." Paragraph 2-6.2d(2)(f) of the FTR defines "expenses that result from construction of a residence" as nonreimbursable.

If the educational impact fee related particularly to the construction process and is not comparable to an expense that Mr. Scheer would have incurred if he had purchased an "existing" residence, then Mr. Scheer may not be reimbursed for the impact fee. George C. Souders, B-233361, Apr. 7, 1989, 68 Comp. Gen. ____; Barry L. Nadler, B-231537, Nov. 14, 1988; Richard T. Bible, B-208302, July 17, 1984. On the record before us, we conclude that the county assessed the fee on the developer as a condition for approval of the building permit for the home, and that the developer then passed that cost along to the buyer, Mr. Scheer. There is no indication that Mr. Scheer would have incurred a comparable expense if he had purchased an "existing" residence. Therefore, para. 2-6.2d of the FTR prohibits reimbursement for the impact fee which Mr. Scheer paid to the developer at closing, and the claim must be denied.



Acting Comptroller General
of the United States