

Excerpt from the Ground Lease

15. RENTAL AND OCCUPANCY REQUIREMENTS

a. Lessee shall offer the Housing Units to Permitted Tenants for rent consistent with the following priorities:

b. PRIORITY SEQUENCE FOR PERMITTED TENANTS

CATEGORY	PRIORITY
Key and essential accompanied military or civilian personnel	1
Accompanied military personnel, including foreign military personnel, assigned for duty at West Point, and unmarried chaplains	2
Unaccompanied families of military personnel deployed or on an unaccompanied tour assigned to West Point or departed from an assignment at West Point	3
Accompanied military personnel of all uniformed services, including Title 32 AGR assigned for duty within a 50-mile radius of West Point	4
Accompanied Title 10 professors, Visiting Professors, Endowed Chairs, Fellows with Visiting Professor status, and ODIA coaches working on West Point	5
Key and essential unaccompanied military personnel (E6 and above)	6
Unaccompanied military personnel (E6 and above) assigned for duty at West Point	7
Unaccompanied military personnel (E6 and above) assigned for duty within a 50-mile radius of West Point	8
Widowed spouses of military personnel	9
Accompanied military retirees and spouses or widowed spouses of military retirees	10
Accompanied DOD civilians working at West Point	11
Accompanied DOD civilians not working at West Point or accompanied employees of other federal agencies	12
Accompanied Non-DoD civilians	13

c. Priority must be given to Permitted Tenants in accordance with the priorities set out in the above list, with the highest priority given to priority level “1” and the lowest priority given to priority level “13.” Housing Units shall not be rented to prospective tenants with lower priority in the above list if higher priority tenants are available to rent the Housing Units, unless the Lessor approves an exception. Except as provided in Conditions 15.d. 15.i. and 15.j., Military Tenants who are not authorized at the Applicable BAH "with dependants" rate shall be charged at the “without dependents” rate except that they may be charged at market rent, with Lessor’s written approval. Subject to Condition 15.i. Lessee shall establish rates for the Permitted Tenants that do not receive BAH. If Permitted Tenants (assignment priorities 1 through 12) occupy less than ninety-five percent (95%) of all units available for occupancy within the Site for a period of ninety (90) consecutive days, vacant units may be rented to Accompanied Non-DoD civilians (Priority Sequence for Permitted Tenants, Priority 13), upon certification by Lessee to the RCI Projects and Assets Manager that the occupancy rate has been at less than 95% for 90 consecutive days.

d. Omitted.

e. Omitted.

f. The Lessee shall maintain, update and administer a housing roster and shall maintain, update and administer waiting lists based upon information regarding prospective Permitted Tenants provided to the Lessee by the Lessor. The Lessor shall cooperate with the Lessee in maintaining, updating and administering the housing roster and the waiting lists, including, but not limited to, the facilitation of the timely flow of information regarding prospective Permitted Tenants to the Lessee in order for it to carry out its responsibilities.

g through j. Omitted.