United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

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Policy Memorandum 11-01

To: National Leadership Council

From: Director

Subject: Policy pertaining to minor employees who occupy NPS housing

The purpose of this memorandum is to alert you to an adjustment that will be made to our policies and procedures applicable to minors in park housing. Normally, whenever Government housing is rented to an employee, form 10-380, the Housing Assignment Agreement, must be signed by the tenant. Occupancy is not permitted until the tenant signs the form. The Housing Assignment Agreement is a lease (rental contract) between the Government (the NPS) and the tenant (the NPS employee). However, in the case of NPS employees of minor age there are special circumstances that must be considered.

The definition of age of majority or legal age varies among States with most setting the age at 19, while some have 18 and others 21. Attached is a State-by-State age of majority list as of December 8, 2010. Parks must be aware of their State law regarding age of majority and also aware that, because State laws are subject to change, they will need to check with their Solicitor's Office to confirm that the information in the document remains valid.

In addition, some States have passed laws establishing that minors may contract for necessities of life. Although it may seem that housing is a necessity of life, and therefore a housing assignment would be enforceable against a minor, the general rule is that the obligations under a lease are voidable by a minor. An example case is Young v. Weaver, 883 So. 2d 234 (Ala. Civ. App 2003). The court found that a minor who abandoned a rental apartment after two months and returned home could not be held to the lease.

If a park chooses to provide Government housing to minors, then the park must have the minor's parent or legal guardian sign a statement on the Housing Assignment Agreement that expressly acknowledges:

(a) that the parent or legal guardian is acting as a guarantor and agrees (i) to guarantee payment for the rent due for the full period of the Housing Assignment Agreement if the rent is not being paid for by the benefitting account, and (ii) to pay for any damages to the assigned Government housing; and

(b) that the parent or legal guardian has received adequate consideration for this guaranty.

In no case should a minor be allowed to live in park housing with an ad-hoc release form signed by the parent or legal guardian.

Having the parent or legal guardian sign the Housing Assignment Agreement as a guarantor gives the NPS someone against whom to enforce the terms of the otherwise voidable contract. Whether the parent or legal guardian stays with the minor is irrelevant to the legal enforceability of the guaranty.

In consideration of this Policy Memorandum, the Chief, Office of Policy will make an appropriate adjustment to Director's Order #36 (National Park Service Housing Management), and the Associate Director, Park Planning, Facilities, and Lands will insert appropriate information into Reference Manual 36.