



**New York Airports District Office
Information Bulletin
Federal Aviation Administration
Eastern Region
New York Airports District Office
1 Aviation Plaza
Jamaica, NY 11434**

Subject: FAA Policy on the Non-Aeronautical Use of Airport Hangars

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Action Required: Contact NYADO for additional guidance

Attachments: FAA Hangar Use Policy



Re: FAA Policy on the Non-aeronautical Use of Airport Hangars

Dear Airport Sponsor,

The purpose of this communication is to give notice to Federally Obligated Airport Sponsors of the changes in FAA policy in regards to the non-aeronautical use of Airport Hangars. Specifically this email clarifies the FAA policy regarding the storage of non-aeronautical items in airport facilities designed for aeronautical use.

Under Federal law, federally obligated airports may use airport property only for aviation-related purposes unless otherwise approved by the FAA. In some cases, airports have allowed non-aeronautical storage or uses in hangars that are intended for aeronautical use. This interferes with the aeronautical use of the hangars. At the same time, the FAA recognizes that storage of some items in a hangar that is otherwise used for aircraft storage will have no effect on the aeronautical use of the hangar.

On June 9, 2016, the FAA issued a notice of final policy regarding the storage of non-aeronautical items in airport facilities designated for aeronautical use. The policy discusses the following topics in more detail.

Standard for aeronautical use of hangars

- Aeronautical facilities must be used or be available for use for aeronautical activities
- Airport Sponsor may permit non-aeronautical items to be stored in hangars provided the hangar is used primarily for aeronautical purposes and the items do not interfere with the aeronautical use of the hangar.
- Hangars may not be used as a residence, with a limited exception for sponsor providing an on-airport residence for a full-time airport manager, watchman, or airport operation staff for remotely located airports.

Aeronautical Uses for hangars include:

- Aeronautical facilities must be used or be available for use for:
 - o Storage of active aircraft.
 - o Final assembly of aircraft under construction.
 - o Non-commercial construction of amateur-built or kit-built aircraft.
 - o Maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational aircraft.
 - o Storage of aircraft handling equipment, e.g., towbars, glider tow equipment, workbenches, and tools and materials used in the servicing, maintenance, repair or outfitting of aircraft.

The FAA will generally not consider items to interfere with the aeronautical use of the hangar unless the items:

- Impede the movement of the aircraft in and out of the hangar or impede access to aircraft or other aeronautical contents out of the hangar.
- Displace the aeronautical contents out of the hangar. A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft.
- Impede access to aircraft or other aeronautical contents of the hangar.
- Are used for the conduct of a non-aeronautical business or municipal agency function from the hangar (including storage of inventory).
- Are stored in violation of airport rules and regulations, lease provisions, building codes or local ordinances.

A sponsor may request approval for interim use of a hangar for non-aeronautical purposes for a period no more than 5 years. This will require the following:

- An inventory of aeronautical and non-aeronautical land uses
- Information on vacancy rates
- Procedures for accepting new requests for aeronautical use
- Assurance that facilities can be returned to aeronautical use when there is renewed aeronautical demand for hangar space.

No right to non-aeronautical use

Sponsors may restrict or prohibit the storage of non-aeronautical items. Sponsors should consider factors such as emergency access fire codes, security, insurance, and the impact of vehicular traffic on their surface areas when enacting rules regarding hangar storage. In some cases, permitting certain incidental non-aeronautical items in hangars could inhibit the sponsor's ability to meet obligations associated with grant assurance 19, operations and Maintenance.

Use of hangars for construction of an aircraft

- Aeronautical uses for hangars include storage of an operational aircraft and short-term storage of a non-operational aircraft for purposes of maintenance, repair, or refurbishment.
- As with any aeronautical activity, an airport sponsor may lease or approve the lease of hangar space for this activity without FAA approval.
- Airport sponsors also should consider incorporating construction progress targets in the lease to ensure that the hangar will be used for final assembly and storage of an operational aircraft within reasonable term after project start.

Sponsors should have a program to monitor use of hangars and take measures to prevent unapproved non-aeronautical use of hangars

- Sponsors should ensure that length of time on a waiting list of those in need for a hangar for aircraft storage is minimized.
- Incorporating provisions in leases to adjust rental rates to FMV for any non-incidental non-aeronautical use of the leased facilities

- FAA personnel conducting inspections may request a copy of the sponsor's hangar use program and evidence that the sponsor has limited hangars to aviation use.

The FAA may disapprove an AIP grant for hangar construction if there are existing hangars at the airport being used for non-aeronautical purposes.

In conjunction with this policy, the FAA is posting a series of frequently asked Questions and Answers (Q&A) to the FAA Airport Compliance website.

http://www.faa.gov/airports/airport_compliance/hangar_use/

A copy of this policy is available by:

1. Visiting the FAA's Regulations and Policies Web page at:

http://www.faa.gov/regulations_policies/

2. Accessing the Government Printing Office webpage at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-06-15/pdf/2016-14133.pdf>

Should you have any questions, please contact the New York Airports District Office.

Thank you.