

Guideline for Sponsors – Living Areas in Hangars / Non Aeronautical Activity in Hangars

11/21/2011

Residential property defined – Residential property is defined as a piece of real property used for single- or multi-family dwellings; duplexes; apartments; primary or secondary residences even when co-located with a hangar, aeronautical facility, or business; hangars that incorporate living quarters for permanent or long-term use; and time-share hangars with living quarters for variable occupancy of any term. (Federal Register / Vol. 76, No. 53 / Friday, March 18, 2011 / Notices)

Permanent residence defined – primary domicile, all mail is received at this address, address for driver's license, voter registration, passport, or any other city, county, state or federal legal document. Resident(s) remain over night at this location more than 180 days in a calendar year. (TxDOT)

Texas state and federal grant assurance guidelines neither explicitly prohibit nor promote hangar residence. It is very common in owned hangars on public airports to have anything from a lawn chair in the back to small "getaway" living quarters in the rear, above, etc.

If the privately owned hangar owner or tenant does not list the hangar address as his / her primary or permanent residence and the hangar is used 51% or more (determined by square footage) for aeronautical activity, then this become a local issue for the city or county to regulate this non aeronautical activity. If a privately owned hangar meets the "51% rule" for aeronautical activity then any additional non aeronautical use of the hangar that is within local sponsor guidelines usually means this hangar meets the test for aeronautical activity.

If a privately owned hangar owner or lessee uses more than 50% (by square footage) for other than aeronautical activity, then TXDOT would be interested in the circumstances and would render an opinion concerning grant assurances. As well, if a person lists a hangar as a permanent address but meets the 51% guideline for aeronautical activity vs. living area, then the city or county would have to decide what to do about school and property taxes, and all similar issues.

For sponsor owned hangars leased to tenants the sponsor has the right to prohibit living in a hangar to any extent in their minimum standards and may stipulate that 100% of the space is only used for aeronautical activity.

TxDOT promotes and funds airports for aeronautical activity - not living quarters.

