

ceive as a member of the armed forces is less than the amount of the rent.

(2) Nothing in paragraph (1) shall be construed—

(A) to prohibit a landlord from imposing an additional payment—

(i) for optional services provided to military tenants, such as access to a gym or a parking space;

(ii) for non-essential utility services, as determined in accordance with regulations promulgated by the Secretary concerned; or

(iii) to recover damages associated with tenant negligence, consistent with subsection (c)(2); or

(B) to limit or otherwise affect the authority of the Secretary concerned to enter into rental guarantee agreements under section 2876 of this title or to make differential lease payments under section 2877 of this title, so long as such agreements or payments do not require a tenant to pay an out-of-pocket fee or payment in addition to the amount of the any<sup>2</sup> basic allowance for housing under section 403 of title 37 the tenant may receive as a member of the armed forces.

(Added Pub. L. 116-92, div. B, title XXX, §3014(a), Dec. 20, 2019, 133 Stat. 1924.)

#### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. B, title XXX, §3014(c), Dec. 20, 2019, 133 Stat. 1926, provided that: “The requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a), shall apply to appropriate legal documents entered into or renewed on or after the date of the enactment of this Act [Dec. 20, 2019] between the Secretary of a military department and a landlord regarding privatized military housing.”

[For definitions of “landlord” and “privatized military housing” as used in section 3014(c) of Pub. L. 116-92, set out above, see section 3001(a) of Pub. L. 116-92, set out as a note under section 2821 of this title.]

#### MILITARY DEPARTMENT IMPLEMENTATION PLANS

Pub. L. 116-92, div. B, title XXX, §3014(b), Dec. 20, 2019, 133 Stat. 1926, provided that: “Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for the implementation by that military department of section 2891a of title 10, United States Code, as added by subsection (a).”

#### RETROACTIVE LANDLORD AGREEMENTS

Pub. L. 116-92, div. B, title XXX, §3014(e), Dec. 20, 2019, 133 Stat. 1926, provided that:

“(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to accept the application of the requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a), to appropriate legal documents entered into or renewed before the date of the enactment of this Act [Dec. 20, 2019] between the Secretary of a military department and a landlord regarding privatized military housing [sic]

“(2) SUBMITTAL OF LIST TO CONGRESS.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a list of any landlords that did not agree under paragraph (1) to accept the requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a).

“(3) CONSIDERATION OF LACK OF AGREEMENT IN FUTURE CONTRACTS.—The Secretary of Defense and the Sec-

retaries of the military departments shall include any lack of agreement under paragraph (1) as past performance considered under section 2891b of title 10, United States Code, as added by section 3015, with respect to entering into or renewing any future contracts regarding privatized military housing.”

[For definitions of “landlord” and “privatized military housing” as used in section 3014(e) of Pub. L. 116-92, set out above, see section 3001(a) of Pub. L. 116-92, set out as a note under section 2821 of this title.]

#### § 2891b. Considerations of eligible entity housing history in contracts for privatized military housing

(a) CONSIDERATION REQUIRED.—To assist in making a determination whether to enter into a new contract, or renew an existing contract, with an eligible entity, the Secretary of Defense shall develop a standard process by which the Secretary concerned may evaluate the past performance of the eligible entity for purposes of informing future decisions regarding the award of such a contract.

(b) ELEMENTS OF PROCESS.—The process developed under subsection (a) shall include, at a minimum, consideration of the following:

(1) Any history of the eligible entity of providing substandard housing.

(2) The recommendation of the commander of the installation for which housing units will be provided under the contract.

(3) The recommendation of the commander of any other installation for which the eligible entity has provided housing units.

(Added Pub. L. 116-92, div. B, title XXX, §3015, Dec. 20, 2019, 133 Stat. 1927.)

#### § 2891c. Financial transparency

(a) SUBMISSION OF LANDLORD FINANCIAL INFORMATION.—(1) Not less frequently than annually, the Secretary of Defense shall require that each landlord submit to the Secretary a report providing information regarding all housing units provided by the landlord.

(2) Information provided under paragraph (1) by a landlord shall include the following:

(A) A comprehensive summary of the landlord’s financial performance.

(B) The amount of base management fees relating to all housing units provided by the landlord.

(C) The amount of asset management fees relating to such housing units.

(D) The amount of preferred return fees relating to such housing units.

(E) The residual cashflow distributions relating to such housing units.

(F) The amount of deferred fees or other fees relating to such housing units.

(3) In this subsection:

(A) The term “base management fees” means the monthly management fees collected for services associated with accepting and processing rent payments, ensuring tenant rent payments, property inspections, maintenance management, and emergency maintenance calls.

(B) the term “asset management fees” means fees paid to manage a housing unit for the purpose of ensuring the housing unit is maintained in good condition and making repairs over the lifecycle of the housing unit.

(C) the term “preferred return fees” means fees associated with any claims on profits furnished to preferred investors with an interest in the housing unit.

(D) the term “residual cashflow distribution” means the steps a specific housing project takes to restructure after it is determined that the project is in an unacceptable financial condition.

(E) the term “deferred fee” means any fee that was not paid to a person in a calendar year in order to meet other financial obligations of the landlord.

(b) AVAILABILITY OF INFORMATION ON USE OF INCENTIVE FEES.—(1) Not less frequently than annually, the Secretary of Defense shall publish, on a publicly accessible website, information regarding the use by the Secretary concerned of incentive fees to support contracts for the provision or management of housing units.

(2) The information provided under paragraph (1) shall include, with respect to each contract, the following:

(A) The applicable incentive fees.

(B) The metrics used to determine the incentive fees.

(C) Whether incentive fees were paid in full, or were withheld in part or in full, during the period covered by the release of information.

(D) If any incentive fees were withheld, the reasons for such withholding.

(Added Pub. L. 116–92, div. B, title XXX, § 3016(a), Dec. 20, 2019, 133 Stat. 1927.)

**§ 2892. Maintenance work order system for housing units**

(a) ELECTRONIC WORK ORDER SYSTEM REQUIRED.—The Secretary of Defense shall require that each landlord of a housing unit have an electronic work order system to track all maintenance requests relating to the housing unit.

(b) ACCESS BY DEPARTMENT PERSONNEL.—The Secretary of Defense shall require each landlord of a housing unit to provide access to the maintenance work order system of the landlord relating to the housing unit to the following persons:

(1) Personnel of the housing management office at the installation for which the housing unit is provided.

(2) Personnel of the installation and engineer command or center of the military department concerned.

(3) Such other personnel of the Department of Defense as the Secretary determines necessary.

(c) ACCESS BY TENANTS.—The Secretary of Defense shall require each landlord of a housing unit to provide access to the maintenance work order system of the landlord relating to the housing unit to the tenant of the housing unit to permit the tenant, at a minimum, to track the status and progress of work orders for maintenance requests relating to the housing unit.

(Added and amended Pub. L. 116–92, div. B, title XXX, §§ 3017, 3018, Dec. 20, 2019, 133 Stat. 1930.)

AMENDMENTS

2019—Subsec. (c). Pub. L. 116–92, § 3018, added subsec. (c).

**§ 2892a. Access by tenants to historical maintenance information**

The Secretary concerned shall require each eligible entity or subsequent landlord that offers for lease a housing unit to provide to a prospective tenant of the housing unit, before the prospective tenant moves into the housing unit as a tenant, all information regarding maintenance conducted with respect to that housing unit for the previous seven years. In this section, the term “maintenance” includes any renovations of the housing unit during such period.

(Added Pub. L. 116–92, div. B, title XXX, § 3019, Dec. 20, 2019, 133 Stat. 1931.)

**§ 2892b. Prohibition on requirement to disclose personally identifiable information in requests for certain maintenance**

A landlord responsible for a housing unit may not require the disclosure of personally identifiable information as a part of the submission of a request for maintenance regarding a housing unit or common area when the disclosure of personally identifiable information is not needed to identify the location at which such maintenance will be performed.

(Added Pub. L. 116–92, div. B, title XXX, § 3020(a), Dec. 20, 2019, 133 Stat. 1931.)

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116–92, div. B, title XXX, § 3020(b), Dec. 20, 2019, 133 Stat. 1931, provided that: “The prohibition in section 2892b of title 10, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act [Dec. 20, 2019].”

**§ 2893. Treatment of incentive fees for landlords of housing units for failure to remedy health or environmental hazards**

The Secretary concerned shall not approve the payment of incentive fees otherwise authorized to be paid to a landlord that the Secretary determines has demonstrated a propensity for failing to remedy, or failing to remedy in a timely manner, a health or environmental hazard at a housing unit provided by the landlord.

(Added Pub. L. 116–92, div. B, title XXX, § 3021, Dec. 20, 2019, 133 Stat. 1931.)

**§ 2894. Landlord-tenant dispute resolution process and treatment of certain payments during process**

(a) PROCESS REQUIRED; PURPOSE.—The Secretary concerned shall implement a standardized formal dispute resolution process to ensure the prompt and fair resolution of disputes that arise between landlords providing housing units and tenants residing in housing units concerning maintenance and repairs, damage claims, rental payments, move-out charges, and such other issues relating to housing units as the Secretary determines appropriate.

(b) PROCESS ELEMENTS.—(1) The dispute resolution process shall include the process by which a tenant may request that certain payments otherwise authorized to be paid to a landlord are withheld, as provided in subsection (e).

(2) The process shall designate the installation or regional commander in charge of oversight of