

ant of a housing unit may not be required to sign a nondisclosure agreement in connection with entering into, continuing, or terminating a lease for the housing unit. Any such agreement against the interests of the tenant is invalid.

(2) Paragraph (1) shall not apply to a nondisclosure agreement executed—

(A) as part of the settlement of litigation; or

(B) to avoid litigation if the tenant has retained legal counsel or has sought military legal assistance under section 1044 of this title.

(Added and amended Pub. L. 116-92, div. B, title XXX, §§ 3011(b), 3023, 3024(a), Dec. 20, 2019, 133 Stat. 1917, 1935; Pub. L. 116-283, div. B, title XXVIII, § 2811(b), Jan. 1, 2021, 134 Stat. 4323.)

#### AMENDMENTS

2021—Subsec. (b)(15). Pub. L. 116-283, § 2811(b)(1), struck out “and held in escrow” after “payments segregated”.

Subsec. (e)(2). Pub. L. 116-283, § 2811(b)(2), inserted “a” before “landlord” in introductory provisions.

Subsec. (f)(2). Pub. L. 116-283, § 2811(b)(3), added par. (2) and struck out former par. (2) which read as follows: “Paragraph (1) shall not apply to a nondisclosure agreement executed as part of the settlement of litigation.”

2019—Subsec. (e). Pub. L. 116-92, § 3023, added subsec. (e).

Subsec. (f). Pub. L. 116-92, § 3024(a), added subsec. (f).

#### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. B, title XXX, § 3024(c), Dec. 20, 2019, 133 Stat. 1935, provided that: “Subsection (f) of section 2890 of title 10, United States Code, as added by subsection (a), shall apply with respect to any nondisclosure agreement covered by the terms of such subsection (f) regardless of the date on which the agreement was executed.”

#### REGULATIONS

Pub. L. 116-92, div. B, title XXX, § 3024(b), Dec. 20, 2019, 133 Stat. 1935, provided that: “The Secretary of Defense and the Secretaries of the military departments shall promulgate such regulations as may be necessary to give full force and effect to subsection (f) of section 2890 of title 10, United States Code, as added by subsection (a).”

#### REQUIREMENTS RELATING TO MOVE-IN, MOVE-OUT, AND MAINTENANCE OF PRIVATIZED MILITARY HOUSING

Pub. L. 116-92, div. B, title XXX, § 3056, Dec. 20, 2019, 133 Stat. 1944, provided that:

“(a) MOVE-IN AND MOVE-OUT CHECKLIST.—

“(1) CHECKLIST REQUIRED.—The Secretary of Defense shall develop a uniform move-in and move-out checklist for use by landlords providing privatized military housing and by tenants of such housing.

“(2) REQUIRED MOVE-IN ELEMENT.—A tenant who will occupy a unit of privatized military housing is entitled to be present for an inspection of the housing unit before accepting occupancy of the housing unit to ensure that the unit is habitable and that facilities and common areas of the building are in good repair.

“(3) REQUIRED MOVE-OUT ELEMENT.—A tenant of a unit of privatized military housing is entitled to be present for the move-out inspection of the housing unit and must be given sufficient time to address any concerns related to the tenant’s occupancy of the housing unit.

“(b) MAINTENANCE CHECKLIST.—The Secretary of Defense shall—

“(1) develop a uniform checklist to be used by housing management offices to validate the completion of all maintenance work related to health and safety issues at privatized military housing; and

“(2) require that all maintenance issues and work orders related to health and safety issues at privatized military housing be reported to the commander of the installation for which the housing is provided.

“(c) CONSULTATION.—The Secretary of Defense shall carry out this section in consultation with the Secretaries of the military departments.

“(d) DEADLINE.—The uniform checklists required by this section shall be completed not later than 60 days after the date of the enactment of this Act [Dec. 20, 2019].”

[For definitions of “landlord”, “privatized military housing”, and “tenant” as used in section 3056 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.]

#### STANDARDIZED DOCUMENTATION, TEMPLATES, AND FORMS FOR PRIVATIZED MILITARY HOUSING

Pub. L. 116-92, div. B, title XXX, § 3057, Dec. 20, 2019, 133 Stat. 1945, provided that:

“(a) DEVELOPMENT REQUIRED.—

“(1) IN GENERAL.—The Secretary of Defense shall develop standardized documentation, templates, and forms for use throughout the Department of Defense with respect to privatized military housing. In developing such documentation, templates, and forms, the Secretary shall ensure that, to the maximum extent practicable, the documentation, templates, and forms do not conflict with applicable State and local housing regulations.

“(2) INITIAL GUIDANCE.—Not later than 30 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall issue guidance for the development of the following:

“(A) Policies and standard operating procedures of the Department for privatized military housing.

“(B) A universal lease agreement for privatized military housing that includes—

“(i) the documents developed pursuant to section 2890 of title 10, United States Code, as added by section 3011, entitled Military Housing Privatization Initiative Tenant Bill of Rights and Military Housing Privatization Initiative Tenant Responsibilities; and

“(ii) any lease addendum required by the law of the State in which the unit of privatized military housing is located.

“(3) CONSULTATION.—The Secretary of Defense shall carry out this subsection in consultation with the Secretaries of the military departments.

“(b) MILITARY DEPARTMENT PLANS.—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 of this section by that military department.”

[For definition of “privatized military housing” as used in section 3057 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.]

#### [§ 2890a. Renumbered § 2851a]

#### § 2891. Requirements relating to contracts for provision of housing units

(a) IN GENERAL.—The requirements of this section condition contracts entered into using the authorities provided to the Secretary concerned under section 2872 of this title and other authorities provided under subchapter IV of this chapter and this subchapter.

(b) EXCLUSION OF CERTAIN EMPLOYEES.—A landlord providing a housing unit shall prohibit any employee of the landlord who commits work-order fraud under the contract from doing any work under the contract.

(c) **DISPUTE RESOLUTION PROCESS.**—Any decision the commander renders in favor of the tenant in the formal dispute resolution process established pursuant to section 2894 of this title will be taken into consideration in determining whether to pay or withhold all or part of any incentive fees for which a landlord may otherwise be eligible under the contract.

(d) **RESPONSIBILITY FOR CERTAIN MEDICAL COSTS.**—

(1) **REIMBURSEMENT REQUIRED UNDER CERTAIN CIRCUMSTANCES.**—If the Secretary concerned finds that a landlord fails to maintain safe and sanitary conditions for a housing unit under the contract and that, subject to paragraph (2), these conditions result in a tenant of the housing unit receiving medical evaluations and treatment, the landlord shall be responsible for reimbursing the Department of Defense for any costs incurred by the Department to provide the medical evaluations and treatment to the tenant, whether such evaluations and treatment are provided in a military medical treatment facility or through the TRICARE provider network.

(2) **REVIEW PROCESS.**—Before the Secretary concerned may submit a claim under paragraph (1) to a landlord for reimbursement of Department medical evaluation and treatment costs—

(A) a military medical professional must determine that the tenant's medical conditions were caused by unsafe and unsanitary conditions of the housing unit; and

(B) the documentation of the medical evaluation showing causation must be sent to the Director of the Defense Health Agency for review and approval.

(3) **UNIFORM PROCESSES AND PROCEDURES.**—Not later than 180 days after the date of the enactment of this section, the Director of the Defense Health Agency shall develop and publish uniform processes and procedures to be used by medical providers in military medical treatment facilities to make determinations regarding whether environmental hazards within housing units serve as causative factors for medical conditions being evaluated and treated in military medical treatment facilities or through the TRICARE provider network.

(e) **RESPONSIBILITY FOR RELOCATION COSTS.**—

(1) **PERMANENT RELOCATION.**—A landlord providing a housing unit shall pay reasonable relocation costs associated with the permanent relocation of a tenant from the housing unit to a different housing unit due to health or environmental hazards—

(A) present in the housing unit being vacated through no fault of the tenant; and

(B) confirmed by the housing management office of the installation for which the housing unit is provided as making the unit uninhabitable or unable to be remediated safely while the tenant occupies the housing unit.

(2) **TEMPORARY RELOCATION.**—The landlord shall pay reasonable relocation costs and actual costs of living, including per diem, associated with the temporary relocation of a ten-

ant to a different housing unit due to health or environmental hazards—

(A) present in the housing unit being vacated through no fault of the tenant; and

(B) confirmed by the housing management office of the installation as making the unit uninhabitable or unable to be remediated safely while the tenant occupies the housing unit.

(f) **MAINTENANCE WORK ORDER SYSTEM.**—A landlord providing a housing unit shall ensure that the maintenance work order system of the landlord (hardware and software) is up to date, including—

(1) by providing a reliable mechanism through which a tenant may submit work order requests through an Internet portal and mobile application, which shall incorporate the ability to upload photos, communicate with maintenance personnel, and rate individual service calls;

(2) by allowing real-time access to such system by officials of the Department at the installation, major subordinate command, and service-wide levels; and

(3) by allowing the work order or maintenance ticket to be closed only once the tenant and the head of the housing management office of the installation sign off.

(g) **IMPLEMENTATION.**—The Secretary concerned shall create such legal documents as may be necessary to carry out this section.

(Added Pub. L. 116-92, div. B, title XXX, § 3013(a), Dec. 20, 2019, 133 Stat. 1921; amended Pub. L. 116-283, div. B, title XXVIII, § 2811(c), Jan. 1, 2021, 134 Stat. 4323.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (d)(3), is the date of enactment of Pub. L. 116-92, which was approved Dec. 20, 2019.

#### PRIOR PROVISIONS

A prior section 2891, added Pub. L. 100-456, div. A, title III, § 342(a)(1), Sept. 29, 1988, 102 Stat. 1959; amended Pub. L. 102-484, div. A, title III, § 372, Oct. 23, 1992, 106 Stat. 2384, required Secretary of Defense to submit to Congress for each of fiscal years 1992, 1993, and 1994, a report regarding security and control of Department of Defense supplies, prior to repeal by Pub. L. 104-106, div. A, title X, § 1061(b)(1), Feb. 10, 1996, 110 Stat. 442.

#### AMENDMENTS

2021—Subsec. (e)(1). Pub. L. 116-283, § 2811(c)(1)(A), inserted “unit” after “different housing” in introductory provisions.

Subsec. (e)(1)(B). Pub. L. 116-283, § 2811(c)(1)(B), inserted “the” before “tenant”.

Subsec. (e)(2)(B). Pub. L. 116-283, § 2811(c)(2), inserted “the” before “tenant”.

#### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. B, title XXX, § 3013(b), Dec. 20, 2019, 133 Stat. 1923, provided that: “The requirements set forth in section 2891 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 3013(b) 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.]

## RETROACTIVE LANDLORD AGREEMENTS

Pub. L. 116-92, div. B, title XXX, §3013(c), Dec. 20, 2019, 133 Stat. 1923, 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 2891 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 2891 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 Secretaries 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 3013(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.]

**§ 2891a. Requirements relating to management of housing units**

(a) IN GENERAL.—The Secretary of Defense shall ensure that each contract between the Secretary concerned and a landlord regarding the management of housing units for an installation of the Department of Defense includes the requirements set forth in this section.

(b) REQUIREMENTS FOR INSTALLATION COMMANDERS.—(1) The installation commander shall be responsible for—

(A) reviewing, on an annual basis, the mold mitigation plan and pest control plan of each landlord managing housing units for the installation; and

(B) notifying the landlord and the major subordinate command of any deficiencies found in either plan.

(2) In response to a request by the head of the housing management office of an installation, the installation commander shall use the assigned bio-environmental personnel or contractor equivalent at the installation to test housing units for mold, unsafe water conditions, and other health and safety conditions.

(c) REQUIREMENTS FOR HOUSING MANAGEMENT OFFICE.—(1) The head of the housing management office of an installation shall be responsible for—

(A) conducting a physical inspection of, and approving the habitability of, a vacant housing unit for the installation before the landlord managing the housing unit is authorized to offer the housing unit available for occupancy;

(B) conducting a physical inspection of the housing unit upon tenant move-out; and

(C) maintaining all test results relating to the health, environmental, and safety condition of the housing unit and the results of any

inspection conducted by the housing management office, landlord, or third-party contractor for the life of the contract relating to that housing unit.

(2) The head of the installation housing management office shall be provided a list of any move-out charges that a landlord seeks to collect from an outgoing tenant.

(3) The head of the installation housing management office shall initiate contact with a tenant regarding the satisfaction of the tenant with the housing unit of the tenant not later than—

(A) 15 days after move-in; and

(B) 60 days after move-in.

(d) REQUIREMENTS FOR LANDLORDS.—(1) The landlord providing a housing unit shall disclose to the Secretary of Defense any bonus structures offered for community managers and regional executives and any bonus structures relating to maintenance of housing units, in order to minimize the impact of those incentives on the operating budget of the installation for which the housing units are provided.

(2) With respect to test results relating to the health and safety condition of a housing unit, the landlord providing the housing unit shall—

(A) not later than three days after receiving the test results, share the results with the tenant of the housing unit and submit the results to the head of the installation housing management office; and

(B) include with any environmental hazard test results a simple guide explaining those results, preferably citing standards set forth by the Federal Government relating to environmental hazards.

(3) Before a prospective tenant signs a lease to occupy a housing unit, the landlord providing the housing unit shall conduct a walkthrough inspection of the housing unit—

(A) for the prospective tenant; or

(B) if the prospective tenant is not able to be present for the inspection, with an official of the housing management office designated by the prospective tenant to conduct the inspection on the tenant’s behalf.

(4) In the event that the installation housing management office determines that a housing unit does not meet minimum health, safety, and welfare standards set forth in Federal, State, and local law as a result of a walkthrough inspection or an inspection conducted under subsection (c), the landlord providing the housing unit shall remediate any issues and make any appropriate repairs to the satisfaction of the housing management office and subject to another inspection by the housing management office.

(5) A landlord providing a housing unit may not conduct any promotional events to encourage tenants to fill out maintenance comment cards or satisfaction surveys of any kind, without the approval of the chief of the housing management office.

(6) A landlord providing a housing unit may not award an installation of the Department of Defense or an officer or employee of the Department a “Partner of the Year award” or similar award.