

(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 PERFORMANCE METRICS AND USE OF INCENTIVE FEES.—(1) Not less frequently than annually, the Secretary of Defense shall make available, upon request of a tenant, at the applicable installation housing office the following:

(A) An assessment of the indicators underlying the performance metrics for each contract for the provision or management of housing units to ensure such indicators adequately measure the condition and quality of each housing unit covered by the contract.

(B) Information regarding the use by the Secretary concerned of incentive fees to support contracts for the provision or management of housing units.

(2)(A) For purposes of paragraph (1)(A), the indicators underlying the performance metrics for a contract for the provision or management of housing units shall measure at a minimum the following:

- (i) Tenant satisfaction.
- (ii) Maintenance management.
- (iii) Safety.
- (iv) Financial management.

(B) An assessment required to be made available under paragraph (1)(A) shall include a detailed description of each indicator underlying the performance metrics, including the following information:

- (i) The limitations of available survey data.
- (ii) How tenant satisfaction and maintenance management is calculated.
- (iii) Whether any relevant data is missing.

(3) The information provided under paragraph (1)(B) shall include, with respect to each contract for the provision or management of housing units, 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; amended Pub. L. 116–283, div. B, title XXVIII, § 2814(a)–(d)(1), Jan. 1, 2021, 134 Stat. 4327, 4328.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116–283, § 2814(d)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Financial transparency”.

Subsec. (b). Pub. L. 116–283, § 2814(a)(1), inserted “Performance Metrics and” before “Use of Incentive Fees” in heading.

Subsec. (b)(1). Pub. L. 116–283, § 2814(a)(2), substituted “shall make available, upon request of a tenant, at the applicable installation housing office the following:

(A) An assessment of the indicators underlying the performance metrics for each contract for the provision or management of housing units to ensure such indicators adequately measure the condition and quality of each housing unit covered by the contract.

(B) Information” for “shall publish, on a publicly accessible website, information”.

Subsec. (b)(2). Pub. L. 116–283, § 2814(b)(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 116–283, § 2814(b)(1), (c), redesignated par. (2) as (3) and substituted “paragraph (1)(B)” for “paragraph (1)” and “each contract for the provision or management of housing units” for “each contract” in introductory provisions.

#### § 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.)

**Editorial Notes**

## AMENDMENTS

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

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

(a) MAINTENANCE INFORMATION FOR PROSPECTIVE TENANTS.—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—

(1) not later than five business days before the prospective tenant is asked to sign the lease, a summary of maintenance conducted with respect to that housing unit for the previous seven years; and

(2) not later than two business days after the prospective tenant requests additional information regarding maintenance conducted with respect to that housing unit during such period, all information possessed by the eligible entity or subsequent landlord regarding such maintenance conducted during such period.

(b) MAINTENANCE INFORMATION FOR EXISTING TENANTS.—A tenant of a housing unit who did not receive maintenance information described in subsection (a) regarding that housing unit while a prospective tenant may request such maintenance information and shall receive such maintenance information not later than five business days after the making of the request.

(c) MAINTENANCE DEFINED.—In the section, the term “maintenance” includes any renovations of the housing unit during the period specified in subsection (a)(1).

(Added Pub. L. 116–92, div. B, title XXX, §3019, Dec. 20, 2019, 133 Stat. 1931; amended Pub. L. 116–283, div. B, title XXVIII, §2811(e), Jan. 1, 2021, 134 Stat. 4324.)

**Editorial Notes**

## AMENDMENTS

2021—Pub. L. 116–283 added section text and struck out former text which read as follows: “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.”

**§ 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.)

**Statutory Notes and Related Subsidiaries**

## 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 pattern of 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; amended Pub. L. 116–283, div. B, title XXVIII, §2811(f), Jan. 1, 2021, 134 Stat. 4324.)

**Editorial Notes**

## AMENDMENTS

2021—Pub. L. 116–283 substituted “pattern of” for “propensity for”.

**§ 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 housing units as the deciding authority under the dispute resolution process.

(3) The Secretary concerned shall establish a standardized mechanism and forms by which a tenant of a housing unit may submit, through online or other means, a request for resolution of a landlord-tenant dispute through the dispute resolution process.

(4) The Secretary shall ensure that, in preparing a request described in paragraph (3), a tenant has access to advice and assistance from a military housing advocate employed by the military department concerned or a military legal assistance attorney under section 1044 of this title.

(5) The Secretary concerned shall minimize costs to tenants for participation in the dispute resolution process.

(6) The dispute resolution process shall require the installation or regional commander (as the