

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

case may be) to record each dispute in the complaint database established under section 2894a of this title.

(c) RESOLUTION PROCESS.—(1) Not later than two business days after receiving a request from a tenant for resolution of a landlord-tenant dispute through the dispute resolution process, the Secretary concerned shall—

(A) notify the tenant that the request has been received;

(B) transmit a copy of the request to the installation or regional commander (as the case may be), housing management office responsible for the housing unit, and the landlord of the housing unit; and

(C) if the request includes a request to withhold payments under subsection (e), initiate the process under such subsection.

(2) For purposes of conducting an assessment necessary to render a decision under the dispute resolution process, both the landlord and representatives of the installation housing management office may access the housing unit at a time and for a duration mutually agreed upon amongst the parties.

(3) Not later than seven business days after the date on which the request was received by the installation housing management office, such office shall complete an investigation that includes a physical inspection and transmit the results of the investigation to the installation or regional commander (as the case may be).

(4) Before making any decision with respect to a dispute under the dispute resolution process, the commander shall certify that the commander has solicited recommendations or information relating to the dispute from, at a minimum, the following persons:

(A) The chief of the installation housing management office.

(B) A representative of the landlord for the housing unit.

(C) The tenant submitting the request for dispute resolution.

(D) A qualified judge advocate or civilian attorney who is a Federal employee.

(E) If the dispute involves maintenance or another facilities-related matter, a civil engineer.

(5)(A) The commander shall make a decision with respect to a request under the dispute resolution process not later than 30 calendar days after the request was submitted.

(B) The commander may take longer than such 30-day period in limited circumstances as determined by the Secretary of Defense, but in no case shall such a decision be made more than 60 calendar days after the request was submitted.

(6) Except as provided in paragraph (5)(B), a final decision shall be transmitted to the tenant, landlord, and the installation or regional commander (as the case may be) not later than 30 calendar days after the request was submitted.

(7) The decision shall include instructions for distribution of any funds that were withheld under subsection (e) and such instructions for the landlord for further remediation as the commander considers necessary.

(8) The decision by the commander under this subsection shall be final.

(d) EFFECT OF FAILURE TO COMPLY WITH DECISION.—(1) If the final decision rendered under subsection (c) for resolution of a landlord-tenant dispute includes instructions for the landlord responsible for the housing unit to further remediate the housing unit, the decision shall specify a reasonable period of time, but not less than 10 business days, for the landlord to complete the remediation.

(2) If the landlord does not remediate the issues before the end of the time period specified in the final decision in a manner consistent with the instructions contained in the decision, any amounts payable to the landlord for the housing unit shall be reduced by 10 percent for each period of five calendar days during which the issues remain unremediated.

(e) REQUEST TO WITHHOLD PAYMENTS DURING RESOLUTION PROCESS.—(1) As part of the submission of a request for resolution of a landlord-tenant dispute through the dispute resolution process regarding maintenance guidelines or procedures or habitability, the tenant may request that all or part of the payments described in paragraph (3) for lease of the housing unit be segregated and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process.

(2) The amount allowed to be withheld under paragraph (1) shall be limited to amounts associated with the period during which—

(A) the landlord has not met maintenance guidelines and procedures established by the Department of Defense, either through contract or otherwise; or

(B) the housing unit is uninhabitable according to State and local law for the jurisdiction in which the housing unit is located.

(3) This subsection applies to the following:

(A) Any basic allowance for housing payable to the tenant (including for any dependents of the tenant in the tenant's household) under section 403 of title 37.

(B) All or part of any pay of a tenant subject to allotment as described in section 2882(c) of this title.

(f) DISCLOSURE OF RIGHTS.—(1) Each housing management office of the Department of Defense shall disclose in writing to each new tenant of a housing unit, upon the signing of the lease for the housing unit, the tenant's rights under this section and the procedures under this section for submitting a request for resolution of a landlord-tenant dispute through the dispute resolution process, including the ability to submit a request to withhold payments during the resolution process.

(2) The Secretary of Defense shall ensure that each lease entered into with a tenant for a housing unit clearly expresses, in a separate addendum, the dispute resolution procedures.

(g) RULE OF CONSTRUCTION ON USE OF OTHER ADJUDICATIVE BODIES.—Nothing in this section or any other provision of law shall be construed to prohibit a tenant of a housing unit from pursuing a claim against a landlord in any adjudicative body with jurisdiction over the housing unit or the claim.

(Added Pub. L. 116-92, div. B, title XXX, §3022(a), Dec. 20, 2019, 133 Stat. 1932; amended Pub. L. 116-283, div. B, title XXVIII, §2811(g), Jan. 1, 2021, 134 Stat. 4324.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(6). Pub. L. 116-283, §2811(g)(1), added par. (6).

Subsec. (c)(1). Pub. L. 116-283, §2811(g)(2)(A), substituted “two business days” for “24 hours” in introductory provisions.

Subsec. (c)(3). Pub. L. 116-283, §2811(g)(2)(B), inserted “business” before “days” and “, such office” before “shall complete”.

Subsec. (c)(4). Pub. L. 116-283, §2811(g)(2)(C), inserted “, at a minimum,” before “the following persons” in introductory provisions.

Subsec. (c)(5). Pub. L. 116-283, §2811(g)(2)(D), inserted “calendar” before “days” in subpars. (A) and (B).

Subsec. (c)(6). Pub. L. 116-283, §2811(g)(2)(E), added par. (6) and struck out former par. (6) which read as follows: “A final decision will be transmitted to the tenant and landlord no later than 30 days from initial receipt by the office of the commander, except as provided in paragraph (5)(B).”

Subsecs. (d), (e). Pub. L. 116-283, §2811(g)(3), added subsecs. (d) and (e) and struck out former subsecs. (d) and (e) which related to effect of failure to comply with decision and request to withhold payments during resolution process, respectively.

Statutory Notes and Related Subsidiaries

TIMING OF ESTABLISHMENT OF DISPUTE RESOLUTION PROCESS

Pub. L. 116-92, div. B, title XXX, §3022(c), Dec. 20, 2019, 133 Stat. 1934, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall establish the dispute resolution process required under section 2894 of title 10, United States Code, as added by subsection (a).”

LANDLORD AGREEMENTS

Pub. L. 116-92, div. B, title XXX, §3022(d), Dec. 20, 2019, 133 Stat. 1934, provided that:

“(1) **IN GENERAL.**—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to participate in the dispute resolution and payment-withholding processes required under section 2894 of title 10, United States Code, as added by subsection (a).

“(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 participate in the dispute resolution and payment-withholding processes.

“(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 3022(d) 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.]

§ 2894a. Complaint database

(a) **DATABASE REQUIRED.**—The Secretary of Defense shall establish a database of complaints made regarding housing units.

(b) **PUBLIC AVAILABILITY.**—The database shall be available to the public.

(c) **INCLUSION OF TENANT COMPLAINTS.**—The Secretary of Defense shall permit a tenant of a housing unit to file a complaint regarding the housing unit for inclusion in the database.

(d) **INCLUSION OF CERTAIN INFORMATION.**—(1) Information accessible in the database regarding a complaint shall include the following:

(A) The name of the installation for which the housing unit is provided.

(B) The name of the landlord responsible for the housing unit.

(C) A description of the nature of the complaint.

(2) The Secretary of Defense may not disclose personally identifiable information through the database.

(e) **RESPONSE BY LANDLORDS.**—(1) The Secretary of Defense shall include in any contract with a landlord responsible for a housing unit a requirement that the landlord respond in a timely manner to any complaints included in the database that relate to the housing unit.

(2) The Secretary shall include landlord responses in the database.

(Added Pub. L. 116-92, div. B, title XXX, §3016(b), Dec. 20, 2019, 133 Stat. 1929.)

[CHAPTER 171—REPEALED]

[[§§ 2891, 2892. Repealed. Pub. L. 104-106, div. A, title X, §1061(b)(1), Feb. 10, 1996, 110 Stat. 442]

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.

Section 2892, added Pub. L. 100-456, div. A, title III, §342(a)(1), Sept. 29, 1988, 102 Stat. 1960, directed Secretary of Defense to require investigations of discrepancies in accounting for Department supplies and to separate offices ordering supplies from offices receiving supplies.

CHAPTER 172—STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

Sec.	
2901.	Strategic Environmental Research and Development Program.
2902.	Strategic Environmental Research and Development Program Council.
2903.	Executive Director.
2904.	Strategic Environmental Research and Development Program Scientific Advisory Board.

§ 2901. Strategic Environmental Research and Development Program

(a) The Secretary of Defense shall establish a program to be known as the “Strategic Environmental Research and Development Program”.

(b) The purposes of the program are as follows:

(1) To address environmental matters of concern to the Department of Defense and the Department of Energy through support for basic and applied research and development of technologies that can enhance the capabilities of the departments to meet their environmental obligations.