

4 Key NDAA Provisions, Backed by MOAA, That Will Improve Military Housing

Homes saturated in mold. Rodents for your roommates. Shoddy labor and too many cut corners. In the past year, MOAA has played a leading role in identifying and addressing health and safety hazards in military family housing, operated mostly by private companies with too little oversight.

Now, after hearing the horror stories and validating concerns, the Defense Department and Congress are ramping up efforts to improve conditions in these homes.

The FY 2020 National Defense Authorization Act (NDAA), signed by President Donald Trump into law on Dec. 20, includes the most comprehensive military housing reform since 1996. Service secretaries have acknowledged widespread problems, and MOAA will work to ensure they follow through with solutions.

Here are key items MOAA fought for that were included in the FY20 NDAA. We will oversee implementation of these provisions this year to ensure improvements meet the intent of Congress.

1. Creation of a “Tenant Bill of Rights.” The defense bill includes a robust list of tenant rights and responsibilities required to be incorporated into the services’ Tenant Bill of Rights. Such a document will help tenants understand their authority before moving in, provide greater transparency on historical issues with the unit, and give guidance on how to address concerns. Most of the points reflect rights tenants have in homes off military installations, including the ability to withhold rent.

2. Improvement in communication and transparency. Last year, MOAA told Congress stronger, clearer communication channels need to be established between tenants, landlords, installation staff, and health agencies. The NDAA includes a more transparent work order system which will require a DoD housing official and the tenant to sign off on a work order before it can be closed out and gives DoD greater access to the database. DoD will also be required to create a public complaint database for families. Partner companies will have the opportunity to respond to these complaints in real time.

Finally, the bill outlines specific roles and responsibilities of the installation commanders, housing management offices, and landlords with specific focus on move-in/move-out procedures, remediation, financial transparency and tenant satisfaction.

3. Reimbursement for health and relocation costs. No later than 180 days after enactment, the director of the Defense Health Agency will have to report to Congress on uniform processes and procedures to be used by MTF medical providers to determine whether a patient's medical conditions were caused by unsafe and unsanitary conditions in military housing. The partner companies will be required to reimburse DoD for TRICARE expenses incurred if the landlords are found at fault for the health hazards.

During a House Armed Services Committee Hearing, all five partner companies testifying promised they would reimburse families as well for any cost associated with health issues in their homes. Additionally, the landlord will be expected to pay costs of relocation or temporary dislocation for a tenant moved due to hazards in their home.

4. Formalized dispute resolution processes. The FY20 NDAA includes a formalized dispute resolution process to ensure proper escalation of issues and establish a process to withhold BAH when necessary. The installation commander will have final decision on disputes, however families are not required to enter into this process.

If issues escalate beyond dispute resolution the tenant has a right to pursue legal recourse and the tenant bill of rights provides families the right to obtain legal assistance. The bill also clearly states retaliation against tenants for reporting issues will not be tolerated.

More Housing Reforms

Many provisions in the FY20 NDAA would require the services to amend their deal agreements with the private housing companies. These changes cannot be made unilaterally, and the private partners must agree to any renegotiations to their partnerships.

Congress is requiring DoD to report back by March 1, 2020, on which partner companies do not agree with changes to the partnerships outlined in the defense bill which will be used in consideration for future housing partnerships.

Lastly, MOAA will continue to urge Congress to include protections and oversight of government-owned housing and barracks. While reform efforts have focused on privatized housing, aspects of new policies could and should be applied to government housing as well.