

116TH CONGRESS
1ST SESSION

S. 703

To amend title 10, United States Code, to address health, safety, and environmental hazards at private military housing units, to prohibit the payment by members of the Armed Forces of deposits or other fees relating to such housing units, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2019

Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. Kaine, Ms. HARRIS, Mr. BLUMENTHAL, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to address health, safety, and environmental hazards at private military housing units, to prohibit the payment by members of the Armed Forces of deposits or other fees relating to such housing units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Safe Hous-
5 ing for Our Military Act”.

1 **SEC. 2. TREATMENT OF HEALTH, SAFETY, AND ENVIRON-**
2 **MENTAL HAZARDS AT PRIVATE MILITARY**
3 **HOUSING UNITS.**

4 (a) IN GENERAL.—Subchapter IV of chapter 169 of
5 title 10, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 2887. Health, safety, and environmental hazards**

8 “(a) COMMON CREDENTIALS.—The Secretary of De-
9 fense shall require credentials that are the same through-
10 out the Department of Defense for all inspectors of health,
11 safety, and environmental hazards at housing units ac-
12 quired or constructed under this subchapter, including in-
13 spectors contracted by the Department.

14 “(b) REVIEW AND APPROVAL OF MOLD MANAGE-
15 MENT AND PEST CONTROL PLAN.—Not less frequently
16 than annually, the commander of each military installation
17 shall review and approve the mold management plan and
18 pest control plan for any housing unit acquired or con-
19 structed under this subchapter for members of the armed
20 forces stationed at such military installation before such
21 plan is implemented.

22 “(c) WITHHOLDING OF AMOUNTS.—(1) After notifi-
23 cation of a potential mold bloom, water intrusion, infesta-
24 tion, or any other health, safety, or environmental hazard
25 at a housing unit acquired or constructed under this sub-
26 chapter for a member of the armed forces stationed at

1 a military installation, the commander of the military in-
2 stallation shall withhold payment to the landlord respon-
3 sible for such unit of the basic allowance for housing re-
4 ceived by the member (and any dependents of the member
5 in the member's household) under section 403 of title 37
6 until—

7 “(A) a military housing official of the Depart-
8 ment assesses the potential hazard;

9 “(B) steps have been taken by the landlord to
10 remediate the hazard;

11 “(C) the military housing official determines,
12 and submits such determination to the Secretary
13 concerned in writing, that the steps taken to reme-
14 diate the hazard have cured the hazard; and

15 “(D) the member agrees with the determination
16 under subparagraph (C).

17 “(2) The Secretary of Defense shall withhold incen-
18 tive fees paid to a landlord for persistent failure to remedy
19 a health, safety, or environmental hazard, as determined
20 by the Secretary.

21 “(d) PAYMENT OF RELOCATION COSTS.—(1) A land-
22 lord responsible for a housing unit acquired or constructed
23 under this subchapter shall pay for the reasonable reloca-
24 tion costs, including costs for temporary relocation, of a

1 member of the armed forces and their family in connection
 2 with a health, safety, or environmental hazard at the unit.

3 “(2) In this subsection, the term ‘reasonable reloca-
 4 tion costs’ has the meaning given that term by the Sec-
 5 retary of Defense.

6 “(e) PAYMENT FOR DAMAGED PERSONAL PROP-
 7 erty.—A landlord responsible for a housing unit acquired
 8 or constructed under this subchapter shall reimburse a
 9 tenant of the unit for any personal property damaged as
 10 a result of a health, safety, or environmental hazard.

11 **“§ 2888. Electronic work order system**

12 “(a) IN GENERAL.—The Secretary of Defense shall
 13 maintain an electronic work order system through which
 14 a member of the armed forces or family member of a mem-
 15 ber of the armed forces who is a tenant of a housing unit
 16 acquired or constructed under this subchapter may re-
 17 quest work to be done on the unit and track the progress
 18 of the work.

19 “(b) ACCESSIBILITY.—The electronic work order sys-
 20 tem under subsection (a) shall be accessible—

21 “(1) to a member of the armed forces or family
 22 member of a member of the armed forces to track
 23 a work request made through such system by such
 24 an individual;

1 “(2) to a military housing official of the De-
2 partment of Defense or a commander of a military
3 installation to track a work request made through
4 such system by a member of the armed forces or
5 family member of a member of the armed forces sta-
6 tioned at the military installation under the jurisdic-
7 tion of that official or commander; and

8 “(3) to landlord responsible for a housing unit
9 acquired or constructed under this subchapter to
10 track a work request made through such system by
11 a member of the armed forces or family member of
12 a member of the armed forces living in such unit.

13 “(c) INFORMATION.—The system maintained under
14 subsection (a) shall include such relevant information as
15 the Secretary considers necessary.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to the Department of De-
18 fense \$5,000,000 to carry out this section.

19 “**§ 2889. Investigation of allegations of retaliation re-**
20 **lating to complaints**

21 “(a) IN GENERAL.—The Inspector General of the
22 Department of Defense and the Inspector General of each
23 military department may investigate allegations of retali-
24 ation against a member of the armed forces in connection
25 with that member reporting a complaint relating to a

1 housing unit acquired or constructed under this sub-
2 chapter.

3 “(b) SUBMITTAL TO CONGRESS.—The Inspector
4 General of the Department and the Inspector General of
5 each military department shall submit to Congress the re-
6 sults of any investigation conducted by that person under
7 subsection (a).”.

8 (b) LANDLORD DEFINED.—Section 2871 of such title
9 is amended—

10 (1) by redesignating paragraphs (7) and (8) as
11 paragraphs (8) and (9), respectively; and

12 (2) by inserting after paragraph (6) the fol-
13 lowing new paragraph (7):

14 “(7) The term ‘landlord’ means an eligible enti-
15 ty or lessor who owns, manages, or is otherwise re-
16 sponsible for a housing unit under this subchapter.”.

17 (c) ESTABLISHMENT OF SYSTEM.—The electronic
18 work order system to be maintained under section 2888
19 of such title, as added by subsection (a), shall be—

20 (1) created and tested not later than two years
21 after the date of the enactment of this Act; and

22 (2) implemented throughout the Department of
23 Defense not later than three years after such date
24 of enactment.

1 (d) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 169 of such title is amended
 3 by adding at the end the following new items:

“2887. Health, safety, and environmental hazards.

“2888. Electronic work order system.

“2889. Investigation of allegations of retaliation relating to complaints.”.

4 **SEC. 3. CLARIFICATION OF PAY REQUIRED BY MEMBERS**
 5 **OF THE ARMED FORCES RELATING TO PRI-**
 6 **VATE MILITARY HOUSING UNITS.**

7 Section 2886 of title 10, United States Code, is
 8 amended by adding at the end the following new sub-
 9 section:

10 “(d) TREATMENT OF DEPOSITS AND RELATED
 11 FEES.—(1) The prohibition on imposing supplemental
 12 payments under subsection (a) shall include a prohibition
 13 on requiring the payment of the following:

14 “(A) A deposit.

15 “(B) Any fee or penalty associated with ending
 16 a lease except for a fee relating to normal wear and
 17 tear.

18 “(2)(A) Any fee relating to normal wear and tear de-
 19 scribed in paragraph (1)(B) shall be reviewed and ap-
 20 proved by a military housing official of the Department
 21 of Defense before being imposed.

22 “(B) A member of the armed forces who is subject
 23 to a fee described in subparagraph (A) may participate

1 in the review conducted under such subparagraph and
2 may appeal the decision made under such review.”.

3 **SEC. 4. INFORMATION ON LEGAL SERVICES PROVIDED TO**
4 **MEMBERS OF THE ARMED FORCES HARMED**
5 **BY HEALTH, SAFETY, OR ENVIRONMENTAL**
6 **HAZARDS AT MILITARY HOUSING.**

7 (a) REPORT.—Not later than 90 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to Congress a report on the legal services that
10 the Secretary may provide to members of the Armed
11 Forces who have been harmed by a health, safety, or envi-
12 ronmental hazard while living in military housing.

13 (b) AVAILABILITY OF INFORMATION.—The Secretary
14 of each military department shall make the information
15 contained in the report submitted under subsection (a)
16 available to members of the Armed Forces on all military
17 installations in the United States.

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