

AMENDMENT TO RULES COMMITTEE PRINT 119-

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OFFERED BY MR. PANETTA OF CALIFORNIA

Add at the end of subtitle B of title XXVIII, the following new section:

1 **SEC. 28 ____ . DEVELOPMENT AND IMPLEMENTATION OF**
2 **MINIMUM HEALTH AND SAFETY STANDARDS**
3 **FOR MILITARY FAMILY HOUSING.**

4 (a) STANDARDS.—

5 (1) INITIAL GUIDANCE.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of the enactment of this
8 Act, the Secretary of Defense shall issue in-
9 terim guidance for acceptable levels of relative
10 humidity, ventilation, dampness, and water in-
11 trusion to be applied at all covered housing.

12 (B) EFFECT.—Interim guidance issued
13 under subparagraph (A) shall remain in effect
14 until final standards are published under para-
15 graph (2).

16 (2) FINAL STANDARDS.—Not later than one
17 year after the date of the enactment of this Act, the
18 Secretary of Defense shall issue final standards for

1 acceptable levels of relative humidity, ventilation,
2 dampness, and water intrusion to be applied at all
3 covered housing, which shall include—

4 (A) acceptable levels of relative humidity
5 indoors;

6 (B) required ventilation and moisture con-
7 trol measures;

8 (C) environmental inspection and testing
9 methods; and

10 (D) the standard of care for mold remedi-
11 ation adopted under subsection (f).

12 (3) REPORTING AND AVAILABILITY OF TEST-
13 ING.—The final standards established under para-
14 graph (2) shall require results of environmental in-
15 spection and testing methods under subparagraph
16 (C) of such paragraph to be reported to the Sec-
17 retary of Defense and made available to tenants of
18 affected housing units not later than 10 days after
19 sample collection.

20 (b) CERTIFICATION OF COMPLIANCE.—Not less fre-
21 quently than annually, each housing office of the Depart-
22 ment shall certify to Congress that the housing office is
23 in compliance with health and safety standards for covered
24 housing required under this section.

1 (c) ESTABLISHMENT OF INDEPENDENT INSPECTION
2 PROTOCOL FOR PRIVATIZED MILITARY HOUSING.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of the enactment of this Act, the Sec-
5 retary of Defense shall ensure that each installation
6 of the Department of Defense conducts, using inde-
7 pendent certified third-party inspectors, mold and
8 environmental health inspections for all covered
9 housing that is privatized military housing—

10 (A) upon receipt of any tenant complaint
11 regarding safety and habitability of a housing
12 unit; and

13 (B) following any remediation effort, struc-
14 tural repair, or response to an identified envi-
15 ronmental hazard at a housing unit.

16 (2) ELEMENTS OF INSPECTIONS.—Inspections
17 conducted under paragraph (1) shall include, at min-
18 imum—

19 (A) evaluation of heating, ventilation, and
20 air conditioning (HVAC) systems, plumbing,
21 electrical systems, and structural integrity;

22 (B) inspection for signs of water intrusion,
23 dampness, humidity, visible or non-visible mold,
24 microbial growth, and other indoor air quality
25 concerns;

1 (C) review of current and past work order
2 records and completion timelines; and

3 (D) review of contractor compliance with
4 privatized military housing contract require-
5 ments and housing regulations of the Depart-
6 ment of Defense.

7 (3) RECORDING AND MAINTENANCE OF
8 RECORDS.— All findings of inspections conducted
9 under paragraph (1) shall be—

10 (A) recorded in a standardized Federal
11 Government inspection record;

12 (B) certified by the inspector with a clear
13 “pass” or “fail” status;

14 (C) maintained in an accessible, historical
15 housing record for each housing unit; and

16 (D) made available to the relevant installa-
17 tion commander and military housing office.

18 (4) DOCUMENTATION AND SUBMISSION OF RE-
19 SULTS.—The commander of each installation of the
20 Department shall—

21 (A) document results of inspections con-
22 ducted under paragraph (1); and

23 (B) submit the results of such inspections
24 to—

25 (i) the Secretary;

1 (ii) the Office of Inspector General of
2 the Department of Defense; and

3 (iii) the Committees on Armed Serv-
4 ices of the Senate and the House of Rep-
5 resentatives.

6 (5) ACCESS AND TRANSPARENCY.—Inspection
7 reports certified under paragraph (3)(B) and hous-
8 ing history records required under paragraph (3)(C)
9 shall be—

10 (A) provided in full to current tenants of
11 the inspected unit;

12 (B) made available upon request to any in-
13 coming tenants; and

14 (C) maintained in a secure portal acces-
15 sible to staff of the relevant military housing of-
16 fice, the Committees on Armed Services of the
17 Senate and the House of Representatives, and
18 military family advocacy personnel.

19 (6) REMEDIATION OR TENANT RELOCATION.—
20 In the case of a housing unit failing inspection con-
21 ducted under paragraph (1), the Secretary shall en-
22 sure that the unit is remediated or the tenants of
23 such unit are relocated not later than 30 days after
24 such failed inspection, if such tenants wish to be re-
25 located.

1 (d) REQUIREMENTS FOR PRIVATIZED MILITARY
2 HOUSING.—

3 (1) HEALTH AND SAFETY STANDARDS FOR
4 MILITARY HOUSING.—The Secretary of each military
5 department shall ensure that all housing project
6 agreements and renewals for privatized military
7 housing under the jurisdiction of the Secretary con-
8 cerned entered into on or after the date of the enact-
9 ment of this Act are compliant with the appropriate
10 environmental health and safety standards estab-
11 lished by the Department of Defense.

12 (2) FUTURE CONTRACT AGREEMENTS AND RE-
13 NEWALS.—For all housing project agreements and
14 renewals for privatized military housing entered into
15 on or after the date of the enactment of this Act,
16 and to the extent practicable for agreements in place
17 as of such date of enactment, not later than 180
18 days after the date of the enactment of this Act, the
19 Secretary of Defense shall incorporate enforceable
20 provisions related to environmental hazard response,
21 inspection, and tenant relocation protections which
22 shall include—

23 (A) enforceable environmental health and
24 safety clauses; and

1 (B) requirements that providers of
2 privatized military housing bear full financial
3 responsibility for—

4 (i) required third-party inspections;

5 (ii) maintenance;

6 (iii) mold remediation;

7 (iv) all relocation expenses for military
8 families forced to vacate uninhabitable
9 units;

10 (v) property loss; and

11 (vi) refunding any amounts paid
12 through a basic allowance for housing
13 under section 403 of title 37, United
14 States Code, for military families forced to
15 vacate uninhabitable units.

16 (e) CERTIFICATION REQUIREMENTS FOR MOLD AS-
17 SESSMENT AND REMEDIATION.—The Secretary shall en-
18 sure that all maintenance personnel, contracted mold as-
19 sessors, indoor environmental professionals, and mold re-
20 mediators responsible for assessing or remediating mold
21 and water damage in covered housing shall possess and
22 maintain current certifications issued by a nationally rec-
23 ognized, third-party, nonprofit certifying body, which may
24 include the following:

1 (1) The Institute of Inspection Cleaning and
2 Restoration Certification.

3 (2) The National Organization of Remediators
4 and Microbial Inspectors.

5 (3) The American Council for Accredited Cer-
6 tification.

7 (f) STANDARD OF CARE FOR MOLD REMEDIATION.—
8 All mold remediation activities conducted in covered hous-
9 ing shall comply with the American National Standards
10 Institute and Institute of Inspection Cleaning and Res-
11 toration Certification S520 Standard for Professional
12 Mold Remediation, Fourth Edition, or any subsequent edi-
13 tion published by the Institute of Inspection Cleaning and
14 Restoration Certification or successor organization.

15 (g) ISSUANCE OF GUIDANCE.—Not later than 180
16 days after the date of the enactment of this Act, the Sec-
17 retary shall—

18 (1) issue guidance with respect to the imple-
19 mentation of this section; and

20 (2) provide written notification to all providers
21 of privatized military housing regarding the require-
22 ments of this section.

23 (h) WITHHOLDING AND ABATEMENT OF AMOUNTS
24 FOR PRIVATIZED MILITARY HOUSING UNITS.—

1 (1) IN GENERAL.—The Secretary of Defense, in
2 consultation with the Secretary of Housing and
3 Urban Development, shall establish procedures to
4 allow a tenant living in a unit of privatized military
5 housing that receives a failed inspection result under
6 this section to withhold or abate payment of the
7 basic allowance for housing under section 403 of
8 title 37, United States Code, for such unit.

9 (2) PERIOD.—The Secretary of Defense shall
10 permit withholding or abatement under paragraph
11 (1) of payment of the basic allowance for housing
12 under section 403 of title 37, United States Code,
13 for a unit of privatized military housing during any
14 period in which the unit maintains a failed inspec-
15 tion and until the violations are remedied.

16 (3) RELEASE OF PAYMENT.—Amounts withheld
17 or abated under paragraph (1) with respect to a unit
18 of privatized military housing shall be released if—

19 (A) all violations are remediated; and

20 (B) an independent inspector provides a
21 written certification to the Secretary of the
22 military department concerned verifying such
23 remediation and the compliance of such unit
24 with the requirements under this section.

1 (4) CONTINUED NONCOMPLIANCE.—If defi-
2 ciencies in compliance with the requirements under
3 this section are not corrected within a 30-day pe-
4 riod—

5 (A) the owner or operator of the affected
6 unit of privatized military housing shall not
7 have a right to receive current, future, withheld,
8 or abated payments;

9 (B) amounts withheld or abated under
10 paragraph (1) may be returned to the tenant;
11 and

12 (C) the Secretary concerned shall—

13 (i) pursue additional contractual rem-
14 edies, including termination of the author-
15 ity of the owner or operator of the affected
16 unit to provide privatized military housing;
17 and

18 (ii) ensure that ongoing violations
19 with respect to such unit are disclosed to
20 any prospective tenant before they enter
21 into a rental agreement for such unit.

22 (5) PROTECTION OF TENANTS.—

23 (A) IN GENERAL.—An owner of a unit of
24 privatized military housing may not terminate
25 the tenancy of any tenant because of the with-

1 holding or abatement of payment pursuant to
2 paragraph (1).

3 (B) AUTHORITY OF TENANT TO TERMINATE.—During the period that payment is
4 withheld or abated pursuant to paragraph (1)
5 for a unit of privatized military housing, the
6 tenant of such unit may terminate the tenancy
7 by notifying the owner of such unit.
8

9 (6) ADMINISTRATIVE STRUCTURE.—The Secretary of Defense, in consultation with the Secretary
10 of Housing and Urban Development, shall administer this subsection by conducting or authorizing inspections, certifying clearance inspections, administering withholding and abatement functions, and enforcing payment conditions in a manner similar to
11 that used by the Secretary of Housing and Urban
12 Development under section 8(o) of the United States
13 Housing Act of 1937 (42 U.S.C. 1437f(o)).
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19 (i) PUBLIC REPORTING REQUIREMENTS.—Not later
20 than one year after the date of the enactment of this Act,
21 and annually thereafter, the Secretary shall publish on a
22 publicly available website of the Department of Defense,
23 with respect to covered housing—

24 (1) the number of mold complaints received,
25 disaggregated by installation of the Department;

1 (2) the results of inspections under this section
2 and compliance rates;

3 (3) remediation timelines and costs; and

4 (4) the number of relocations made.

5 (j) DEFINITIONS.—In this section:

6 (1) ACCEPTABLE LEVELS OF RELATIVE HUMID-
7 ITY.—The term “acceptable levels of *relative* humid-
8 ity”, with respect to an area, means an area with
9 humidity levels that are less than 50 percent.

10 (2) COVERED HOUSING.—The term “covered
11 housing” means any military family housing owned,
12 leased, or managed by the Department of Defense,
13 including privatized military housing.

14 (3) ENVIRONMENTAL INSPECTION AND TEST-
15 ING METHODS.—The term “environmental *inspection*
16 and testing methods” means detailed visual inspec-
17 tion substantiated by mold testing measures that in-
18 clude air sampling, tape lifts, swabs, and carpet
19 samples, and official laboratory analysis of such
20 samples.

21 (4) MOLD.—The term “mold” means any form
22 of multi-cellular fungi found in water-damaged in-
23 door environments and building materials, including,
24 cladosporium, penicillium, alternaria, aspergillus, fu-
25 sarium, chaetomium, trichoderma, memnoniella,

1 mucor, stachybotrys chartarum, streptomyces, and
2 epicoccumoften.

3 (5) PRIVATIZED MILITARY HOUSING.—The
4 term “privatized military housing” means military
5 housing under subchapter IV of chapter 169 of title
6 10, United States Code.

