

Final Tenant Rights Frequently Asked Questions

Q: How do I execute these new rights?

A: A tenant must go through the informal dispute process starting with the project owner property management staff. If the tenant is not satisfied with the staff response, they can engage directly with the Military Housing Office (MHO), their chain of command and the base Resident Advocate. The MHO can elevate the issue within the landlord's management structure or within the chain of command.

Q: What is the final dispute resolution process?

A: The formal dispute resolution process for eligible housing disputes involves a physical inspection of the unit if the dispute is related to living or physical conditions. The Military Housing Office (MHO) schedules and conducts the inspection which is attended by all parties to the dispute, to include the dispute resolution investigator. The investigator will consider reports from the Military Housing Office, project owner representative, tenant and any subject matter experts as necessary. The investigator will make a recommendation to the Installation Commander as the Deciding Authority who will issue a final written decision and direct any remedies as applicable. The complete formal dispute resolution process is laid out in Schedule 3 of the Universal Lease for new tenants. Any military member, their spouse or other eligible individual who qualifies as a "tenant" as defined in Section 2871 of title 10 of the United States Code. Most project owners will make this process available to existing tenants through updates to the resident guide or various social media announcements. For more information please contact your base MHO and/or your project owner.

Q: What is the criteria for a tenant to withhold rent from the project owner?

A: If an eligible housing dispute alleges failure to meet applicable maintenance guidelines and procedures prescribed under the terms of the lease agreement or applicable schedules and addenda, or the housing unit is otherwise alleged to be uninhabitable according to applicable state or local law, a tenant may request the owner to withhold all or part of the rent payments received by the owner during the dispute resolution process (not to exceed 60 calendar days), on the request form for dispute resolution process.

Q: How many years of maintenance history are required to be given under the final rights?

A: Tenants may request up to seven years of available maintenance history, no later than five business days before the prospective tenant is asked to sign the lease and not later than two business days after the prospective tenant requests additional information regarding maintenance conducted with respect to that housing unit during the previous seven years. An existing tenant who did not receive such maintenance information regarding that housing unit before signing the lease may request such maintenance information and receive it not later than five business days after making the request.

Q: What's included in the maintenance history?

A: Landlords must include the minimum following data: identification number for maintenance activity, severity classification of maintenance activity (emergency, urgent, routine), categorization of maintenance worked, brief description of maintenance activity and when the maintenance activity was completed. Prospective tenants can request for additional information, in which case the landlord must grant them two supplemental business days to review before signing the lease.

Q: Why did it take so long for these final rights to be implemented?

A: The initial rights had a faster approval process because the majority were available in existing legal agreements with the project owners. These remaining rights, such as the Universal Lease, required approval from project owners and private lenders.

Q: What is a state-specific addenda?

A: State-specific addenda incorporate various state and local specific landlord/tenant laws into the remaining rights. Project owners have either completed collaboration or continue to collaborate with state and local counsel to ensure adherence to community-specific standards while the Air Force is in the process of reviewing lease submissions, including state and local addenda.

Q: How can I find information on my state and local housing laws?

A: Recommend contacting the installation JA office for information on state and local landlord tenant laws.

Q: How many project owners are participating in the implementation of the final rights?

A: Eight of ten Department of Air Force Project Owners have committed to full implementing the remaining four Tenant Bill of Rights at 64 of 68 locations. DAF is currently reviewing 36 of 68 leases w/state addenda that were submitted before 1 Jun 2021. Six of ten DAF Project Owners have fully implemented the seven year maintenance history at 61 of 68 locations. Two owners are still working to provide this right at three locations and two do not intend to provide this right at four locations.

Q: What can I do if these rights aren't implemented at my location?

A: Retroactive application of all 18 tenant rights at existing DAF projects requires voluntary agreement by the respective Military Housing Privatization Initiative companies and the DAF cannot unilaterally change the terms of these agreements. Two owners do not intend to implement the remaining four rights at four DAF locations. However, dispute resolution and rent segregation is a right that exists in the Ohio State code and dispute resolution also exists within the Alaska state code.

Q: When will the final rights be fully implemented across the Air Force?

A: With few exceptions, the Air Force expects all 18 rights to be fully available at all DAF installations with privatized housing by the end of FY2