



Office of Housing Counseling

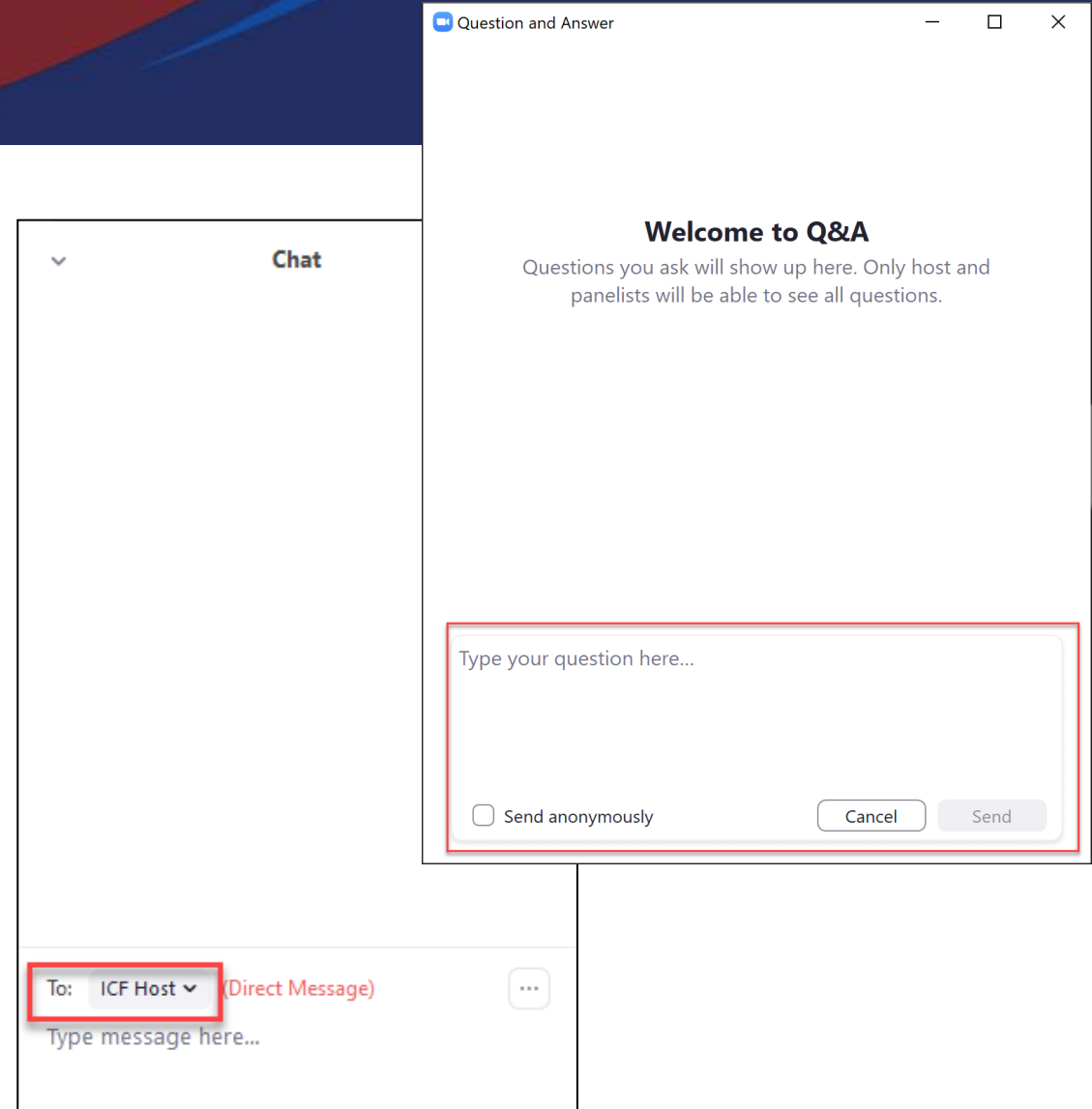
Military Tenant Rental Rights

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

November 8, 2021

Questions?

- Participants are in listen only mode
- Chat
 - Submit any technical issues via the Chat box
 - Send the message to the Host
- Q&A
 - Submit any content related questions via the Q&A box
 - Send to Host, Presenter and Panelists



Get Credit!

- Webinar materials will be posted on the HUD Exchange in the [Webinar Archive](#) within 7-10 days
 - Find by date or by topic
- To obtain credit
 - Select the webinar, and click “Get Credit for this Training”

Get Credit for this Training

If you have attended or completed this training, select the button below in order to get credit and add the course to your transcript.

Get Credit

Housing Counseling Training Digest

- [Visit the Training Digest on the HUD Exchange](#)
- View upcoming training hosted by HUD and other partners



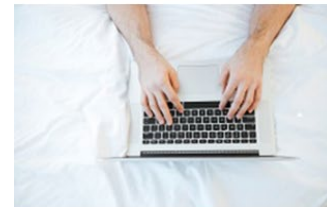
The Housing Counseling Training Digest is updated weekly to reflect trainings hosted by:

- HUD Office of Housing Counseling (OHC)
- OHC funded training partners
- Other partners that host trainings of interest to housing counselors

Please email housing.counseling@hud.gov to notify HUD about upcoming training and events for housing counselors.

Content current as of November 16, 2020

Subscribe to the [Housing Counseling Mailing List](#) to receive training updates in your inbox.



Upcoming Training Calendar

View upcoming trainings for Housing Counseling and other HUD funded programs.



Webinar Archive

View past webinars hosted by the Office of Housing Counseling and access related materials.



Online Training

Access self-paced online training modules, such as [Introduction to Housing Counseling](#).



Stephanie Williams

Deputy Director

HUD Office of Housing Counseling (OHC)
Office of Outreach & Capacity Building (OCB)

Purpose of Today's Webinar

- Familiarize housing counselors with types of military housing
- Discuss housing options available to Military Tenants
- Explain the Military Housing Privatization Initiative: Tenant Bill of Rights and Tenant Responsibilities
- Provide resources on housing rights for military members

Presenters

- Sid Alvarado and Medora Benson, Technical Assistance Providers, ICF
- Suzanne Isaacs, HUD Office of Housing Counseling (OHC)

Agenda

- Who is considered to be a Military Tenant?
- What is Privatized Housing for Military Members?
- Military Tenant Rights Under Servicemember Civil Relief Act (SCRA)
- Military Housing Privatization Initiative (MHPI): Tenant Bill of Rights and Tenant Responsibilities
- Role of Housing Counselors
- Resources and Q&A

Polling

- When prompted by the icon to the right, please respond to questions at www.menti.com using your computer or smart phone.



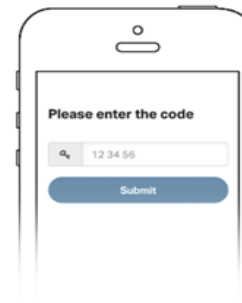
1

Grab your phone

www.menti.com

2

Go to www.menti.com



3

Enter the code and vote!

**Time for
Mentimeter!**





Who is considered to be a Military
Tenant?

Military Tenants and Housing Options

- Who are Military Tenants?
 - Active-duty military members and their families who are tenants in a rental unit
 - Military Service includes:
 - Full-time active-duty members of the six military branches (Army, Navy, Air Force, Marine Corps, Coast Guard, and Space Force)
 - Reservists on federal active duty
 - National Guard on federal orders for a period of more than 30 days
 - Active-duty status includes:
 - Actively serving
 - Received a notice to serve
- Housing options for active-duty military members:
 - Military installations (also referred to as on-base housing, government housing, or DoD installations)
 - Non-military installations (also referred to as off-base housing or non-government housing)



What is Privatized Housing for Military Members?

Privatized Military Housing

- Privatized military housing is for active-duty residents who live in military housing on military installations
- The housing is managed by private companies who provide day to day operation of the military housing (including maintenance needs)
 - Can be referred to as public-private venture housing
 - For Army installations, conversion to private companies was originally done through the Residential Communities Initiative (RCI) in the late 1990's

Allowance for Housing

- Basic Allowance for Housing (BAH)
 - An allowance to offset the cost of housing when a military member does not receive government-provided housing
 - Based upon location, pay grade and whether the military member has dependents
 - Rates are set by surveying the cost of rental properties in each geographic location and are published on the Defense Travel Management Office Web page (<https://www.defensetravel.dod.mil/site/bah.cfm>)

<https://militarypay.defense.gov/pay/allowances/bah.aspx>

Types of BAH

- BAH with dependents/without dependents
 - With dependents: military member with a permanent duty (within the U.S.) who is not furnished government housing. They live with their dependents.
 - Without dependents: temporarily reside in a different location for a duty assignment without their dependents.
- Partial BAH
 - A member without dependents who is living in government quarters
- BAH Reserve Component/Transit
 - Particular circumstances (reservists on active duty for 30 or fewer days)
- BAH-Differential
 - Member who is assigned to single-type quarters and who is authorized a basic allowance for housing solely by reason of the member's payment of child support

<https://militarypay.defense.gov/pay/allowances/bah.aspx>



Military Tenant Rights Under SCRA

Military Tenant Rights: SCRA

- The [Servicemembers Civil Relief Act](#) (SCRA) gives military members a wide range of legal protections not available to the general public
 - Members and their families cannot be evicted for nonpayment of rent without a court order regardless of the language of the rental agreement or local laws
 - Members can end a housing lease without penalty if you deploy for 90 days or more
 - It allows a surviving spouse terminate a lease if their partner dies on active duty
 - If the ability to pay rent is affected by the military service, members may apply to the court, and the court must either grant a 90-day delay (longer if justified) in eviction proceedings or adjust obligations under the lease in a way agreeable to all parties

Military Tenant Rights: SCRA

- SCRA protections are commonly used for off-base housing
- To be covered under SCRA, monthly rent cannot exceed \$4,089.62 (as of 2021)
- Military members should seek legal assistance prior to signing SCRA rights waiver
- HUD hosted a recent webinar in June 2021 which covered SCRA. It can be found in the webinar archive on HUD Exchange
 - [Housing Protection for Servicemembers](#)
- The status of active-duty service member can be verified on the [Servicemembers Civil Relief Act Centralized Verification System](#)



Military Housing Privatization Initiative (MHPI): Tenant Bill of Rights and Tenant Responsibilities

Military Housing Privatization Initiative (MHPI)

The MHPI Tenant Bill of Rights was created under the 2020 National Defense Authorization Act to ensure that Service members and their families who reside in homes and communities on Department of Defense (DoD) installations receive quality housing and fair treatment from the MHPI companies that operate and maintain privatized housing.

- The companies (property managers) are referred to as project owners in the MHPI Tenant Bill of Rights
- The MHPI companies have agreed to implement all 18 Tenant rights at their existing projects
- The 18 Bill of Rights went into effect on August 1, 2021

MHPI: Tenant Bill of Rights

The 18 Tenant rights provides active-duty military members who live in privatized family housing the right to: (this is a condensed version)

1. Reside in a housing unit/community that meets health and environmental standards
2. Reside in a housing unit with working and maintained fixtures, appliances, and utilities
3. A summary of maintenance for the previous seven years before signing a lease and upon request
4. A written lease
5. A plain-language briefing before signing a lease and 30 days after move-in by the installation housing office
6. Sufficient time and opportunity to prepare and be present for move-in and move-out inspections

MHPI: Tenant Bill of Rights (cont)

7. Report inadequate housing standards or deficits without fear of reprisal or retaliation
8. Access to a Military Tenant Advocate through the housing management office
9. Receive property management services provided by a landlord that meet or exceed industry standards
10. Have multiple, convenient methods to communicate directly with the landlord maintenance staff
11. Have access to an electronic work order system for maintenance request
12. Regarding maintenance and repairs: have prompt and professional repairs, be informed of timeframe of repairs, ensure habitability or be relocated to suitable lodging at no cost to the tenant

MHPI: Tenant Bill of Rights (cont)

13. Receive advice from military legal assistance (including procedures for mediation, arbitration, and filing claims against a landlord).
14. Enter a standardized, formal dispute resolution process, should all other methods be exhausted
15. Have BAH withheld and not used by property owner/manager until dispute is resolved
16. Have reasonable, advance notice of any entrance by a landlord, installation housing staff, or chain of command (except in emergency and abandonment)
17. To not pay non-refundable fees
18. Expect common documents, forms, and processes for housing units will be the same for all installations

MHPI: Tenant Responsibilities

The MHPI Tenant Responsibilities highlights responsibilities of Military Members and their families residing in privatized housing

1. Prompt reporting
 - Of any hazards, defects, or damages
2. Care for the home
 - Standard upkeep of the home
3. Personal conduct
 - No disturbances of neighbors and assume responsibility for one's actions and those of family and guest
4. Access by landlord
 - Reasonable access to the home for repairs
5. Rules and Guidelines
 - Read all lease related materials



Role of Housing Counselors

Role of Housing Counselors

- Inform
 - Keep abreast of military housing changes in your area
 - Develop relationships with military base staff
- Advocate - Housing counselors can help advocate by working with:
 - Military Tenant Advocate through the housing management office of the installation
 - Military Legal Assistance Attorney
- Counsel – Use the protections available to military members and their families
 - Short term housing
 - Deployment
 - Dependent rights when left behind

Protections for Servicemembers Chart



Protections for Servicemembers

	<u>Servicemember Civil Relief Act (SCRA)</u>	<u>Military Housing Privatization Initiative (MHPI)</u>	<u>Military Lending Act (MLA)</u>
Overview	<p>The Civil Rights Division of the Department of Justice is responsible for enforcing the SCRA, which was enacted in 2003 and expanded the Soldiers' and Sailors' Civil Relief Act of 1940.</p> <p>SCRA is designed to ease financial burdens on servicemembers (and dependents) as they enter active duty service.</p>	<p>Congress established the MHPI in 1996 as a tool to help the military improve the quality of life for its servicemembers by improving the condition of their housing.</p> <p>MHPI addresses the poor condition of Department of Defense (DoD) owned housing and the shortage of quality affordable private housing.</p>	<p>The MLA was enacted in 2006 by the DoD to protect active duty servicemembers, their spouses, and their dependents from certain lending practices.</p> <p>The MLA contains limitations on and requirements for certain types of consumer credit.</p>
Eligibility	<ul style="list-style-type: none"> ✓ Active Duty ✓ Members of the Reserve (when activated 30 days and longer) ✓ Was serving one year prior (for foreclosure and eviction cases) 	<ul style="list-style-type: none"> ✓ Active Duty ✓ Actively Serving 	<ul style="list-style-type: none"> ✓ Active Duty ✓ Members of the Reserve (when activated 30 days and longer) ✓ Family members enrolled in the Defense Enrollment Eligibility Reporting System (DEERS)
Protections Covered	<p>Rental agreements, security deposits, prepaid rent, evictions, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosures, civil judicial proceedings, automobile leases, life insurance, health insurance, and income tax payments.</p>	<p>Ensures that servicemembers have well-maintained rental housing while living in privatized housing (on military installations).</p> <p>There are 18 tenant rights outlined in the MHPI Tenant Bill of Rights in addition to 5 MHPI tenant responsibilities.</p>	<p>Credit cards, overdraft lines of credit, certain installment loans, Payday loans, motor vehicle title loans, tax refund anticipation loans</p>

Servicemembers can reach out to the appropriate [JAG Legal Assistance Office](#) to locate assistance.

Comparison Chart for SCRA, MHPI, and MLA

- Overview
- Eligibility
- Types of protections covered
- Locate assistance



Resources

Resources

- [Protections for Servicemembers Chart](#)
- [The Servicemembers Civil Relief Act](#)
- [Military Housing Privatization Initiative Tenant Bill of Rights](#)
- [Military Housing Privatization Initiative – Tenant Responsibilities](#)
- [Military Compensation: Basic Allowance for Housing](#)
- [The White House Initiative: Joining Forces](#)
- [Army Housing User Services](#)
- [Webinar: Housing Protection for Servicemembers](#)
- [Database for Military Installations](#)
- [Military OneSource](#)



Questions and Answers

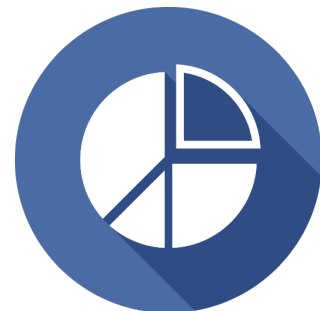


Office of Housing Counseling



- Find us at: www.hudexchange.info/counseling
- [The Bridge Newsletter](#)
- Email us at: Housing.counseling@hud.gov
- Search for [HUD Approved Housing Counseling Agencies](#)

**Time for
Mentimeter!**





OFFICE OF HOUSING

Office of Housing Counseling

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Thank You For Attending