

JBLM Informal/Formal Dispute Resolution Process Handout

Informal Dispute Resolution Process

The informal dispute resolution process is a measured approach intended to resolve disputes at the garrison level. The process will address both lease disputes and disputes that fall outside the specific parameters of the lease document (i.e., personal property claims)

- Tenants are required to attempt to resolve disputes through the process identified in the “Universal Lease”, effective after 1 June 2021.
- If tenants wish to submit a dispute resolution (DR) but have not signed a Universal Lease may still submit an informal dispute resolution request provided the tenant signs a Memorandum of Understanding (MOU). The MOU stipulates stakeholders’ commitment to completing the DR process and will not seek alternative adjudication until the formal DR process is completed.

The Garrison Commander (GC) is a mediator and not a decision maker to the informal disputes. GC will facilitate discussion between the Parties with a goal toward resolution. Any resolution is an agreement decided upon by the Parties (tenant & Liberty Military Housing) rather than determined by the Garrison Commander.

•

Step 1 – the Military Housing Office (MHO) will deliver the Plain Language Briefing (PLB) to tenants prior to signing their lease.

Step 2 – The MHO will once again deliver the PLB to tenants 30 days after the effective date of their lease.

Decision Point 1 - The tenant is required to attempt to resolve disputes first by coordinating with the property owner. Liberty Military Housing (LMH) has a 3-step process; tenant must exhaust these steps. Only after that effort fails to resolve the dispute is the tenant allowed to initiate the informal dispute resolution (DR) process by submitting a request form at MHO.

Step 3 – If the tenant did not previously attempt to resolve their dispute directly with the owner the MHO will inform the tenant the DR is ineligible to proceed and will return the submission.

Step 4 - The MHO will provide the request form and is available to assist tenants in completing the form. If eligible, tenants may also utilize a legal assistance attorney to prepare the document. If the tenant has not previously signed a Universal Lease, the tenant will not be eligible for the DR process unless he/she is willing to sign the MOU.

Step 5 - A copy of the completed request form will be provided to the owner or the owner's designated representative.

Step 6 - Within 3 business days, the garrison commander should have completed a review the DR and determined if additional information from either or both parties is required or if an inspection of the premises will be required.

Step 7 - Within 5 business days the garrison commander will convene a meeting with the parties. The Garrison commander is only a mediator and does not have decision authority. The parties referred to as LMH and tenant, may bring a representative to the meeting. The service members chain of command is required to attend the meeting. The garrison commander will have discretion to conduct the mediation as s/he sees fit, e.g., joint sessions or a private session, to best accommodate the parties and resolve the matter. The individuals attending the session will have full authority to resolve the dispute.

Step 8- The length and number of sessions will be at the discretion of the garrison commander, but the total time elapsed from receipt of the tenant's request to conclusion of the process should *normally* not exceed **10 business days**. The garrison commander may keep personal notes for his or her records.

Step 9- If the parties agree to resolve their dispute the terms will be reduced to a settlement agreement or other acceptable, binding document, prepared by the owner and subject to the tenant's review. The garrison commander will conclude the informal dispute resolution phase and the terms and conditions will be documented in a settlement agreement.

Step 10 - If an agreement cannot be reached, the garrison commander will conclude the informal DR phase and provide tenants written instructions about the formal DR process, which is limited to "eligible housing disputes" as that term is defined in the Schedule 3 of the Universal Lease. A "tenant" as defined in Section 2871 of Title 10 of the United States Code is a military member, their spouse or other eligible individual.

Formal Dispute Resolution Process

Only after the informal process has been completed and an agreement could not be reached, a tenant may request a Formal DR process. This process allows eligible tenants of privatized military housing to obtain prompt and fair resolution of housing disputes concerning rights and responsibilities set forth in the Lease, including maintenance and repairs, rental payments, displacement rights, lease termination, inspections, or fees and charges.

Residents must be in an active lease to submit a formal dispute and remain in the lease until a decision is made.

The decision authority for formal DR is the IMCOM Commanding General and the maximum BAH that can be returned is up to 60 days. Personal property claims are not accepted under the formal process. The decision is final and there is no appeal. If tenants are not satisfied with the decision, they may use other legal options.

Step 1 - The tenant is responsible for initiating the formal dispute resolution process by submitting a request form at the MHO, who is available to assist tenants in completing the form. Eligible tenants may also utilize a legal assistance attorney to prepare the document. Tenants may request on the DR form that the owner withhold all or part of the rent payments received during the DR process (up to 60 calendar days) provided the dispute alleges failure to meet applicable maintenance guidelines and procedures prescribed under the terms of the lease agreement or the housing unit is otherwise alleged to be uninhabitable according to applicable State or local law.

Step 2 - Within two business days after receiving a DR form the MHO shall have reviewed and determine within his/her reasonable discretion if the request is ineligible or incomplete and provide written notice to the tenant, and a copy of the DR request to the owner and the garrison commander. If the MHO determines 1) the tenant is not eligible to request formal DR; 2) the dispute is not an eligible housing dispute; or 3) the request for DR does not contain sufficient information, the MHO will provide a written notification to the tenant explaining the reason(s) for the ineligibility or the information needed for further consideration. If the tenant submits a revised DR request all deadlines associated with the DR process will run from the date MHO received an administratively complete DR request form.

Step 3 - The MHO will notify the tenant that the DR is eligible and provide copies of the DR form to the owner and the garrison commander.

Step 4 - Within 7 business days of receiving an administratively complete DR request and if the dispute is related to the living or physical conditions of the premises, the MHO shall schedule and conduct a physical inspection of the premises. The MHO will coordinate with the DPW to determine if an engineer or other subject matter expert should conduct the inspection. The Deciding Authority may grant up to an additional 7

days, in writing, at the request of the MHO, the owner, or the tenant to facilitate inspection. If a tenant fails to grant access to the premises for inspections the DR process shall terminate, no decision will be rendered, and the specific subject of the dispute deemed ineligible for future consideration.

Step 5 - Within 3 business days of the inspection the MHO shall make a written report of findings and transmit the results of the inspection to the Deciding Authority, the owner and the tenant.

Step 6 – Within 3 business days the Deciding Authority will provide copies of all written recommendations or information related to this DR to the tenant and the owner for their review. Before making a final decision, the Deciding Authority will receive written recommendations or information relating to the eligible DR from:

- MHO
- The owner
- The tenant
- If the DR involves maintenance or other facilities-related matter, one or more professionals with specific subject matter expertise in the matter under dispute, selected and provided by the Deciding Authority. This individual may be an individual on the garrison staff or the HQ IMCOM.
- Independent Dispute Resolution Investigator

Step 7 - The owner and tenant will have the option to submit written a rebuttal to the Decision Authority regarding documents provided in step 6 within 3 business days.

Step 8 - The Deciding Authority will deliver to the tenant and owner the other's rebuttal within 3 business days.

Step 9 - The Deciding Authority shall issue a final written decision in the DR process generally within 30 days but not later than 60 days.

The decision authority by the deciding authority (IMCOM CG) is final and cannot be appealed.

JBLM Resident Advocate – Military Housing Office (MHO) / Army Housing Office (AHO)

Primary: Army Housing Office Branch Chief, 253-966-2888

Alternate: Housing Manager, 253-966-3217

