



U.S.ARMY



# Installation Housing Office Plain Language Briefing

**USAG POM**



# Welcome to the Garrison Housing Office

- The Presidio of Monterey, AHO staff are employed by the Army to assist Service Members and their Families with housing matters and advocate on their behalf with community partners/agencies both on and off the installation
- The Housing Service Office (HSO) provides referral services and tenant/landlord dispute services
- The AHO provides oversight of the privatized company managing on post housing and provides tenant/landlord dispute services
- The Army Housing Officer manages the AHO and reports directly to the Director, Public Works and garrison leadership

## **Garrison Leadership**

Garrison Commander: COL Samuel Kline

Garrison Command Sergeants Major: CSM Joseph Traylor

Garrison Deputy Garrison Commander/Manager: Mr. Stephen Bickel

Garrison Housing Manager: Mr. Oscar M. Ordonez





# Privatized Housing Contacts

- Monterey Bay Military Housing (MBMH), sometimes referred to as the Residential Communities Initiative (RCI) Company, is the privatized company that owns and manages the Family housing on this installation
- The Michaels Organization is the private partner and managing member of MBMH
- The Michaels Organization (TMO) is the property management company that manages the day to day operations of the privatized housing to include ensuring prompt and professional maintenance and repair, property concerns, and rent/billing issues. This is your landlord for privatized housing

## TMO Contacts:

Community Director: (831) 644-0400, ext. 350

Facilities Director: (831) 644-0400, ext. 101

La Mesa Community Manager: (831) 644-0400, ext. 341

La Mesa Maintenance Supervisor: (831) 644-0400 ext. 401

OMC Community Manager: (831) 644-0400, ext. 507

OMC Maintenance Supervisor: (831) 644-0400 ext. 103





# Privatized Housing - Tenant Bill of Rights



## Military Housing Privatization Initiative Tenant Bill of Rights

The Department of Defense is fully committed to ensuring our Nation's most valued resource—its military service members and their families—have access to safe, quality, and well-maintained homes and communities on DoD installations.

The National Defense Authorization Act for Fiscal Year 2020 set out eighteen rights of military service members and their families (Tenants) residing in privatized housing. The Department of Defense commits to ensuring that privatized housing Tenants receive quality housing and fair treatment from the Military Housing Privatization Initiative project owners (MHPI companies) that operate and maintain privatized housing.

It is paramount that residents receive the full benefit of each right. The Department of Defense, through each of its Military Departments, will work diligently and expeditiously to develop the processes and procedures needed to implement these rights and make Tenants aware of them. However, many of the rights set forth by Congress pertain to legal matters that do not lend themselves to unilateral action by the Department. To the extent it is not already the case, the Military Departments commit to working with the MHPI companies to incorporate these rights and procedures into appropriate project legal documents. In some cases, more work is required before the benefits of these rights are fully available to tenants.

The Department commits to providing the full benefit of the following 15 rights by May 1, 2020.

1. The right to reside in a housing unit and a community that meets applicable health and environmental standards.
2. The right to reside in a housing unit that has working fixtures, appliances, and utilities and to reside in a community with well-maintained common areas and amenity spaces.
3. The right to a written lease with clearly defined rental terms to establish tenancy in a housing unit, including any addendums and other regulations imposed by the Landlord regarding occupancy of the housing unit and use of common areas.
4. The right to a plain-language briefing, before signing a lease and 30 days after move-in, by the installation housing office on all rights and responsibilities associated with tenancy of the housing unit, including information regarding the existence of any additional fees authorized by the lease, any utilities payments, the procedures for submitting and tracking work orders, the identity of the military tenant advocate, and the dispute resolution process.
5. The right to have sufficient time and opportunity to prepare and be present for move-in and move-out inspections, including an opportunity to obtain and complete necessary paperwork.
6. The right to report inadequate housing standards or deficits in habitability of the housing unit to the Landlord, the chain of command, and housing management office without fear of reprisal or retaliation, including reprisal or retaliation in the following forms: (A) unlawful recovery of, or attempt to recover, possession of the housing unit; (B) unlawfully increasing the rent, decreasing services, or increasing the obligations of a Tenant; (C) interference with a Tenant's right to privacy; (D) harassment of a Tenant; (E) refusal to honor the terms of the lease; or (F) interference with the career of a Tenant.

7. The right of access to a Military Tenant Advocate or a military legal assistance attorney, through the housing management office of the installation of the Department at which the housing unit is located to assist in the preparation of requests to initiate dispute resolution.
8. The right to receive property management services provided by a Landlord that meet or exceed industry standards and that are performed by professionally and appropriately trained, responsive and courteous customer service and maintenance staff.
9. The right to have multiple, convenient methods to communicate directly with the Landlord maintenance staff, and to receive consistently honest, accurate, straightforward, and responsive communications.
10. The right to have access to an electronic work order system through which a Tenant may request maintenance or repairs of a housing unit and track the progress of the work.
11. With respect to maintenance and repairs to a housing unit, the right to the following: (A) prompt and professional maintenance and repair; (B) to be informed of the required time frame for maintenance or repairs when a maintenance request is submitted; and (C) in the case of maintenance or repairs necessary to ensure habitability of a housing unit, to prompt relocation into suitable lodging or other housing at no cost to the Tenant until the maintenance or repairs are completed.
12. The right to receive advice from military legal assistance on procedures involving mechanisms for resolving disputes with the property management company or property manager to include mediation, arbitration, and filing claims against a Landlord.
13. The right to have reasonable, advance notice of any entrance by a Landlord, installation housing staff, or chain of command into the housing unit, except in the case of an emergency or abandonment of the housing unit.
14. The right to not pay non-refundable fees or have application of rent credits arbitrarily held.
15. The right to expect common documents, forms, and processes for housing units will be the same for all installations of the Department, to the maximum extent applicable without violating local, State, and Federal regulations.
16. The right to have reasonable advance notice of any entrance by the Landlord, Installation housing staff, or chain of command into the housing unit, except in the case of an emergency or abandonment of the housing unit. Unless permission to enter has been granted, residents will receive written notice at least 24 hours prior to entry.
17. The right to not pay non-refundable fees or have application of rent credits arbitrarily withheld.
18. The right to expect common documents, forms, and processes for housing units will be the same for all Army Installations, to the maximum extent applicable without violating local, state, or federal regulations.

Ryan D. McCarthy  
Secretary of the Army

Mark T. Esper  
Secretary of Defense  
  
Thomas B. Moyle  
Acting Secretary of the Navy

Barbara M. Barrett  
Secretary of the Air Force

\* Copy is available upon request





# Privatized Housing - Tenant Bill of Rights

The Army Housing Privatization Initiative **Tenant Bill of Rights** requires the AHO to provide a plain language brief to all Residents of privatized housing prior to lease signing and again 30 days after move-in on all rights and responsibilities associated with tenancy of the housing unit

- You have the right to reside in a housing unit and a community that meets applicable health and environmental standards. (Right 1)
- You have the right to reside in a housing unit that has working fixtures, appliances, and utilities and to reside in a community with well-maintained common areas and amenity space. (Right 2)
- The right to be provided with a maintenance history of the prospective housing unit before signing a lease, as provided in section 2892a of this title. (Right 3)
- You have the right to a written lease with clearly defined rental terms to establish tenancy in a housing unit, including any addendums and other regulations imposed by the Landlord regarding occupancy of the housing unit and use of common areas. (Right 4)
- The right to a plain-language briefing, before signing a lease and 30 days after move-in, by the installation housing office on all rights and responsibilities associated with tenancy of the housing unit (Right 5)
- You have the right to have sufficient time and opportunity to prepare and be present for move-in and move-out inspections, including an opportunity to obtain and complete necessary paperwork. (Right 6)





# Privatized Housing - Tenant Bill of Rights

- You have the right to report inadequate housing standards or deficits in habitability of the housing unit to the Landlord, the chain of command, and Installation housing office without fear of reprisal or retaliation, including (A) unlawful recovery of, or attempt to recover, possession of the housing unit; (B) unlawfully increasing the rent, decreasing services, or increasing the obligations of a tenant; (C) interference with a tenant's right to privacy; (D) harassment of a tenant; (E) refusal to honor the terms of the lease; (F) interference with the career of the tenant (Right 7)
- You have the right to access to a military tenant advocate or a military legal assistance attorney, through the Installation housing office to assist in the preparation of requests to initiate dispute resolution, including the ability to submit a request to withhold payments during the resolution process. (Right 8)
  - Tenants are required to attempt to resolve disputes informally either through an informal dispute resolution process or as identified in the tenant lease. If the dispute cannot be resolved informally a tenant may then file a request for formal dispute resolution
  - The Presidio of Monterey procedures for requesting informal and formal dispute resolution processes can be found at [usarmy.pom.106-sig-bde.mbx.pres-dpw-housing@army.mil](mailto:usarmy.pom.106-sig-bde.mbx.pres-dpw-housing@army.mil)





# Privatized Housing - Tenant Bill of Rights

- The AHO staff are able to provide the dispute resolution process instructions and forms and can assist tenants in completing the request and explain the procedures.
- Additional details are available later in this briefing
- The right to receive property management services provided by the Landlord that meet or exceed industry standards and that are performed by professionally and appropriately trained responsive and courteous customer service and maintenance staff. (Right 9)
  - The Presidio of Monterey Installation Housing Office serves as your Military Tenant Advocate.
  - Ms. Teresa Watkins, RCI Project Manager (831) 242-7984
- You have the right to have multiple, convenient methods to communicate directly with the privatized Landlord maintenance staff, and to receive consistent, honest, accurate, straightforward and responsive communications. (Right 10)





# Privatized Housing - Tenant Bill of Rights

- You have the right to have access to an electronic work order system through which a tenant may request maintenance or repairs of a housing unit and track the progress of the work. (Right 11)
  - The Parks at Monterey Bay
  - Maintenance Shop Contact Number: 831-644-0400, Option 1
  - La Mesa Maintenance Shop Location: 1301 Leahy Road, Monterey, CA 93940
  - Fort Ord Maintenance Shop Location: 4518 Joe Lloyd Way, Seaside, CA 93955
  - Maintenance Website: <https://montereycrc.activebuilding.com/login>
  - Maintenance Application: Active Building
  
- You have the right to the following: (A) prompt and professional maintenance and repair; (B) to be informed of the required time frame for maintenance and repairs when a maintenance request is submitted; and (C) in the case of maintenance or repairs necessary to ensure habitability of a housing unit, to prompt relocation into suitable lodging or other housing at no cost to the tenant until the maintenance or repairs are completed. (Right 12)







# Privatized Housing - Tenant Bill of Rights

## ▪ Displaced Resident Policies

- ASAIE&E Memorandum, SAIE, Feb 14, 2020, Army Residential Communities Initiative Company Minimum Standard Resident Displacement Guidelines
- ASAIE&E Memorandum, SAIE, Jan 23, 2020, Subject: Procedures for Approving Privatized Housing Habitability after Remediation, Mitigation, Stabilization and abatement
- IMCOM Memorandum, Headquarters Installation Management Command, IMPW-H, JAN 31 2020, subject: Procedures for Certifying Housing Habitability for Army Family Housing, Leased Housing, Unaccompanied Housing and Privatized Homes
- IMCOM Memorandum, Headquarters Installation Management Command, IMPW-H, MAR 11 2020, subject: Command Guidance Army Residential Communities Initiative (RCI) Company Minimum Standard Resident Displacement Guidelines
- ASA IE&E Memorandum, Dated 16 Dec 2013
  - “Housing Maintenance Quality Assurance and Environmental Hazard Oversight Program” provides clear standards and details of required oversight of Army housing maintenance
- You have the right to receive advice from military legal assistance on procedures involving mechanisms for resolving disputes with the property management company or property manager in include mediation, arbitration, and filing claims against the Landlord. (Right 13)
- SJA Office POC: Kristeen Thomas, (831) 242-5084

\* Copy is available upon request





# Privatized Housing - Tenant Bill of Rights

- There are multiple ways to submit a work order:
  - Primary Method – 24-hour Maintenance Call Center (831) 644-0400, option 1
  - Alternate Methods
    - Online via Resident Portal (<https://montereycrc.activebuilding.com>)
    - Online via email ([parksatmontereybay@tmo.com](mailto:parksatmontereybay@tmo.com))
    - Mobile App via Active Building
    - In person at the management offices
  
- Residents may review or track work orders in the Resident Portal/Mobile App.
  
- Work orders are classified as follows:
  - **Emergency:** situations which threaten life, health, or safety such as fire, electrical hazards, gas leaks, carbon monoxide alarms, sewage back-up, flooding/water leaking through the walls/ceiling, mold, significant property damage, etc.
  - **Urgent:** Definition: circumstances that would soon inconvenience and/or affect the health or well-being of residents, such as inoperable refrigerators, ranges,
    - and water heaters, clogged drains, inoperable toilet, broken window, minor water leaks, etc.
  - **Routine:** services that do not qualify as urgent or emergency.





# Privatized Housing - Tenant Bill of Rights

- *Work order or maintenance ticket to be closed only once the tenant and Installation Housing Office signs off*
- The right to enter into a dispute resolution process, as provided in section 2894 of this title, should all other methods be exhausted and, in which case, a decision in favor of the tenant may include a reduction in rent or an amount to be reimbursed or credited to the tenant. (Right 14)
- The right to have the tenant's basic allowance housing payments segregated and held in escrow, with approval of a designated commander, and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process. (Right 15)
- The right to have reasonable advance notice of any entrance by the Landlord, Installation housing staff, or chain of command into the housing unit, except in the case of an emergency or abandonment of the housing unit. (Right 16)
  - Unless permission to enter has been granted, residents will receive written notice at least 24 hours prior to entry.





# Privatized Housing - Tenant Bill of Rights

- The right to not pay non-refundable fees or have application of rent credits arbitrarily withheld. (Right 17)
- The right to expect common documents, forms, and processes for housing units will be the same for all Army Installations, to the maximum extent applicable without violating local, state, or federal regulations. (Right 18)





# Privatized Housing – Tenant Responsibilities



## Military Housing Privatization Initiative Tenant Responsibilities

This document highlights important responsibilities of Military Service Members and their families (Tenants) residing in Privatized Housing.

1. **Prompt Reporting.** The responsibility to report in a timely manner any apparent environmental, safety, or health hazards of the home to the Landlord and any defective, broken, damaged, or malfunctioning building systems, fixtures, appliances, or other parts of the home, the common areas, or related facilities.
2. **Care for the Home.** The responsibility to maintain standard upkeep of the home as instructed by the housing management office.
3. **Personal Conduct.** The responsibility to conduct oneself as a Tenant in a manner that will not disturb neighbors, and to assume responsibility for one's actions and those of a family member or guest in the housing unit or common areas, including the responsibility not to engage in any inappropriate, unauthorized, or criminal activity in the home or common areas.
4. **Access by Landlord.** The responsibility to allow the Landlord reasonable access to the rental home in accordance with the terms of the tenant lease agreement to allow the Landlord to make necessary repairs in a timely manner.
5. **Rules and Guidelines.** The responsibility to read all lease-related materials provided by the Landlord and to comply with the terms of the lease agreement, lease addenda, and any associated rules and guidelines.

\* Copy is available upon request





# Privatized Housing – Tenant Responsibilities

- The Army Housing Privatization Initiative Tenant Bill of Rights highlights 5 important responsibilities for Service Members and their Families while they reside in privatized family housing.
  1. The responsibility to report in a timely manner any apparent environmental, safety, or health hazards of the home to the Landlord and any defective, broken, damaged, or malfunctioning building systems, fixtures, appliances, or other parts of the home, the common areas, or related facilities.
  2. The responsibility to maintain standard upkeep of the home as instructed by the housing management office.
    - Each household is provided trash and recycle receptacles. In order to ensure pick-up, residents are responsible for sorting waste correctly, closing containers fully, and placing receptacles in the designated pick-up area and placing them back at the home after pick up.
    - Hazardous waste is not permitted.
    - Large item pick ups can be arranged by the management office; a fee from the waste management company will be billed to the resident for this service. Call the management office for any fees associated with pick up.
    - Trash service depends on the location of your community. Please see the welcome booklet for detailed service days for your area.
    - It is resident responsibility to maintain an uncluttered and clean residence. Car washing, vehicle maintenance, and parking cars on the grass or yard is prohibited.
    - Recreational and Utility vehicles are only allowed on property for 24 hours.
    - Dogs must be leashed when walking in the community.





# Privatized Housing – Tenant Responsibilities

3. The responsibility to conduct oneself as a Tenant In a manner that will not disturb neighbors, and to assume responsibility for one's actions and those of a family member or guest in the housing unit or common areas, including the responsibility not to engage in any inappropriate, unauthorized, or criminal activity in the home or common areas.

Unless otherwise specified in the lease, if a resident violates community polices, the following process will occur:

- A violation notice will be delivered to the Resident in the mailbox via USPS or posted on Resident's door in a sealed envelope, and a copy will be kept in the residence file. Resident has 72 hours to correct the violation.
- A warning letter will be issued if the violation has not been corrected after the first notice is delivered. Resident will have 72 hours to correct the violation.
- A final three day notice to comply or vacate will be issued. Failure to adhere to this final notice could result in legal action.

4. The responsibility to allow the Landlord reasonable access to the rental home in accordance with the terms of the tenant lease agreement to all the Landlord to make necessary repairs in a timely manner.

5. The responsibility to read all lease-related materials provided by the Landlord and to comply with the terms of the lease agreement, lease addenda, and any associated rules and guidelines.





# Privatized Housing – Tenant Responsibilities

- Recognizing that landlord/tenant issues can be overwhelming for Soldiers, it is important to know where you can go for help. The Legal Assistance Office can assist clients by explaining terms and negotiating disputes. Understand that California Landlord Tenant laws will apply with your lease agreement.
- The two most important things a Tenant can do is look at the home they are going to rent and make sure they understand the lease before signing. Tenants should not sign a lease until they have seen the exact home they will be renting. Previewing the home gives the Tenant the chance to see if repairs are needed before committing to the lease. Additionally, Tenants should understand the lease BEFORE they sign. The lease is a legally binding contract between the Tenant and the Landlord. It explains each party's rights and responsibilities. Tenants should assume that they are responsible for all of the terms in the lease, unless otherwise agreed to in writing. Be aware that verbal agreements do not change the lease.
- Before you sign the lease you should read it carefully. The lease is a legally binding contract between you and the owner/property manager. The lease explains your rights and responsibilities. It is important that you understand what you agreed to.
- Document any issues with the property so when it comes time to move out, you are not responsible for those issues. It is difficult to determine when damage to the property occurred unless you have documentation to prove that the damage was present before you moved in.
- If you have military orders including PCS or ETS orders you can terminate your lease early under the SCRA. You must give landlord a written notice of your intent to end the lease early and a copy of your orders or a memo from your Command. Legal Assistance can help you write the letter.
- If you are considering breaking your lease, meet with an attorney at the Legal Assistance Office. There are very limited circumstance in which you may be able to break your lease. The consequences can be severe if you wrongly break your lease. You should talk to an attorney first.







# Privatized Housing – Tenant Responsibilities

- The ***informal dispute resolution*** is a measured approach intended to resolve disputes at the garrison level that may be used to resolve disputes pertaining to the lease as well as issues that fall outside the specific parameters of the lease document, such as personal property claims
- Tenants shall attempt to resolve disputes by bringing the dispute or concern to the owner. If the tenant and owner are unable to resolve the issue satisfactorily, then the tenant shall attempt to resolve the dispute through the ***informal dispute resolution*** process.
- The tenant may submit an ***informal dispute resolution*** request by submitting to the AHO a completed request form with any documents that support the dispute and a description of the dispute.
- An ***informal dispute resolution*** form is available at the AHO, who is available to assist residents in completing the form. Tenants may also visit the garrison Staff Judge Advocate's office to seek their assistance in completing the ***informal dispute resolution*** form.
  - The ***informal dispute resolution*** form is also available on-line at: [usarmy.pom.106-sig-bde.mbx.pres-dpw-housing@army.mil](mailto:usarmy.pom.106-sig-bde.mbx.pres-dpw-housing@army.mil).
- The garrison commander will review the request and will serve as the mediator between the property owner and tenant in an effort to resolve the dispute at the local level, normally within 10 business days.





# Privatized Housing – Tenant Responsibilities

- The **formal dispute resolution** process allows eligible tenants to obtain prompt and fair resolution of housing disputes concerning rights and responsibilities set forth in the lease, including maintenance, repairs, rental payments, displacement rights, lease termination, inspections, or fees and charges.
- The tenant may submit a **formal dispute resolution** request by submitting to the AHO a completed request form with any documents that support the dispute and a description of the dispute.
- The **formal dispute resolution** may include a home inspection. If the tenant fails to grant access to the premises for inspection the formal dispute resolution process shall terminate and no decision will be rendered
- Tenants may request “rent segregation” for up to 60 days while the dispute is being reviewed.
- The HQ IMCOM Commanding General is the Deciding Authority and will generally render a decision within 30 days but not later than 60 days.
- A **formal dispute resolution** form are available at the AHO, who is available to assist residents in completing the form. Tenants may also visit the garrison Staff Judge Advocate’s office to seek their assistance in completing the **formal dispute resolution** form.
  - The **formal dispute resolution** form is also available on-line at: [usarmy.pom.106-sig-bde.mbx.pres-dpw-housing@army.mil](mailto:usarmy.pom.106-sig-bde.mbx.pres-dpw-housing@army.mil).
- The **formal dispute resolution** eligibility is limited to military members, their spouse or other eligible individual who qualifies as a “tenant” as defined in 10 USC Section 2871
- Tenants may seek legal advice or dispute resolution through any remedy available by law, except that tenant and owner shall not pursue such remedy available in law while a **formal dispute resolution** under this process is pending.





# Garrison Housing Services Office (HSO)

The goal of the HSO is to implement and maintain a high quality worldwide resource for relocation services that is innovative, comprehensive, and the first choice of information and support when Soldiers and families relocate.

- Non-discriminatory listings of adequate and affordable rental and for-sale housing
- Counseling/referral on eligible installation services (i.e. legal, education, Exceptional Family Member Program)
- Preliminary inquiries to validate housing discrimination complaints
- Liaison with community and government officials / organizations (on and off post)
- Housing data exchange with other DoD housing offices
- Liaisons with Army Community Services in support of the Housing Relocation Assistance Program
- Housing market area data for use in developing market analyses Rental negotiations and lease review





# Garrison Housing Services Office (HSO)

- One-Stop, Full Service from Arrival to Departure for the Following:
  - Home buying counseling
  - Landlord-tenant dispute resolution
  - Basic Allowance for Housing (BAH) data submission
  - Property inspections
    - ❑ NEW---Per FY20 NDAA: If tenant is not available for pre-assignment walkthrough inspection, Housing Office must attend on tenant's behalf
    - ❑ NEW---Per FY20 NDAA: The Housing Manager shall initiate contact with resident 15 day and 60 days after move in regarding the satisfaction of the resident.
  - Administrative assistance with utility company fees/deposits, connections, and billings
  - Informational briefings (in- and out-processing, entitlements), community outreach





# Furniture Safety & Additional Information

- Fort Ord Village - parks/tot-lots, tennis court, basketball courts, dog parks, soccer fields, picnic area with grills, gym, pool, kiddie pool, super park, business center, and self-help center
- La Mesa Village - parks/tot-lots, volleyball court, dog parks, basketball court, Pickle ball court, soccer fields, tennis courts, baseball field, birthday room, billiards room, ballroom, meeting room, gym, pool, business center, and self-help center





# End of Brief

