



CLIENT SERVICES & POLICY DIVISION

Legal Assistance Office



Housing Issues

Per AR 420-1 and USAREUR Supp 1 to AR 420-1 (attached) if you have any Landlord-Tenant or housing issues, you must first attempt to resolve those matters through housing office personnel. Only when housing personnel have exhausted all options to resolve your issues with the Landlord should they refer you to the Legal Assistance Office. Helpful reminders:

- Inspect the residence meticulously before move-in, and take photos of any damage. Ensure Landlord receives a copy of the move-in inspection and photos so that your move out will be smooth.
- Ensure you use the US lease provided by housing. If the landlord refuses to use the US lease, ensure housing includes the military transfer clause
- Ensure lease clarifies who has responsibility for gardening (grass, weeds, bushes, trees, etc.) and common areas (snow removal, cleaning, etc.).
- Invite landlord to observe HHG shipment deliveries/PX furniture deliveries. If movers damage the common areas or your residence, landlord can handle damage directly with movers.
- Act quickly to prevent greater damage (e.g., if you have a leak, do everything possible to prevent it from spreading), otherwise you may be responsible.

c. Individual task listing. The task listing will allow each of the items (requirements) to be accomplished individually or in combination with other items depending on the maintenance needs of that particular DU.

Section VI

Housing Services Office

3–34. Scope

This section prescribes policy, responsibility, and procedures governing the housing services operation and equal opportunity in off-post housing programs.

3–35. Local civilian community housing

a. Congress has directed the DOD to rely on the local civilian community as the primary source of housing assets to meet military needs. This policy demands that the installation HSOs pursue an active role in their relationships with local community entities associated with real estate and the housing market. In establishing a mutually beneficial relationship with the community, the garrison commander will ensure that HSO will—

(1) Participate with, and actively solicit support for military needs from, civilian rental property owners and managers, local housing authorities, real estate boards, home builders associations, chambers of commerce, planning agencies, zoning offices, financial institutions, and building permit issuing agencies.

(2) Inform the civilian community of military housing needs and seek community acceptance of any proposed military housing acquisition programs.

b. Actively work with the local community to enhance the HSO's ability to—

(1) Assist newly arrived personnel in finding adequate and affordable community housing with the least possible delay.

(2) Provide guidance and assistance to personnel in off-post housing matters on a continuing basis.

(3) Counsel departing personnel so that they will be able to make informed decisions about housing choices at their new duty station prior to a PCS move.

3–36. Eligibility

a. The following are eligible to participate in the HS and EOOPH programs:

(1) All AD military personnel and their Family members.

(2) U.S. citizen DOD employees (APF and NAF) and their Family members.

b. Soldiers and OCONUS DOD civilian employees must report to the HSO prior to making arrangements to rent, lease, or purchase off-post housing.

3–37. Housing services functions and customer service

a. Housing services functions.

(1) To maximize off-post housing support in meeting Soldier needs, the installation HSO will offer as a minimum the following services:

(a) Nondiscriminatory listings of rental and for-sale housing.

(b) Counseling for applicants on the EOOPH program and the prohibitions against discrimination based on disability.

(c) Assistance in resolving landlord tenant disputes.

(d) Preliminary inquiries to validate housing discrimination complaints.

(e) Liaison with community and Government officials and organizations.

(f) Housing data exchange with other DOD housing offices.

(g) Management and processing responsibilities, entitlement briefings, and certifications related to housing availability and related costs for temporary lodging expense (TLE) (see JFTR).

(h) Government transportation for newly arrived personnel where possible to inspect community housing listings when public or private transportation is not available or convenient.

(i) Assistance with rental negotiations and review of leases.

(j) General housing information sufficient for the Army Community Service (ACS) to fully support the Housing Relocation Assistance Program, to include the Standard Installation Topic Exchange Service (SITES) database.

(2) Where feasible on a space and/or resource available basis, the following additional services may be offered:

(a) Counseling on home buying and selling, property management, and mobile homes.

(b) Housing market area data for use in developing market analyses (see sec XIV).

(c) Administrative assistance with utility company fees and deposits, connections, and billings.

(3) Additionally, the following services will be provided in foreign areas:

(a) Management and processing responsibilities, entitlement briefings and certifications of housing availability and related costs for the TLA (see JFTR), move in housing allowance (MIHA) (see JFTR); and the OHA programs. DD

Form 2367 (Individual Overseas Housing Allowance (OHA) Report) will be used to determine eligibility to start, adjust, or terminate OHA. The form may be supplemented with additional information to suit local requirements. However, supplementation will not replace utilization of DD Form 2367 for its intended purposes. A copy of each completed form, any local supplement, and a copy of the individual's lease or sales agreement will be retained in the HSO's records file.

- (b) Government transportation to newly arriving personnel to inspect community housing listings.
- (c) Language interpretation in dealing with landlord and utility companies.
- (d) Rental agreements in English and local language. Every effort should be made to include the following provisions in rental agreements:
 - 1. A lease period with automatic renewal provision.
 - 2. Early termination without penalty based on appropriate military reassignment orders.
- (e) Preparation of moving in and out inventory condition report of premises with tenant and landlord.
- (f) Mandatory in-processing and out-processing of DOD personnel through the HSO as part of the local processing procedures.
- (g) Maintenance of a rotation (expected date of departure) file on DOD personnel living in private rental housing.
- (h) Documentation that applicant is actively seeking permanent housing if required to do so.
- (i) Verification that private rental housing is not vacated prematurely.
- (4) There are a number of programs that support the services in paragraphs 3-37a(1), 3-37a(2), and 3-37a(3). The programs listed below can aid the installation HSO in accomplishing its mission of making the Soldier aware of the availability of affordable, quality housing. These programs are intended to help equalize the cost to the Soldier of on-post and off-post housing.
 - (a) Rental Partnership Program (see para 3-37d(2)).
 - (b) Army Housing Online User Services (see para 3-27e(6)).
 - (c) Housing Relocation Assistance Program (HRAP) (see para 3-27e(6)).
 - (d) Deposit Waiver Program (see para 3-27e(6)).
 - (e) Automated Housing Referral Network.
- (5) The HSO programs and services should be accessible to and usable by persons with disabilities. If it is not feasible to locate those services in an accessible building or if modification of a building would be an undue hardship, arrangements must be made to provide, upon request, all HSO services at an accessible location. Readers for the blind and sign language interpreters for deaf persons should be made available upon request, if feasible.
- (6) Housing managers must ensure that the responsibilities identified in paragraphs 3-27a(1)(h) and 3-27a(3)(a) are added to employee position descriptions.
- (7) The HSO hours of operation should be convenient and flexible to meet the needs of its customers.

b. Housing services staffing.

(1) Installation housing managers must annually assess the current strength of HSO staffs to determine whether the HS program is fully staffed, fully trained, and has the appropriate facilities and tools to anticipate and meet the requirements of incoming and outgoing Soldiers and Families. Toward that end, the Army will set staffing levels based on the number of off-post Soldiers and Families that are provided off-post housing services for the given installation (see table 3-8). The HSO must be active in the local, off-post communities in an aggressive search for additional adequate housing. The effective HSO should contain enough staff to allow sufficient time, as determined appropriate by the housing manager, to be spent off-post in direct contact with landlords, real estate agents/brokers, state and local housing staffs, U.S. Department of Housing and Urban Development (HUD) staff, Chambers of Commerce staffs, and so forth, in a constant search for additional suitable off-post housing. The HSO should be supported with sufficient vehicles, telephone lines, a FAX machine, copy machine, computers with internet access, and other equipment and supplies essential to facilitate its work.

Table 3-8
Housing Services Office staff to eligible population

Number of Families	HSO Staff Level
< 100	0
101 - 500	1
501 - 1,999	2
2,000 - 3,499	3
3,500 - 6,499	4
6,500 - 9,499	5

Paragraph 3-36d(1), Housing Listings. Add subparagraphs (a) and (b) as follows:

(a) In Europe, housing managers will list housing units on AE Form 420-1C or the HOMES equivalent. The AE Form 420-1C provides a statement of assurance that the unit will be available to the housing division. Landlords or rental agents must sign this form before their units may be listed with the housing division. A verbal assurance of availability may be accepted if necessary. When verbal assurances are accepted, the individual who accepts the assurance will document this on a memorandum for record, which must be included in the file.

(b) The garrison commander may implement either an open-referral system or a waiting-list system for PRH, based on the local rental market. Appendix AA provides procedures for open-referral and waiting-list systems.

Paragraph 3-36e, Assistance and Counseling. Add subparagraphs (8) through (11) as follows:

(8) Figure 3-15 is a checklist for housing personnel to use when briefing newly arrived personnel. Leases should be standardized and written in both English and the local language. If a landlord chooses not to use a standard lease, the housing division must include a military transfer clause in the lease that is used. The customer-service representative should brief the sponsor on the contents of the lease and advise the sponsor that the local legal assistance office may be able to provide a legal review before the sponsor signs the lease. Appendixes BB and CC provide sample PRH rental agreements for Germany and Italy, respectively.

(9) A housing representative must inspect units offered to the housing division to ensure they meet adequacy standards before they are accepted as a new listing. This inspection should be conducted before an “in-check,” if possible. Figure 3-17 is a sample checklist that may be used to determine the adequacy of a PRH unit. This checklist also covers the basic information required by the centralized furnishings management office (CFMO) when Government-owned furnishings and equipment must be used in the PRH unit. If a checklist is used, a copy should be kept in the customer’s file.

(a) Residents will complete the security checklist (fig 3-16) before entering into a lease agreement for a PRH unit. The housing office will keep the completed checklist in the resident’s file until the resident departs. The checklist is a guide and must be made available to personnel at the time of inprocessing for use in screening potential PRHs.

(b) Residents will conduct an “in-check” with the landlord or the landlord’s representative before accepting the property. During the in-check, AE Form 420-1D must be completed and the utility meters must be read. The landlord and tenant should sign AE Form 420-1D. This form should be appended with the translation in the local HN language for countries other than Germany. The original must be kept in the housing division files; both the landlord and the tenant must receive a copy. If the landlord declines to take part in the in-check, the tenant should conduct the in-check with a witness and send a copy of the completed AE Form 420-1D to the landlord.

(c) Residents will conduct an out-check with the landlord or the landlord’s representative. During the out-check, the resident and landlord will use AE Form 420-1D to compare the condition of the unit with the condition it was in at the time the resident moved in. Final utility meter readings must be taken and the landlord will be asked to present any claims for damages, utilities, or rent. The landlord and tenant will attempt to negotiate a settlement and arrange for the security deposit to be returned.