

# United States Senate

WASHINGTON, DC 20510-4606

May 14, 2019

The Honorable Patrick M. Shanahan  
Acting Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Acting Secretary Shanahan:

I write today to strongly encourage the Department of Defense to convene a temporary housing advisory group of outside experts to assist you in determining the best long-term solutions for addressing pervasive health hazards in private military housing across the military services. This group would analyze the current Military Housing Privatization Initiative, established in 1996, as well as the agreements between the military services and the private companies, and offer recommendations to strengthen accountability and improve the quality of housing.

I have been deeply concerned about health hazards, including mold, lead, and rodent infestations in private military housing in the Commonwealth of Virginia and across the country. The Navy, Marine Corps, Army and Air Force have almost 12,000 privatized homes throughout the Hampton Roads region at Little Creek, Fort Story, Naval Station Norfolk, Oceana, and Joint Base Langley-Eustis, as well as Wallops, Dahlgren, Quantico, Fort Belvoir, and Fort Lee. Lincoln Military Housing, Clark Realty Capital, Balfour Beatty Communities, and Hunt Military Communities currently manage these units.

For this reason, I introduced the *Ensuring Safe Housing for our Military Act* with Senators Dianne Feinstein, Tim Kaine and Kamala Harris, to begin reforming the privatized housing program to ensure that our servicemembers have safe, secure and high-quality housing. This legislation would create stronger oversight mechanisms over private military housing, allow the military to withhold rent until issues are resolved, and prohibit the private companies from charging certain fees. It would also require the military to withhold incentive fees for poor performance.

While I am glad to see that the military services are taking some steps to address these hazards, including establishing call centers for current and former housing residents to address housing related environmental hazards, and establishing a tenant bill of rights, systematic change must occur in the program. These 50-year agreements between the military services and the military housing companies must be re-opened and renegotiated to tackle the problems that have been identified.

As the military services determine the best path forward, multiple perspectives and deep expertise in housing, state and local housing regulations, and environmental hazards are necessary to determine next steps and make stronger agreements. Clearly, these areas are not the

core expertise of the Pentagon leadership, nor are they part of a military leader's career trajectory. Housing is not a core mission of the Department of Defense.

Therefore, I urge you to establish a temporary advisory group for the Department of Defense – a high-level group of independent experts, well-versed in these issues who can assist the department in this process. This group would include approximately 10-15 subject matter experts from outside of government and from other government agencies, who would provide analysis and neutral advice related to housing, real estate, public health and environmental hazards. In addition, advocates for the servicemembers and their families should be included in this group.

The Department of Defense has a long history of using advisory groups to provide independent and informed advice, such as the Defense Innovation Board, Defense Science Board, Defense Advisory Committee on Women in the Services, and the Military Family Readiness Council.

In addition to advising the DoD on broader policy, the advisory group would need to ensure that agreements between the military services and the private companies codify the following:

- Ensure that independent and credentialed housing inspectors provide regular inspections and oversight at the housing units to ensure safe, secure and high-quality housing;
- Ensure that companies are adhering to state, local and regulatory laws related to environmental hazards. If these standards have not been determined by these authorities, DoD should establish standards in coordination with the EPA, and require that these companies adhere to standards for these hazards, including mold;
- Require these companies to utilize appropriately credentialed and/or skilled contractors for health, safety and environmental problems across the services;
- Ensure that tenants have direct access to a true housing advocate, who assists the servicemembers and their families;
- Ensure there exists an independent, third-party arbiter who can assist in resolving disputes between the tenants and the companies in a fair and transparent manner; and
- Determine penalties when these companies fail to provide safe and healthy housing, whether that be withholding rent payments, incentive fees, cancelling the contracts or alternative mechanisms.

Thank you for your attention to this serious matter. I am happy to discuss this issue further.

Sincerely,



MARK R. WARNER  
United States Senator