

(B) the term “asset management fees” means fees paid to manage a housing unit for the purpose of ensuring the housing unit is maintained in good condition and making repairs over the lifecycle of the housing unit.

(C) the term “preferred return fees” means fees associated with any claims on profits furnished to preferred investors with an interest in the housing unit.

(D) the term “residual cashflow distribution” means the steps a specific housing project takes to restructure after it is determined that the project is in an unacceptable financial condition.

(E) the term “deferred fee” means any fee that was not paid to a person in a calendar year in order to meet other financial obligations of the landlord.

(b) AVAILABILITY OF INFORMATION ON PERFORMANCE METRICS AND USE OF INCENTIVE FEES.—(1) Not less frequently than annually, the Secretary of Defense shall make available, upon request of a tenant, at the applicable installation housing office the following:

(A) An assessment of the indicators underlying the performance metrics for each contract for the provision or management of housing units to ensure such indicators adequately measure the condition and quality of each housing unit covered by the contract.

(B) Information regarding the use by the Secretary concerned of incentive fees to support contracts for the provision or management of housing units.

(2)(A) For purposes of paragraph (1)(A), the indicators underlying the performance metrics for a contract for the provision or management of housing units shall measure at a minimum the following:

- (i) Tenant satisfaction.
- (ii) Maintenance management.
- (iii) Safety.
- (iv) Financial management.

(B) An assessment required to be made available under paragraph (1)(A) shall include a detailed description of each indicator underlying the performance metrics, including the following information:

- (i) The limitations of available survey data.
- (ii) How tenant satisfaction and maintenance management is calculated.
- (iii) Whether any relevant data is missing.

(3) The information provided under paragraph (1)(B) shall include, with respect to each contract for the provision or management of housing units, the following:

- (A) The applicable incentive fees.
- (B) The metrics used to determine the incentive fees.

(C) Whether incentive fees were paid in full, or were withheld in part or in full, during the period covered by the release of information.

(D) If any incentive fees were withheld, the reasons for such withholding.

(Added Pub. L. 116–92, div. B, title XXX, § 3016(a), Dec. 20, 2019, 133 Stat. 1927; amended Pub. L. 116–283, div. B, title XXVIII, § 2814(a)–(d)(1), Jan. 1, 2021, 134 Stat. 4327, 4328.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, § 2814(d)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Financial transparency”.

Subsec. (b). Pub. L. 116–283, § 2814(a)(1), inserted “Performance Metrics and” before “Use of Incentive Fees” in heading.

Subsec. (b)(1). Pub. L. 116–283, § 2814(a)(2), substituted “shall make available, upon request of a tenant, at the applicable installation housing office the following:

(A) An assessment of the indicators underlying the performance metrics for each contract for the provision or management of housing units to ensure such indicators adequately measure the condition and quality of each housing unit covered by the contract.

(B) Information” for “shall publish, on a publicly accessible website, information”.

Subsec. (b)(2). Pub. L. 116–283, § 2814(b)(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 116–283, § 2814(b)(1), (c), redesignated par. (2) as (3) and substituted “paragraph (1)(B)” for “paragraph (1)” and “each contract for the provision or management of housing units” for “each contract” in introductory provisions.

§ 2892. Maintenance work order system for housing units

(a) ELECTRONIC WORK ORDER SYSTEM REQUIRED.—The Secretary of Defense shall require that each landlord of a housing unit have an electronic work order system to track all maintenance requests relating to the housing unit.

(b) ACCESS BY DEPARTMENT PERSONNEL.—The Secretary of Defense shall require each landlord of a housing unit to provide access to the maintenance work order system of the landlord relating to the housing unit to the following persons:

(1) Personnel of the housing management office at the installation for which the housing unit is provided.

(2) Personnel of the installation and engineer command or center of the military department concerned.

(3) Such other personnel of the Department of Defense as the Secretary determines necessary.

(c) ACCESS BY TENANTS.—The Secretary of Defense shall require each landlord of a housing unit to provide access to the maintenance work order system of the landlord relating to the housing unit to the tenant of the housing unit to permit the tenant, at a minimum, to track the status and progress of work orders for maintenance requests relating to the housing unit.

(Added and amended Pub. L. 116–92, div. B, title XXX, §§ 3017, 3018, Dec. 20, 2019, 133 Stat. 1930.)

Editorial Notes

AMENDMENTS

2019—Subsec. (c). Pub. L. 116–92, § 3018, added subsec. (c).

§ 2892a. Access by tenants to historical maintenance information

(a) MAINTENANCE INFORMATION FOR PROSPECTIVE TENANTS.—The Secretary concerned shall require each eligible entity or subsequent landlord that offers for lease a housing unit to pro-