

119TH CONGRESS
2D SESSION

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To improve housing and environmental health and safety protections for members of the Armed Forces and their families residing in military family housing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. SHEEHY, Ms. ERNST, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve housing and environmental health and safety protections for members of the Armed Forces and their families residing in military family housing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Occupancy
5 Living Defense Act” or the “MOLD Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

24 (5) The lack of consistent, independent audits,
25 inspections, and performance assessments of

1 privatized military housing has enabled poor con-
2 tractor accountability, resulting in ongoing mainte-
3 nance failures and tenant harm.

4 (6) The use of non-disclosure agreements by
5 providers of privatized military housing to silence
6 tenants reporting unsafe conditions obstructs trans-
7 parency, suppresses awareness of systemic failures,
8 and impedes efforts to hold contractors accountable.

9 (7) Available data from medical reports, tenant
10 surveys, and documentation by the Department of
11 Defense strongly suggest that prolonged exposure to
12 mold in privatized military housing is linked to high-
13 er rates of respiratory illness, neurological symp-
14 toms, and developmental issues in children, under-
15 scoring the urgent need for comprehensive environ-
16 mental health protections.

17 (8) As of the date of the enactment of this Act,
18 the TRICARE program (as defined in section 1072
19 of title 10, United States Code) does not cover mold-
20 related medical expenses, including diagnostic test-
21 ing for mycotoxin exposure or long-term treatment
22 for illnesses caused or exacerbated by mold, leaving
23 military families without adequate support for hous-
24 ing-related health conditions.

15 (a) STANDARDS.—

16 (1) INITIAL GUIDANCE.—

17 (A) IN GENERAL.—Not later than 180
18 days after the date of the enactment of this
19 Act, the Secretary of Defense shall issue in-
20 terim guidance for acceptable levels of relative
21 humidity, ventilation, dampness, and water in-
22 trusion to be applied at all covered housing.

23 (B) EFFECT.—Interim guidance issued
24 under subparagraph (A) shall remain in effect

1 until final standards are published under para-
2 graph (2).

9 (A) acceptable levels of relative humidity
10 indoors;

11 (B) required ventilation and moisture con-
12 trol measures;

13 (C) environmental inspection and testing
14 methods; and

15 (D) the standard of care for mold remedi-
16 ation adopted under subsection (g).

1 (b) CERTIFICATION OF COMPLIANCE.—Not less fre-
2 quently than annually, each housing office of the Depart-
3 ment shall certify to Congress that the housing office is
4 in compliance with health and safety standards for covered
5 housing required under this section.

6 (c) ESTABLISHMENT OF INDEPENDENT INSPECTION
7 PROTOCOL FOR PRIVATIZED MILITARY HOUSING.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Defense shall ensure that each installation
11 of the Department of Defense conducts, using inde-
12 pendent certified third-party inspectors, mold and
13 environmental health inspections for all covered
14 housing that is privatized military housing—

15 (A) upon every tenant turnover of a hous-
16 ing unit;

17 (B) upon receipt of any tenant complaint
18 regarding safety and habitability of a housing
19 unit; and

20 (C) following any remediation effort, struc-
21 tural repair, or response to an identified envi-
22 ronmental hazard at a housing unit.

23 (2) ELEMENTS OF INSPECTIONS.—Inspections
24 conducted under paragraph (1) shall include, at min-
25 imum—

4 (A) document results of inspections con-
5 ducted under paragraph (1); and

6 (B) submit the results of such inspections

7 to—

8 (i) the Secretary;

11 (iii) the Committees on Armed Serv-
12 ices of the Senate and the House of Rep-
13 resentatives.

18 (A) provided in full to current tenants of
19 the inspected unit;

20 (B) made available upon request to any in-
21 coming tenants; and

22 (C) maintained in a secure portal acces-
23 sible to staff of the relevant military housing of-
24 fice, the Committees on Armed Services of the

3 (6) REMEDIATION OR TENANT RELOCATION.—

4 In the case of a housing unit failing inspection con-
5 ducted under paragraph (1), the Secretary shall en-
6 sure that the unit is remediated or the tenants of
7 such unit are relocated not later than 30 days after
8 such failed inspection, if such tenants wish to be re-
9 located.

10 (d) COMPLAINT AND RESPONSE MECHANISM.—

23 (3) RESPONSE.—Each housing office for an in-
24 stallation of the Department shall—

4 (B) track progress of such response until
5 resolution; and

6 (C) provide to tenants written confirmation
7 of inspection findings and actions taken.

8 (e) REQUIREMENTS FOR PRIVATIZED MILITARY
9 HOUSING.—

1 Secretary of Defense shall incorporate enforceable
2 provisions related to environmental hazard response,
3 inspection, and tenant relocation protections which
4 shall include—

5 (A) enforceable environmental health and
6 safety clauses; and

10 (i) required third-party inspections;
11 (ii) maintenance;
12 (iii) mold remediation;
13 (iv) all relocation expenses for military
14 families forced to vacate uninhabitable
15 units;

16 (v) property loss; and
17 (vi) refunding any amounts paid
18 through a basic allowance for housing
19 under section 403 of title 37, United
20 States Code, for military families forced to
21 vacate uninhabitable units.

22 (f) CERTIFICATION REQUIREMENTS FOR MOLD AS-
23 SESSMENT AND REMEDIATION.—The Secretary shall en-
24 sure that all maintenance personnel, contracted mold as-
25 sessors, indoor environmental professionals, and mold re-

1 mediators responsible for assessing or remediating mold
2 and water damage in covered housing shall possess and
3 maintain current certifications issued by a nationally rec-
4 ognized, third-party, nonprofit certifying body, which may
5 include the following:

6 (1) The Institute of Inspection Cleaning and
7 Restoration Certification.

8 (2) The National Organization of Remediaters
9 and Microbial Inspectors.

10 (3) The American Council for Accredited Cer-
11 tification.

12 (g) STANDARD OF CARE FOR MOLD REMEDI-
13 ATION.—All mold remediation activities conducted in cov-
14 ered housing shall comply with the American National
15 Standards Institute and Institute of Inspection Cleaning
16 and Restoration Certification S520 Standard for Profes-
17 sional Mold Remediation, Fourth Edition, or any subse-
18 quent edition published by the Institute of Inspection
19 Cleaning and Restoration Certification or successor orga-
20 nization.

21 (h) ISSUANCE OF GUIDANCE.—Not later than 180
22 days after the date of the enactment of this Act, the Sec-
23 retary shall—

24 (1) issue guidance with respect to the imple-
25 mentation of this section; and

4 (i) QUARTERLY REPORTING REQUIREMENT.—

5 (1) DESIGNATION OF CHIEF HOUSING OFFI-
6 CER.—The Assistant Secretary of Defense for En-
7 ergy, Installations, and Environment shall serve as
8 Chief Housing Officer and shall receive, review, and
9 compile reports from military housing offices across
10 all installations of the Department of Defense.

16 (A) the number and type of tenant com-
17 plaints received;

18 (B) an assessment of work order volume
19 and average completion time:

20 (C) an identification of instances of unre-
21 solved or recurring maintenance issues;

22 (D) an identification of environmental haz-
23 ard notifications and the status of the remedi-
24 ation of such hazards;

1 (E) a summary of compliance by contractors with requirements of the Department and
2 any violations of those requirements;
3

4 (F) any reports of retaliation, discrimina-
5 tion, displacement, or housing-related medical
6 concerns (with personal information redacted if
7 requested); and

(G) a summary of command-level awareness or action on housing issues.

10 (3) COMPILED AND CONGRESSIONAL SUB-
11 MISSION.—

12 (A) IN GENERAL.—The Chief Housing Of-
13 ficer shall—

14 (i) compile the reports received under
15 paragraph (2);

16 (ii) submit to the Committees on
17 Armed Services of the Senate and the
18 House of Representatives such compiled
19 reports not less frequently than quarterly
20 and not less frequently than annually for
21 the quarter or year covered by the report,
22 as the case may be; and

23 (iii) provide to the Committees on
24 Armed Services of the Senate and the
25 House of Representatives briefings regard-

3 (B) BRIEFINGS.—Briefings required under
4 subparagraph (A)(iii) shall include trend anal-
5 ysis, contractor performance insights, and risk
6 flags based on installation-level conditions.

7 (4) DATA TRANSPARENCY AND RETENTION.—

11 (B) RETENTION OF INFORMATION.—The
12 Secretary shall ensure that all raw data, logs,
13 and supporting documentation for reports re-
14 quired under this subsection are retained for a
15 period of not less than five years.

16 (C) AVAILABILITY OF DATA SETS.—The
17 Secretary may make available to tenant om-
18 budsmen or Federal housing liaison offices data
19 sets used to prepare reports under this sub-
20 section with personally identifiable information
21 redacted.

22 (5) ENFORCEMENT.—In the case of a landlord
23 (as defined in section 2871 of title 10, United States
24 Code) or other private sector entity that fails to

1 comply with any requirement established to comply
2 with this subsection, the Secretary may—

3 (A) notify command leadership of the rel-
4 evant installation of the Department;

5 (B) conduct an audit or performance re-
6 view; and

7 (C) in the case of systemic failure to com-
8 ply with any such requirement, suspend eligi-
9 bility of such landlord or entity for housing-re-
10 lated bonuses.

11 (j) PUBLIC REPORTING REQUIREMENTS.—Not later
12 than one year after the date of the enactment of this Act,
13 and annually thereafter, the Secretary shall submit to the
14 Committees on Armed Services of the Senate and the
15 House of Representatives and publish on a publicly avail-
16 able website of the Department of Defense, with respect
17 to covered housing—

18 (1) the number of mold complaints received,
19 disaggregated by installation of the Department;

20 (2) the results of inspections under this section
21 and compliance rates;

22 (3) remediation timelines and costs; and

23 (4) the number of relocations made.

24 (k) SENSE OF CONGRESS ON HEALTH RISKS ASSOCI-
25 ATED WITH MOLD.—It is the sense of Congress that the

1 Secretary of Defense, in collaboration with the Secretary
2 of Health and Human Services, should evaluate the health
3 impacts of mold exposure in military housing and consider
4 appropriate medical responses and coverage under existing
5 health care systems.

6 (1) DEFINITIONS.—In this section:

7 (1) ACCEPTABLE LEVELS OF RELATIVE HUMID-
8 ITY.—The term “acceptable levels of *relative* humid-
9 ity”, with respect to an area, means an area with
10 humidity levels that are less than 50 percent.

11 (2) COVERED HOUSING.—The term “covered
12 housing” means any military family housing owned,
13 leased, or managed by the Department of Defense,
14 including privatized military housing.

15 (3) ENVIRONMENTAL INSPECTION AND TEST-
16 ING METHODS.—The term “environmental *inspection*
17 and testing methods” means detailed visual inspec-
18 tion substantiated by mold testing measures that in-
19 clude air sampling, tape lifts, swabs, and carpet
20 samples, and official laboratory analysis of such
21 samples.

22 (4) MOLD.—The term “mold” means any form
23 of multi-cellular fungi found in water-damaged in-
24 door environments and building materials, including,
25 cladosporium, penicillium, alternaria, aspergillus, fu-

1 sarium, chaetomium, trichoderma, memnoniella,
2 mucor, stachybotrys chartarum, streptomyces, and
3 epicoccumoften.

4 (5) PRIVATIZED MILITARY HOUSING.—The
5 term “privatized military housing” means military
6 housing under subchapter IV of chapter 169 of title
7 10, United States Code.