DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FIRES CENTER OF EXCELLENCE AND FORT SILL
FORT SILL, OKLAHOMA 73503

REPLY TO
ATTENTION OF

ATZR-C

4 May 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Off Post Housing Rental Policy, CG Policy Memo 12-14

1. PURPOSE. To provide policy and procedure when entering into, terminating or addressing problems with rental housing agreements in the Fort Sill Housing Market Area.

2. REFERENCES.

a. AR 420-1, 12 February 2008, Army Facilities Management.

b. AR 37-104-4, 8 June 2005, Military Pay and Allowances Policy.

3. GENERAL. Commanders have a responsibility to ensure that their Soldiers have safe and decent housing accommodations. Experience shows that Soldiers and their Families that reside in adequate housing exhibit greater satisfaction with military life, perform better and require less chain-of-command involvement. A Commander therefore serves everyone's best interest in assisting Soldiers in obtaining and maintaining adequate and affordable housing.

4. RESPONSIBILITIES.

a. Commanders will:

(1) Ensure that all Soldiers who do not reside in the barracks process in person through the Housing Services Office (HSO) in building 4700 before entering into any rental housing agreements.

(2) Ensure that FS Form 624 (Checklist for Family Housing Adequacy, Off-Post Rental Commuting Area) is used to perform the housing adequacy inspection. This form and other related Fort Sill blank forms are located on the following website:

http://sill-www.army.mil/dhr/Admin_Svcs_Div/FS_Blank_Forms/FS_BLANK_FORMS.htm.

(3) Ensure off-post housing is inspected for adequacy before any rental agreement is signed. If the Soldier is E-4 and below, commanders will designate a member of the chain-of-command (Staff Sergeant rank or higher) to inspect the quarters (see appendix A for inspection tips) using FS Form 624 as a guide and record of the inspection. The minimum standards specified on FS 624 should easily be met. Commanders may waive individual inspection criteria if a landlord agrees in writing to correct any deficiencies.

Commanders must ensure any exceptions are annotated on FS Form 624. Appendix B contains additional standards commanders can utilize.

(4) Ensure bona fide bachelors in the grade of E-1 through E-4 obtain a Statement of Nonavailability (SNA) before signing any off post rental agreement. Current Army policy states that bona fide bachelors in the grade of E-4 and below will reside on-post if barracks space is available.

(5) Ensure Soldiers in the grade of E-4 and below properly clear their off-post quarters before moving into on-post housing or departing Fort Sill. The use of FS Form 824, Residential Clearance Form is required. Provide a member from the chain-of-command to participate in a joint inspection of the quarters if requested by either the landlord or the Soldier. A Soldier who chooses to PCS and leave Family members in a rental unit will provide a FS Form 824 rental clearance form signed by the landlord stating the Family remains living in the residence and is in good standing prior to the Soldier's final clearance.

b. The Housing Services Office will:

(1) Maintain a listing of adequate and available rental property in the housing market area.

(2) Work with the Soldier and Chain of Command to validate, follow-up on, and take all necessary steps to resolve complaints of inadequate housing.

(3) If a property owner fails to correct identified deficiencies or adhere to the applicable State of Oklahoma Non-Residential/Residential Landlord and Tenant Acts 41 O.S. 2001, 101-136, as amended through November 1, 2006, Section 118/121 the HSO will generate a letter from the Office of the Commanding General, Fort Sill identifying those actions to be taken and that the property owner risks having the property placed off-limits to all active duty military personnel.

(4) Brief all Soldiers reporting to the HSO on off-post housing procedures. Provide a current listing of available adequate rental properties in the housing market area.

(5) Advise all new arriving Soldiers on current Basic Allowance for Housing (BAH) allowances applicable to the housing market area.

(6) Advise all Soldiers who report to housing of their responsibilities as a tenant. Provide an overview of rental statutes and the responsibilities of the landlord.

(7) Assist landlords and Soldiers in resolving disputes to the greatest extent possible. Refer unsolvable matters to legal assistance.

(8) If a Soldier departs Fort Sill owing a property owner or a property owner owes a Soldier any rent, money for damages or other fees/costs related to the occupancy, assist to the extent permitted in establishing a method of payment in accordance with applicable army regulations or law.

5. PROCEDURES.

a. Incoming Soldiers will:

(1) Before beginning to look for off-post quarters, report to Housing for a briefing on off post rental procedures in the housing market area.

(2) Before signing a rental or lease agreement an inspection to determine adequacy must be done using FS Form 624. If you are grade E-1 to E-4 the inspection must be done with a designated member of your chain of command holding the rank of Staff Sergeant or greater.

(3) If you are E-4 and below without dependants and desire to reside off post you must possess a statement of nonavailability for barracks and performed an inspection to determine adequacy as identified before signing a lease. If you sign a lease without a statement of nonavailability for barracks, you will not be entitled to BAH and may still be held contractually liable to the landlord.

b. Soldiers in grade E-1 to E-4 moving from off-post quarters into on-post quarters and Soldiers departing Fort Sill will:

(1) Obtain a FS Form 824, Residential Clearance Form from your unit S1.

(2) Arrange with their landlord a time for a joint inspection of the residence. If either you or the landlord desires a chain-of-command representative, arrange appropriately with a member of your chain of command holding the rank of Staff Sergeant of greater.

(3) Upon completion of the inspection submit the residential clearance form for signature by your unit commander. Your Commander will ensure that you have made arrangements to compensate for any debts or repairs for damages not in dispute. If you dispute the debt or charges to repair any damage contact the HSO at (580) 442-3778 and the Legal Assistance Office (LAO) at (580) 442-5058 on how to proceed.

(4) If you are departing Fort Sill, include FS Form 824, the Residential Clearance Form signed by your unit commander with your installation clearance papers. You will not be able to clear without it.

(5) If you are moving into on-post quarters, bring the FS Form 824 to the Housing Services Office. You will not sign for your on-post quarters without the completed form.

Note: Commanders may use these procedures at their discretion for other grades.

c. Soldiers will:

(1) Choose adequate and affordable housing based on their BAH. BAH includes rent, utilities, and renter's insurance. Ensure to take into account average utility and other housing related costs before signing a lease.

(2) Be good tenants. Pay rent on time. Keep quarters clean and in good repair to include the yard and outside area. Maintain control of children and pets.

(3) Seek assistance from your chain of command, Housing Services Office, or Legal Assistance Office if your landlord persists in making unreasonable demands outside of your rental agreement.

(4) If you have any housing deficiency in your rental below the standard of adequacy which requires repairs by the landlord, prepare a written notice describing in detail each problem and submit to the landlord for repair. Provide a copy of your request to the HSO and keep a copy for your records. If the landlord fails to comply within the required time limits, seek assistance from your chain of command and/or the HSO. If the dwelling unit has become uninhabitable for any reason, seek immediate assistance and provided written notice to the landlord stating the reason for your intended actions and why.

(5) Use FS Form 824 to properly clear with your landlord and abide all other stipulated policy procedures when moving from your off-post residence.

6. My policy is one that does not end with the signing of a lease. It is one of adopting a comprehensive approach beyond this policy memorandum of due process at all levels of responsibility to ensure appropriate action for the good of all involved.

7. This CG Policy Memorandum supersedes CG Policy Memorandum, ATZR-C, 26 August 2009, subject: Off Post Housing Rental Policy, CG Policy Memo 09-13.

8. The point of contact for this policy is the Housing Services Office Manager at 442-3778.

JAMES M. MCDONALD
Major General, USA
Commanding

DISTRIBUTION:
Fort Sill Internet

Appendix A

TIPS FOR INSPECTION OF FACILITIES

DO'S	DO NOT'S
1. Do let the manager/landlord know that you are conducting an adequacy inspection in his/her complex or area.	1. Do not judge adequacy based upon your personal lifestyle. Use checklist only.
2. Do be tactful and courteous.	2. Do not check "no" on an item you are unsure of without first checking with HSO.
3. Do dress appropriately. Present a professional appearance.	3. Do not "read into" the standards that are not required.
4. Do follow the adequacy standards exactly as written.	4. Do not get into a confrontation with manager/landlord. Leave and contact HSO.
5. Do question manager/landlord on items which do not meet standards. Landlord may be willing to correct deficiencies.	5. Do not complain about performing your inspection duties. It is your leadership responsibility.
6. Be professional.	

APPENDIX B

OFF-POST HOUSING ADEQUACY STANDARDS

1. General Condition:

a. Have all maintenance materials in a secured area which is not accessible by unit or complex residents?

b. Be located in an area free from health and safety hazards?

2. Interior of Unit:

a. Be a complete unit with private entrance, bath, kitchen, and a bedroom or bedrooms for sole use by resident.

b. * Be structurally sound and not post a safety or health hazard.

c. Have hot and cold running potable water.

d. Have a shower or bathtub and a flushable toilet in bathroom.

e. Have adequate electrical equipment and lighting.

f. Have connections for a washer and dryer or be within ¼ mile of a Laundromat.

g. Have cabinets in the kitchen and space for stove, refrigerator, and food preparation.

h. Have smoke detectors installed and properly operating per state and local regulations.

i. Have adequate sanitary facilities and sewage disposal.

j. Have heating system installed and operable.

k. Have air conditioning installed and operable (cooling system).

l. Must meet local and/or state building codes.

m. Interior walls and ceilings shall be finished with paint or other suitable material which will, by the use of reasonable household methods, promote sanitation and cleanliness. Finishes will be maintained to a standard which promotes above and be absent of peeling paint, loose plaster, loose or deteriorated finishes.

n. Floors shall be weather tight without holes or excessive cracks, shall have an industry standard floor covering (as applicable).

3. Grounds and Parking:

a. If fencing is provided, will be maintained in a good state of repair.

b. Have parking available adjacent to home, street-side, or a designated parking space.

c. Must have adequate refuse service (private or public) and/or refuse containers.

d. Maintain all access roads, common areas, and exterior lighting in a manner which complements the appearance of the unit or complex while maintaining a high level of safety and serviceability.

4. Exterior of Unit:

a. Must be a weather proof exterior surface from ground to roofline.

b. Have access steps at all entry points conforming to local and state code.

* The existence of any of the following constitutes a safety or health hazard:

Windows/doors nailed shut, no steps, rickety steps, exposed wiring, cracked or missing electrical plates, sagging floors/walls/ceilings, unsecured entry doors, trash piles, open sewerage, standing water, no fire retardant material around stove, absence of control knobs on heating equipment or stoves, exposed insulation, no/inoperative kitchen exhaust fan, missing screens, broken windows, ceilings with water damage or any other instance that can be reasonable construed as a health or safety hazard.