

HEARING BEFORE THE UNITED STATES HOUSE
COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON MILITARY CONSTRUCTION,
VETERANS AFFAIRS, AND
RELATED AGENCIES

Written Testimony of Patricia "Nikki" Wylie
Marine Corps Spouse, Base Housing Tenant

Esteemed members of the committee, I am Patricia "Nikki" Wylie, mother of three small boys, and wife to a master sergeant of Marines who has proudly been serving our nation on active duty for 18 years. We are currently stationed aboard Marine Corps Air Ground Combat Center (MCAGCC) in Twentynine Palms, California and living in the Shadow Mountain community run by Liberty Military Housing, called Lincoln Military Housing (LMH) at the time of our interactions.

When we moved into our home in November of 2018, we were required to sign multiple disclosures: an Asbestos disclosure, a Lead Paint disclosure, a Surrounding Land Use disclosure, and an Ordinance disclosure. It was indicated that these were of no consequence and were we to decline this community in favor of one of the nearby communities where some of these risks were not present, we would go to the bottom of the waitlist with no guarantee we wouldn't get assigned Shadow Mountain again months down the line. As we had already been living in Airbnb's for four months without our household goods due to a convoluted waitlist process, we felt pressured to accept against our intuition.

Upon moving in, we discovered water damage that had been painted over in both full bathrooms. Within weeks of moving in, my younger children, aged 1 and 3, began experiencing skin rashes and breathing issues, including recurring pneumonia and later opacities on my baby's lung.

In January 2019, a toilet overflowed, requiring several baseboards to be removed as well as some flooring. LMH indicated the overflow was our fault, but ultimately did not remove any debris and instead fixed a leaking wax ring, fill valve, and flapper. Blaming us for the issues that resulted from dated plumbing as well as denying ongoing issues that likely contributed to mold growth was to become an expected pattern from the housing office over the ensuing years. During the time of our baseboards being torn out, I found what looked to be mold, but LMH assured me it was merely the mastic they used. My youngest child began having breathing issues within a few hours of their industrial blower being turned on in the area.

Over the course of the following weeks, after personally finding mold and evidence of water damage in several areas of my home and growing several cultures on home mold tests that confirmed my suspicions, I brought my concerns to the attention of several maintenance team members including the maintenance manager. My concerns were repeatedly ignored and minimized. LMH representatives told me everything from "it's just blown out drywall" to "if our moisture meter doesn't detect moisture currently, there can't be mold present" to "if the mold is inside the walls, it can't hurt your family". In one spot where mold was clearly visible, our maintenance person scraped a small spot off of the bathtub edge and then caulked over it. These band-aid fixes were what we came to expect from LMH.

Plumbing issues continued regularly and each time, LMH indicated the issues were our fault. Nearly every member of my neighborhood that I have spoken with reports having similar plumbing issues and

receiving similar blame.

My concern for my family's health continued for over a year, with the only consolation LMH provided being to send someone out to vacuum the return under my HVAC unit where there were piles of dog fur - we do not own an animal, so it must have accrued from previous tenants and never been cleaned.

Finally in December 2019, after a year of butting heads with LMH, my family experienced a minor gas leak. It was noticeable enough that I could detect it by smell and got my family out immediately and reported the situation to LMH's office. An LMH maintenance worker reportedly used whatever tools were available to him to ascertain that we did not have a gas leak and reported back to the district office that all was clear. Thankfully, I chose to have the LMH receptionist help me call the base fire department. I had left my phone at home in my haste to exit. Within minutes, base firefighters detected the leak. They shut off the line, cleared the fumes, and contacted Lincoln directly to get the situation handled. Per the firefighter who assessed my home, striking a match or lighting a burner could have had lethal ramifications yet LMH had deemed my home safe.

The same LMH representative who was unable to detect the presence of gas somehow was able to detect and photograph rice that my children had spilled on the floor as I was rushing them out in haste due to smelling gas. LMH would later use their possession of photos of food on the floor - that I opted not to imperil my family to clean up in an emergency - to discredit us with my husband's command indicating that our mold issue was our fault because our home was unsanitary with "food all over the floor."

Using the gas leak incident as evidence of my rightful unwillingness to accept LMH's definitions of my home's safety any longer, I reached out to LMH's COO/Co-CEO directly. Within that strongly-worded letter, in addition to discussing my own family's safety concerns, I expressed worry over LMH's handling of an ongoing window replacement program in my neighborhood. LMH, their contractor, Moss, and Moss's sub-contractor Newman all claimed replacement windows were only being retrofitted and therefore they didn't legally have to wait for the results of the asbestos testing that had been carried out on a large scale in our neighborhood in late 2019. However, at least 3 families had come to me about their walls being cut into. After much back and forth and a discussion of potentially making the situation public, LMH allowed residents to defer the window replacement temporarily and the program was, without explanation, halted two weeks later.

The COO/Co-CEO who received my letter passed it on to LMH's Vice President and she and I had an in-depth phone conversation wherein she set the gears in motion for an outside company to come in to inspect my home for mold. However, she failed to respond to my follow-up emails despite indicating at the end of the phone call that she would be available to do so.

Only with LMH's blatant breaches in safety protocol as leverage and using both my background in victim advocacy and my husband's perceived command support garnered by his role as his Unit's Readiness Coordinator, was I able to get anything done on my home.

On January 18, 2020, an LMH maintenance manager and maintenance worker did a pre-inspection of my home prior to the third-party inspection that was scheduled for the following week. In addition to looking at the areas where I, untrained in mold detection, expressed concern, they did "favors" for me like cleaning out my vent fans and removing other tell-tale signs of mold ahead of the official inspection.

On January 22, InDepth Environmental came to my home and mold, which they only ever acknowledged in writing as “water intrusion”, was detected in four different areas of my home including around my HVAC unit. All three bathrooms, one exterior wall, and my HVAC closet were all torn apart using proper containment measures- a step I had to insist on as it is not LMH's typical practice to exercise proper containment. They have not done so in any of my neighbor's homes nor in mine during my previous water intrusion issues.

We were out of our home, with the locks changed, for a total of 32 days, during which time LMH jostled us from hotel to hotel, requiring me to load up 3 kids and our belongings into our car and be essentially homeless between check out of one place and check in at the next, before finally getting set up in a temporary house in the junior enlisted off-base housing. Throughout this time, LMH continued to collect our BAH and we received a \$75/ day per diem check for the days we were displaced. We did not receive the check until well after we were back in our home, thus it could have been a great financial burden for a family without monetary reserves.

Throughout the process, we had to bring in a command representation as well as repeatedly insist on measures like duct cleaning/replacement. LMH refused to acknowledge the presence of mold in our ductwork and replace them despite the InDepth inspectors acknowledging verbally that there was mold in my HVAC return. My HVAC had been running and presumably circulating mold spores throughout my ductwork. LMH finally agreed to have the ducts cleaned, wherein an “unfortunate accident” apparently ripped one of the ducts and LMH claimed that it was then more cost efficient to get all the ducts replaced – the fix I had been advocating for – rather than just the damaged one. Thus, they were able to replace the ducts without acknowledging that there was mold. We were awaiting the fulfillment of my sons’ pulmonology referral at that time and LMH’s acknowledging the presence of mold would have proved a more causal link between his breathing symptoms / lung opacities and the safety of our home’s air, so they adamantly avoided doing so.

Throughout the incredibly stressful and draining process, LMH did everything within their power to gaslight us, discredit us with my husband's command, downplay the issues, avoid the term "mold" in any written documentation, refuse to ever disclose the mold type(s) found, and interfere with proper testing measures.

To illustrate my point: I drilled fewer than a dozen 5/8 inch holes in my walls to look for mold behind the walls in areas I could see water damage. LMH’s own maintenance manager even indicated these holes could be helpful during the third-party home inspection. However, LMH, without any verbal or written warning to us, sent my husband’s command a notice that we were to cease “putting holes in their walls”, “destroying their property”, and violating our lease. The holes I made were no larger than those made to mount televisions or tether furniture, both of which I verified were acceptable with an LMH representative prior to moving in as the lead paint disclosure’s language is vague on the subject. LMH also did not come to us as tenants, but rather went to my husband’s command immediately after I had reached out to LMH’s corporate office. Therefore, I have to assume that their motives were more retaliatory and intended to discredit us with my husband’s command. This combined with the photos of “food all over the floor” mentioned previously were unfortunately enough for my husband’s command to essentially refuse to advocate on our behalf beyond providing a command representative for the large-scale meetings – a disheartening result that left us feeling more alone in fighting the giant that is LMH and its complicit contractors.

InDepth Environmental stated in their March 2, 2020 Post Remediation Verification report that the “moisture impacted wall products were removed and discarded below and around the HVAC return in the hallway maintaining a 2-foot buffer in all directions past any visible growth/water damage”, but APEX, the company who did the HVAC duct microbial testing indicated in their March 1, 2020 report that there was water staining and dust build-up observed in the HVAC return and included a photo of said damage in their report. We experienced many times that assessments from InDepth Environmental, who told me when I asked that LMH makes up 20-30% of their revenue, seemed to very much align with LMH’s interests.

This was demonstrated again when I also had the opportunity to meet with the then MCAGCC Commanding General and several of Lincoln's top managers and lawyers with regard to a neighboring family with whom I had developed a mutual-advocacy arrangement. During a holiday where LMH’s typical go-to company, In-Depth was unavailable, EnviroCheck a reputable company that had been in business 30 years, determined that the family’s home had significant levels of asbestos. In-Depth could not identify any element of EnviroCheck’s testing that was improperly done but repeated testing in the exact locations and found no asbestos. The LMH environmental lawyer stated that there was no precedence for asbestos in Shadow Mountain despite there being “previously listed” asbestos known to be improperly encapsulated under the carpets of the two-story homes’ upper floors – thus the reason Shadow Mountain tenants had to sign the asbestos disclosure. It is important to note that LMH was awaiting results for 198 other homes in the Shadow Mountain community at that time – all of which could be brought into question as the testing company was InDepth. The base CG would not require any additional third-party testing to be done nor was the company who found the asbestos permitted to be in attendance at the meeting both of which the family requested. The family ultimately received no acknowledgement that there was asbestos in their home specifically in the area where moisture had intruded, a wall had been cut out for a month, and industrial blowers had circulated the resulting debris. However, they were moved to another home outside of Shadow Mountain.

Also in early 2020, we were privileged to be able to attend a meeting with the then Sergeant Major of the Marine Corps about housing concerns aboard the base. While the listeners were sympathetic to the plight of all the impacted families in attendance and indicated that LMH should hold a town hall and make some changes, to my knowledge no actions were taken as a result of the meeting. Partly, I’m sure, due to the fact that Covid-19 became everyone’s focus within weeks.

LMH did not take action until I directly threatened corporate with social media exposure of their blatant disregard for tenant safety. My husband is a high-ranking enlisted service member and I have a background in advocacy that helped position us to have our concerns heard by important figures within both Lincoln and the Marine Corps. We were fortunate that, after a long, uphill battle, we were able to achieve mold remediation, and HVAC coil and duct replacement that seem to have alleviated many of our health issues. There are plenty of others in our community for whom that has not been the case.

I thank you for your time and your resolve to restore our military housing to the idyllic, safe communities our service members and their families deserve.