

Kimball, Tirey & St. John LLP

Legal Alert

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Servicemember Civil Relief Act Amended

It is important for residential rental property owners and managers to know of a recent change to the Federal Servicemembers Civil Relief Act. The current law allowed a servicemember to serve a written 30-Day Notice to Terminate their Tenancy if they received orders for either a permanent change of station, or deployment for 90 days or longer. The servicemember was then liable to pay rent through the month the 30-Day Notice expired. For example, if the 30-Day Notice was served in mid-August, the servicemember would owe rent for the whole month of September.

The recent changes to the law have modified the rent responsibility of the servicemember. The most rent a servicemember can now be liable for after presenting orders and a 30-Day Notice, is 30 days. Keep in mind the notice must be in writing and accompanied by a copy of the order, or accompanied by a letter from their commanding officer referring to the order.

The law also clarifies that a landlord may not charge the servicemember any penalties as a result of the servicemember "breaking" the Lease. This would include any rent concessions and/or early termination fees.

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