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## Understanding landlord rights under the Servicemembers Civil Relief

By Alan Pentico

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Being a landlord can sometimes be as much about property management as it is about being your own legal counsel. When is it appropriate to evict? Who is responsible for property damage? How should you file your taxes? Once you have mastered all of those questions, then you will discover that the rules change completely when you lease to active-duty service members. A recently updated piece of legislation, the Servicemembers Civil Relief Act, extends a broad blanket of securities to active-duty personnel that you need to know about.

The act directly impacts evictions and lease terminations, among other things. You may find yourself leasing to an individual who receives orders to deploy. In San Diego, that is not uncommon.

When a service member is deployed and their residence remains occupied by their dependents, a landlord may not always evict the residents for lack of payment. A service member can demonstrate financial need as a direct result of military service and receive a court-ordered stay, usually of 90 days. However, landlords do have the right to compensation. The act allows the court to grant appropriate relief until either the residents can meet their obligations or are able to move. If you find yourself in this situation, it is important to know your options under the Servicemembers Civil Relief Act.

Additionally, personnel who receive orders to deploy or individuals who join active duty after entering a lease are granted the privilege of prematurely terminating their lease without penalty. A landlord may not charge rent concessions or early-termination fees. But there are conditions that must be met, so make sure the individual fits the full profile. The service member, for example, must provide a copy of their deployment orders along with a written notice of termination and the effective date. Furthermore, the deployment must be for more than 90 days.

This legislation, which dates back to 1918, has been a monumental act of legal appreciation for the service of our men and women in uniform. But this law also protects landlords. If you find yourself working with active-duty personnel on deployment, make sure you understand your rights under the Servicemembers Civil Relief Act. More information can be found at [servicemembers.gov](http://servicemembers.gov).

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