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**ATTENTION LANDLORDS, CONDOMINIUM ASSOCIATIONS, HOMEOWNERS' ASSOCIATIONS,
AND COOPERATIVES: NEW LAW RELATING TO SERVICEMEMBERS AND RENTALS**
By: JACQUELINE C. MARZAN, Esq.

Effective July 1, 2016, community associations requiring prospective tenants complete a rental application before residing in a rental unit or parcel must complete the rental application processing for prospective tenants who are servicemembers within seven (7) days after submission. Specifically, within that seven (7) day period, the servicemember must be notified whether the application is approved or denied. If denied, the writing must specify the reason for the denial. Failure to timely deny and specify the reason for the denial as stated above results in the servicemember being allowed to lease the unit or parcel if the servicemember is in compliance with all other terms of the application and lease. The term "servicemember" includes any person serving as a member of the United States Armed Forces on active duty *or* State active duty *and* all members of the Florida National Guard and United States Reserve Forces.

Note that the law does not allow the parties (i.e., associations, landlords or servicemembers) to waive or modify the foregoing requirements. The new law can be found in Section 83.683, Florida Statutes (Chapter 2016-242).

Issues: The law is not clear on how the above timing affects common practices in processing applications including interviews and background checks. Consult your legal counsel on determining best practices in connection with processing these types of rental applications.

Recommendation: While associations will be subject to the above State law regardless of what is in the governing documents, to the extent associations have applications, same should be amended to include a question of whether the applicant is a servicemember (as defined above). Proper promulgation procedure should be followed in connection with amending covenants and/or rules relative to such rental applications as well as addressing the issues stated above.

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