

# THE COMMUNITY BUILDER

## New Rental Application Processing Requirement - Service Members

The information contained in this E-News may not be applicable to every association. Not every condominium, cooperative or homeowners association has the ability to approve tenant applications for leasing in their community.

As it pertains to Chapter 83 of the Florida Statutes, known as the "Landlord Tenant Act", Florida Legislature has passed a law that will become effective on JULY 1, 2016.

This law will be applicable to private individuals who rent their homes AND Condominium, Cooperative and Homeowners Associations who, through their documents, have the authority to APPROVE prospective tenants.

The law (effective July 1, 2016) requires that if a "Service Member" is the applicant to lease an individual home or a home in a condominium, homeowners association or cooperative, the application must be either approved or denied within seven (7) days from the date of application. (FS83.683).

Specifically, the bill provides:

- If a condominium, cooperative, or homeowner's association requires prospective tenant to complete a rental application before residing in a unit within the association, the association must complete processing of the rental application submitted by a prospective tenant who is a service member, as defined in s. 250.01, within seven (7) days after the submission.
- The Association must, within that 7-day period, notify the service member in writing of an application approval or denial and, if denied, the reason for the denial.
- Absent a timely denial, the association must allow the owner to lease the unit or parcel to the service member if all other terms of the application and lease are complied with.

# THE COMMUNITY BUILDER

- The parties may not waive or modify the provision of the law.
- The term "service member" is defined to include any person serving as a member of the United State Armed Forces on active duty or sate active duty and all members of the Florida National Guard and United States Reserve Forces.

All parties who participate in any type of lease approval should be made aware of this change. If your community has a Policy and Procedure - it may need to include this information.