

TIPS for Servicemembers

Housing Options While On Active Duty



If you are called to active duty, you may have the right to get out of your housing lease. You also have rights that can help keep you and your family from being evicted while you are serving. Here are some housing tips for servicemembers on active duty.

Getting Out of Your Lease When You Move

- You can cancel your housing or business lease if you signed it before you started active duty.
- You can also cancel your lease if you get orders for a permanent change of station or deployment of 90 days or more.
- You must tell your landlord or property manager in writing that you want to end your lease. You must also give them a copy of any military orders or a letter from your unit.
- For leases with monthly payments, you may have to make the next rent payment after you write to your landlord or manager. Your lease generally ends 30 days after the due date of that monthly payment.
- It is illegal for a landlord to hold your property or security deposit to get you to pay more than you legally owe.

Avoiding Eviction While on Active Duty

- If you have trouble paying your rent because of military service, you have rights. These rights extend for up to 120 days after you leave military service.

- Did your landlord threaten to evict you or serve you with eviction court papers? Get help from your JAG legal assistance office or a civilian attorney right away.
- All servicemembers, and their representatives, can ask the court to put the eviction on hold for 90 days, and the court can shorten or lengthen that period.
- If you are a Reservist or member of the National Guard called to active duty, and have family living in the home, you can ask the court to stop an eviction until 120 days after your military service ends.
- You will still have to pay any rent you owe when you return from service. The court can also order you to pay part of your rent while the eviction is stopped if a judge decides that you have the ability to pay.
- If military service makes it hard for you to pay rent, a court may also change the amount of rent you owe.

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If You Can't Go to Court for Your Eviction Case

- If you can't go to court for your eviction case because of military service, the judge must appoint a lawyer to represent you before ordering you to pay money or move out.
- Even if your landlord gets a court judgment against you, for example because you couldn't appear in court, you can have a judge look at your case to decide if you couldn't pay your rent because of military service.

Additional Resources

Ask your base legal office for help. For the legal office's contact information, ask your command or visit the Armed Forces Legal Assistance Program website at <https://legalassistance.law.af.mil/>.

California National Guard personnel can also get help from the State Staff Judge Advocate's Office - go to <http://www.calguard.ca.gov/> for contact information.

For information on civilian legal aid resources, go to <http://www.lawhelpca.org>.

The Attorney General's Office cannot give legal advice, but filing a consumer complaint is helpful because it alerts the Office to consumer issues and may help with the Office's investigations. File a complaint with the Attorney General's Office at <https://oag.ca.gov/consumers> or (800) 952-5225.

For more information about military consumer protection, visit <https://oag.ca.gov/consumers/general/military>.

For questions regarding the Department of Justice, contact the Public Inquiry Unit at (916) 210-6276 (voice), or (800) 952-5225 (toll-free in California).