



# MCCHORD'S LEGAL "EASE"

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## CALLING ALL TENANTS!

Whether you're currently looking for a home to rent, already renting a home, or about to move out of a rental home, you should know your rights and obligations as a tenant. Here are some of the basics.

Know which type of rental agreement you're dealing with and ensure that you read its terms closely. The most common types are month-to-month agreements and a lease with a designated time period, typically one year. Monthly agreements are subject to change at any time after proper notice from the landlord. A lease requires a tenant to stay for a specified amount of time, and the terms cannot be changed unless both parties agree.

Typically, a tenant must give 20 days' notice to the landlord before terminating a month-to-month agreement, and if a tenant leaves before his/her lease has expired, he/she must pay until the lease expires or until the vacancy is filled by a new tenant. However, the Servicemember's Civil Relief Act allows individuals to break a residential lease if they receive PCS orders, or orders to deploy for 90 days or more. Nonetheless, the earliest termination date is 30 days after the next payment due date; as such, give notice early!

Always be prepared to face problems that may occur, and be aware of which responsibilities are yours—as the tenant—and which re-

sponsibilities fall on the landlord. Here are some (non-exhaustive) rules under Washington state law:

### Landlords:

- Must maintain & repair the residence to keep it in a livable, reasonably safe condition
- Must make repairs when something breaks, unless the damage is caused by normal wear-and-tear or by the tenant
- Must give two days' written notice to enter the residence, including the date of entry, the exact time or time period of entry, and a phone number to object to the specified date/time or to re-schedule. Note: only one day is needed to show the residence to prospective tenants
- May not lock a tenant out, or shut off utilities except to make repairs, even if the tenant is behind on rent
- May not retaliate against tenants for exercising rights under the law, such as complaining to a government authority

### Tenants:

- Must pay rent & any utilities agreed upon
- Must comply with the terms of the rental agreement
- Must not damage the value of the property
- Must not commit unlawful activities on premises



- Must not create a nuisance
- Must not interfere with other tenants' use of the property
- **ALL OF THESE ARE GROUNDS FOR EVICTION WITH ONLY 3 DAYS NOTICE!**

### Other helpful info for tenants:

- When moving in, make sure you get a condition check-in list and fill it out with as much description as possible. Also take photos. This will help to ensure the landlord does not try to charge you for damages that were present when you moved-in
- Landlords may not charge you for average wear-and-tear

For more information, read the Landlord-Tenant Laws at Chapter 59.18 of the Revised Code of Washington. You can also get help from the following:

- Attorney General's Consumer Line, 1-800-692-5082
- JBLM Housing Services Office, (253) 967-3581
- Legal Assistance Office, (253) 982-5513

Note: the legal assistance office does not provide legal advice for landlords, because advice is not authorized for individuals' separate businesses.

## Article 31 Rights Advisement



Most of us have heard cops recite the “*Miranda* rights” to individuals being arrested on various TV shows and movies. However, not many people know that, 15 years earlier, the military was given its own version of these rights and they actually yield more protection to servicemembers. On 31 May 1951, the military was given the Article 31 rights. Article 31 of the Uniform Code of Military Justice details the member’s rights during investigations, hearings, or inquiries. It initially afforded military members accused or suspected of a crime the right to remain silent, that is, not be compelled to produce any statement about the crime. Furthermore, the interrogator had to inform them of this right, as well as the fact that any waiver of the right could lead to statements being used as evidence in a court-martial proceeding. Lastly, the interrogator could not use any sort of coercion or unlawful influ-

ence to force the member to waive these rights.

Since the initial creation of Article 31 rights, there have been various court cases, adaptations in the Military Rules of Evidence, and practices by the Air Force that have clarified and expanded the initial rights. Specifically, individuals also have a right to free military counsel. Furthermore, it is not just investigators and police officers that have to provide military members their Article 31 rights. **If you are superior in rank to an individual**, you may need to provide Article 31 rights in the following circumstance:

1. You suspect the person you wish to question has committed, or is in the process of committing, an offense under the UCMJ;
2. The primary purpose of your questioning is in a disciplinary capacity,



rather than for official or personal reasons; and

3. Your questioning reasonably creates the perception of coercion or influence, i.e., the suspect would feel obliged to answer your questions because of your rank, position, or status.

When in doubt, call the legal office before questioning. Statements obtained in violation of these rights will not be allowed into evidence at a trial by court-martial. A template rights advisement card can be found below, or by searching “AFVA31-231” on the AF e-publishing website.

### ADVISEMENT OF RIGHTS *(For military personnel)*

I am \_\_\_\_\_ (grade, if any, and name), a member of the (Air Force Security Police/AFOSI). I am investigating the alleged offense(s) of \_\_\_\_\_ of which you are suspected. I advise you that under the provisions of Article 31, UCMJ, you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by courts-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

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1 January 1999

### ADVISEMENT OF RIGHTS *(For civilian personnel)*

I am \_\_\_\_\_ (grade, if any, and name), a member of the (Air Force Security Police/AFOSI). I am investigating the alleged offense(s) of \_\_\_\_\_ of which you are suspected. I advise you that under the Fifth Amendment to the Constitution you have the right to remain silent, that is, say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial or in other judicial or administrative proceedings. You have the right to consult with a lawyer and to have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing, at your own expense. If you cannot afford a lawyer, and want one, one will be appointed for you by civilian authorities before any questioning. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? (If the answer is yes, cease all questions at this point). Are you willing to answer questions?

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**DISCLAIMER: Nothing in this newsletter constitutes legal advice.**



## Strapped for Ca\$h? Don't do this...

*“Sometimes, your financial irresponsibility could amount to various violations under Article 134 of the Uniform Code of Military Justice.”*

Ever notice how many payday loan organizations are around military bases? According to the Wall Street Journal, payday loan organizations target servicemember families twice as much as civilian families. The preying on military members got so bad that, in 2006, Congress stepped in with the Military Lending Act (MLA), which limited the APR (including fees) to 36% and required military-specific disclosures. However, lenders still find loopholes. Even without these loopholes, 36% is astronomical! The MLA is being expanded to include more protections, some of which will become effective in October 2016 and others in October 2017. Nonetheless, you should still steer clear of payday loan establishments. Even further, watch out for cash advances with your own bank — using your bank's credit card to draw cash at an ATM can also come with



sky-high interest rates and fees.

As uniformed servicemembers, you are required to be financially responsible. Sometimes, your financial irresponsibility could amount to various violations under Article 134 of the Uniform Code of Military Justice. For instance, delivering a check when you have insufficient funds (even if unknowingly) could lead to an Article 134 charge, as well as if you deliberately fail to pay a debt.

So, what else can you do when you're in an emergency for cash? Talk to your First Sergeant. He/she is a knowledgeable and experienced military member with a wealth of resources to help you out. There are also great facilities on base, such as the financial advisors at the Servicemember Family Readiness Center. There is also the Air Force Aid Society — you can get *interest free* loans and grants for things like basic living expenses, emergency travel, vehicle expenses, medical and dental expenses, child care, moving expenses, & other miscellaneous expenses.

## Coming to Watch a Court-Martial?

If you were not aware, all trials by court-martial are open to observers; there are no sign-ups or notifications—just a simple walk-in is acceptable. It can often be an interesting experience to watch since military courts are structured differently than civilian ones—and no, you will not hear the witnesses yelling “you can't handle the truth!”

If you are interested in stopping by to observe a court-martial, you should be aware that new guidance has been implemented for courtroom security. At McChord Field, the courtroom is located in building 100 on the third floor. All observers will need to go through a security screening. They will be wanded before entering the courtroom, so ensure you look for posted signs directing

you to the security checkpoint. No weapons of any type are allowed in the courtroom without prior approval of the Court and the Security Forces Squadron Commander; violators will be subject to disciplinary action.

These new security measures are not meant to deter anyone from experiencing the inner-workings of the military justice system; rather, they are to ensure the safety of all individuals within the courtroom.

*“No weapons of any type are allowed in the court room without prior approval... violators will be subject to disciplinary action.”*



Roadway Construction Zones



Has anyone else been frustrated with the ongoing construction happening outside the base? Well, don't let that frustration get the better of you. In Washington, anyone who has committed a speeding infraction in a roadway construction zone will be fined twice the normal speeding penalty under RCW 46.63.110.



Gifts to Superiors

Have you been asked to contribute money for a gift that's going to your supervisor? Subordinates may donate money for a gift to superiors for special and infrequent occasions, such as PCS, retirement, or marriage. However, there are some rules. Contribution must be completely voluntary. While a person can choose to contribute more than \$10, those individuals soliciting for the money

many only request \$10 max. Also, the value of the gift may not exceed \$300; as such, if more than 30 people are contributing, there's no way everyone can pay \$10. Always talk to the legal office if you are unsure of the ethical rules.



McChord Field Satellite Legal Assistance Office

100 Col Joe Jackson Blvd, Suite 1082  
JBLM, WA 98438  
(253) 982-5513

Legal assistance is available to authorized DoD ID cardholders, by appointment only, to discuss personal civil legal matters, such as wills and estate planning, domestic relations, landlord/tenant issues, & consumer affairs. Attorneys cannot discuss criminal law issues, nor provide advice over the telephone.

Walk-in notary services & Powers of Attorney are available M-F, 0800-1600. Call to schedule an appointment for other matters.

McChord Field Office of the Staff Judge Advocate

100 Col Joe Jackson Blvd, Suite 3031  
JBLM, WA 98438  
(253) 982-6305

The Office of the SJA only provides legal assistance (Wills & Powers of Attorney) for personnel departing on contingency operations on short notice who cannot be seen by the satellite or the Fort Lewis Legal Assistance Office.

Mon/Wed: 0730-1630  
Tu/Thurs/Fri: 0730-1500

