

# Servicemembers Civil Relief Act Overview

On December 19, 2003, the President of the United States signed into law *H.R. 100*, the **Servicemembers Civil Relief Act**. The Servicemember's Civil Relief Act (SCRA) expanded and improved the former Soldiers' and Sailors' Civil Relief Act (SSCRA). The SCRA provides a wide range of protections for individuals entering, called to active duty in the military, or deployed servicemembers. The SCRA covers all Active Duty servicemembers, Reservists and the members of the National Guard *while on active duty*. The protection begins on the date of entering active duty and generally terminates within 30 to 90 days after the date of discharge from active duty.

It is intended to postpone or suspend certain civil obligations to enable service members to devote full attention to duty and relieve stress on the family members of those deployed servicemembers. A few examples of such obligations you may be protected against are:

- Outstanding credit card debt
- Mortgage payments
- Pending trials
- Taxes
- Terminations of lease.

## **In addition the new law:**

- Expands current law that protects servicemembers and their families from eviction from housing while on active duty due to nonpayment of rents that are \$1,200 per month or less. Under the new provisions this protection would be significantly updated to meet today's higher cost of living – covering housing leases up to \$2,932.31 per month – and then be adjusted annually to account for inflation.
- Provides a servicemember who receives permanent change of station orders or who is deployed to a new location for 90 days or more the right to terminate a housing lease.

## **SCRA Lease Termination Provisions**

Lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember's dependents for a residential, professional, business, agricultural, or similar purpose if:

- the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or
- the servicemember, while in military service, executes the lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit for a period of not less than 90 days.

To terminate the lease, the member must deliver written notice to the landlord at any time after call to active duty or receipt of orders for active duty. Oral notice is not sufficient. The effective date of termination is determined as follows:

- For month to month rentals, the termination becomes effective 30 days after the first date on which the next rental payment is due subsequent to the date when the notice of termination is delivered. For example, if the rent is due on the first day of each month, and notice is mailed on August 1, then the next rental payment is due and payable on September 1. Thirty days after that date would be October 1, the effective date of termination.
- For all other leases, termination becomes effective on the last day of the month following the month in which proper notice is delivered. For example, if the lease requires a yearly rental and proper notice of termination is given on July 20, the effective date of termination would be August 31.

The servicemember is required to pay rent for only those months before the lease is terminated. If rent has been paid in advance, the landlord must prorate and refund the unearned portion. If a security deposit was required, it must be returned to the servicemember upon termination of the lease.