



Servicemembers Civil Relief Act

Legal Office – (Block House, 2nd Floor)
7383 N Litchfield Rd #2040
Luke AFB, AZ,
(623) 856-6901



Active duty military members, Reservists on Title 10 status, and National Guard members on Title 32 status for more than 30 consecutive days are entitled to a number of rights under the Servicemembers Civil Relief Act (SCRA). This handout provides general information regarding the protections of SCRA.

RIGHT TO TERMINATE RESIDENTIAL LEASE

A servicemember may terminate a residential lease as long as he or she was in military service when signing the lease or entered military service after signing. The lease may be terminated with new orders that give the servicemember a permanent change of station (PCS) or deploy the member for at least 90 days. If rent is paid on a monthly basis, after the member provides the landlord with written notice and a copy of orders, the lease will terminate 30 days after the next rent payment is due and paid. In addition, landlords are not required to re-lease premises after the lease is validly terminated.

Note: If you are set to deploy and have not yet received orders, a memorandum from your commander noting when you are expected to deploy will satisfy SCRA's requirements to provide a copy of your orders.

RIGHT TO TERMINATE AUTOMOBILE LEASES

An automobile lease may be terminated with orders for a PCS from CONUS to OCONUS, from a State outside CONUS to anywhere else, or for a deployment of more than 180 days. To terminate the lease, a servicemember must deliver:

1. A written notice of termination;
2. Their military orders; and
3. Their vehicle within 15 days of delivering the notice

The lease is terminated once all three of the above steps are completed. While monthly payments end, any outstanding payments, taxes, summonses, title and registration fees, excess use or wear charges, or other liabilities can still be required. However, no early termination charges may be imposed. Any early payments must be refunded to the servicemember within 30 days of termination.

Upon lawfully terminating a residential or motor vehicle lease covered by Sec. 3955, any person/entity who subjects (or attempts to subject) any such property to a claim for rent accruing subsequent to the lawful termination of the lease, can be prosecuted for a misdemeanor under Title 18 of the U. S. Code. This title authorizes a fine and imprisonment for up to one year.

CELL PHONE CONTRACTS

If you receive orders to relocate to a location that does not support your cell phone contract, for a period of 90 days or longer, you may terminate the contract. A member must provide written or electronic notice of such

termination and a copy of his/her military orders to the service provider, along with the date service is to be terminated. The service provider may not charge an early termination fee for a contract terminated via SCRA.

COVID-19 ISSUES

If your PCS has been delayed or impacted due to COVID-19 travel restrictions, your SCRA rights will be driven by whether you already received orders and whether you already notified your landlord of your intent to terminate your lease. However, landlords may be willing to extend leases to assist servicemembers even if SCRA does not apply. Our office can also provide legal assistance to address some of the ongoing issues you are facing.

Difficulty affording housing due to PCS changes: If your lease is already terminated and you are forced to relocate, please check with the local transportation office to see if you have any entitlements that may help. If you are still renting but having difficulty making payments, courts may still order eviction for nonpayment. However, if the servicemember's ability to pay is affected by military service, the servicemember may request a delay of court proceedings for up to 90 days. Discuss financial issues with your supervisor or First Sergeant, or contact the Airmen & Family Readiness Center (AFRC).

SCRA VIOLATIONS REMEDY

If you believe that your rights under the SCRA were violated, you should first contact your nearest Military Legal Assistance Program office to discover whether SCRA applies to your particular situation. Dependents of servicemembers can also contact or visit local military legal assistance offices where they reside.

In order to have your SCRA matter reviewed by the Department of Justice (DOJ), you must first seek the assistance of your military legal assistance office. If that office cannot resolve the complaint, it may choose to forward the complaint to the DOJ. The DOJ will review the matter to determine whether DOJ action is appropriate. In an emergency situation (such as an imminent foreclosure, eviction, or repossession), you can contact the Civil Rights Division's Housing and Civil Enforcement Section:

(202) 514-4713
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Housing and Civil Enforcement Section, NWB
Washington, D.C. 20530

For further information on asserting your rights under SCRA, contact the Luke Air Force Base legal office at (623) 856-6901.

The above information is designed to provide a brief overview of SCRA-related issues. If you require legal assistance for a SCRA-related matter, or need assistance drafting written documents to invoke SCRA, please contact 56 FW/JA at 56ja.org@us.af.mil.