

## **THE SERVICEMEMBER'S CIVIL RELIEF ACT**

The Servicemembers Civil Relief Act (SCRA) provides legal protections for active duty Soldiers, individuals entering the military, individuals called to active duty (such as National Guard and Reservist Soldiers), and deployed Servicemembers. Some of the protections afforded Servicemembers under the SCRA are:

### **Lease Terminations**

The SCRA allows Servicemembers to terminate residential and automobile leases in certain circumstances. To terminate a residential lease, you must have been ordered to PCS, mobilize, or deploy for at least ninety days. To terminate an automobile lease, you must have been ordered to PCS outside the continental United States (OCONUS) or deploy for more than 180 days. The requirements and process of both are listed in the table below.

Type of Lease:	Residential Lease	Automobile Lease
Minimum Length of PCS or Deployment	90 days	180 days
Change of Location	Deployment, PCS, Mobilization (Guard or Reserve)	Deployment or PCS from CONUS to OCONUS
Manner of Termination	1) Delivery of written notice of termination, and 2) delivery of a copy of military orders	1) Delivery of written notice of termination, 2) delivery of a copy of military orders, and 3) return of the automobile within 15 days of written notice to terminate
Effective Date of Termination	Once proper notice has been given, termination is effective 30 days after date on which the next rental payment is due	Termination is effective immediately upon proper notice and return of the automobile
Other Charges	Any unpaid rent is still due, and any damages caused through the course of the occupancy. No early termination fee is allowed.	Any charges for wear and tear of the vehicle that are authorized under the lease. No early termination fee is allowed.

### **Cell Phone Contracts**

To terminate a cell phone contract, you must be ordered to PCS or deploy to an area where your ability to receive cell phone service is *materially* impacted. This means that the phone carrier (Sprint, Verizon, AT&T, etc.) does not have adequate services available in the new location. To terminate a cell phone contract, you must provide the cell phone carrier a written notice of termination and a copy of your military orders.

## **Six Percent Interest Cap**

Loans that were incurred prior to entry onto Active Duty, that have a interest rate of higher than six percent (6%), are eligible to have the interest rate lowered to 6% under the SCRA. The SCRA also states that creditors must forgive any interest charged over 6%, and refund the additional interest paid since entering on active duty. This 6% cap applies to your individual debt as well as any debt held jointly. To take advantage of this interest reduction, contact the creditor in writing and attach a copy of your orders.

## **Stay of Legal Proceedings**

Under the SCRA, if you are a named party (plaintiff or defendant) to a non-criminal court case, you may request a stay (postponement) of the case. This section of the SCRA applies anytime that your military service materially affects your ability to appear at the pending court hearing. The law requires that the court grant at least a 90-day stay upon the request of a servicemember. Additional stays may be granted at the discretion of the judge or hearing official, but if the judge denies the additional stay, he must appoint counsel to represent you in your absence. To take advantage of this protection, you'll need to send two letters to the court explaining why you can't attend, one from you and one from your commander. You must also provide a copy of you military orders.

## **Eviction**

The SCRA also prevents landlords from evicting servicemembers or their family members from premises without a court order. To qualify for protection, the premises must be used primarily as a residence and where the monthly rent is less than \$2,400. This rent ceiling is subject to increase due to inflation.

If you have questions, contact the Fort Bliss Legal Assistance Office at (915) 568-7141/7150 for an appointment to speak with an attorney.