



OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLIENT SERVICES OFFICE
2765 TENNESSEE AVENUE
FORT CAMPBELL, KENTUCKY

Lease Termination

Who may terminate a lease. The Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. § 3955, applies to mobilized Reservists, new Servicemembers, and current active-duty members deploying or on PCS orders. The protection also applies to the servicemember's spouse or any other dependent who has signed the lease with the servicemember. If multiple servicemembers lease a property, the servicemembers without orders may not terminate their lease under the SCRA. A landlord may release the entire group from the lease, but the landlord is only required to release the servicemember with orders.

When you may terminate the lease. A residential lease for property may be terminated by the servicemember if any one of the following conditions is met:

- The lease was entered into by the servicemember before the member's entry into military service;
- The lease was entered into by a service member while in military service and thereafter receives military orders for a permanent change of station; or
- The lease was entered into by a service member while in military service and thereafter receives military orders to deploy with a military unit for a period of not less than 90 days.

How to terminate a lease. The servicemember must deliver written notice of such termination and a copy of the servicemember's military orders to the landlord (those can be official orders or a letter from the commander). This delivery can be done by hand delivery, private business carrier, or by the United States Postal Service *with return receipt requested*, or by electronic means including the direct delivery of material to an electronic address designated by the lessor (or the lessor's grantee) or the lessor's agent (or the agent's grantee).

Effective date of lease termination. If rent is due monthly, termination of the lease is effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered. *(As an example, if a servicemember provides a written notice of termination of the lease on July 21st, rent is next due on August 1st. Thirty days after August 1st is August 31st and this is the date on which the termination is effective.)* The goal is to provide written notice prior to the 1st of the month to the landlord. Rent must be paid for that last month and use and occupation of the property by the tenant may continue through August 31st but the property must be vacated by that date. Normal move-out inspections should be coordinated with the landlord.

Sample letter. If you are confident that you meet the conditions to terminate your residential lease, see the reverse side of this paper for a sample letter to send your landlord requesting lease termination due to deployment. Modify the sample letter language for notification due to a PCS move.

If you have any questions concerning these matters, please come to the Client Services Office (Building 2765) 2765 Tennessee Avenue, Fort Campbell, KY 42223. Office hours are Monday, Tuesday, Wednesday from 0900 to 1600 hours, on Thursday from 1300-1600, or on Friday 0900 to 1500 (we close for lunch every day from 1145-1300).

Name
Address
City, State, Zip Code

Landlord Name
Address
City, State, Zip Code

Re: Lease dated _____ (date) for premises located at _____ (address).

Dear Sir or Madam:

This is my notice to quit the leased premises on _____ (date). This notice is made pursuant to 50 U.S.C. App. § 3955 of the Servicemembers Civil Relief Act (SCRA) which allows a servicemember and dependents to terminate a lease agreement if the service member receives deployment orders for greater than 90 days or orders to a permanent change of station.

Per the enclosure, I am required to deploy in support of Operation _____ for ninety (90) days or longer. The SCRA requires that the subject lease be terminated no later than thirty (30) days from the date of the next rental due date. The next rental due date on this lease is _____ (date). Therefore, according to the SCRA, this lease shall terminate on _____ (date).

All security deposits paid must be returned to me within thirty (30) days of the termination date of the lease. You may forward this refund to _____ (name) at _____ (address).

Should you have any questions, you may contact me at _____ (phone number) or else contact me via email at _____ (email address).

Thank you for your understanding and support in this matter.

Sincerely,

Name
(Rank), US Army

Enclosure: Deployment orders