



**U.S. ARMY CYBER CENTER OF EXCELLENCE  
AND FORT GORDON  
OFFICE OF THE STAFF JUDGE ADVOCATE  
Legal Assistance Division**



This Information Paper from the Fort Gordon Legal Assistance Division contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney.

## **Cyber Advocacy: Residential Lease Termination for Servicemembers**

Military servicemembers are entitled a level of protection if they need to terminate a residential lease agreement early due to military service. Federally, the Servicemembers Civil Relief Act (SCRA) allows servicemembers to terminate their residential leases early if: (1) they are entering active duty; (2) they receive deployment order for more than 89 days or permanent change of station (PCS) orders; or, (3) they are an activated Reservist or member of the National Guard and signed the lease prior to being ordered to active duty.

Georgia law provides servicemembers additional protections for early residential lease termination. The law is titled Official Code of Georgia Annotated Section 44-7-22. That law allows servicemembers to terminate their residential leases if: (1) they receive PCS orders to a location at least 35 miles away; (2) they receive temporary duty or state active duty orders to a location at least 35 miles away for greater than 60 days; (3) they entered into the lease on active duty and are released from active duty orders returning to a home of record at least 35 miles away; (4) they are ordered to move into government quarters; (5) they become eligible to move into government quarters and will forfeit their housing allowance if they do not move on post; or, (6) they have leased the property but before taking possession receive change of station orders to an area at least 35 miles away from the location of the rented premises. Georgia law also allows servicemembers to terminate their residential leases for one of those reasons 14 or more days before occupying the premises.

In order to properly terminate a residential lease early under the SCRA and Georgia law, servicemembers must provide their landlord both of the following: (1) written notice of termination; and (2) a copy of the official orders or written verification from the servicemembers' commanding officer. Written notice alone, or a copy of the official orders alone, will not effectively terminate the lease. The written notice must be accompanied by either a copy of the official orders or written verification from the servicemembers' commanding officer.

Under Georgia law, the residential lease is terminated 30 days after the written notice and copy of orders/commander's written verification are provided to the landlord. So, if a servicemember gives proper notice on September 6, 2017, the lease will terminate effective 30 days from September 6, which is October 6. The servicemember is responsible for rent only up to October 6.

Under the SCRA, the residential lease is terminated 30 days after the next rental payment is due. So, if rent is due on the first of each month and the servicemember provides proper notice on September 6, 2017, the lease is not terminated until October 31, 2017, which date is 30 days from the date the next rental payment is due on October 1.

The protections given servicemembers under the SCRA and Georgia law cannot under any circumstances be waived or changed within the lease or rental agreement by either the landlord or the tenant.

### **Additional Information**

For additional information, the Fort Gordon Legal Assistance Division is located at 267 Heritage Park Lane, Building 35202, Fort Gordon, Georgia. You may reach the office by calling (706) 791-7812 / 7813. Please be advised you must have an appointment to consult with one of the attorneys; however, paralegals are available during hours of operation to answer general questions and notarize documents.