



FORT LEONARD WOOD MANEUVER SUPPORT CENTER OF EXCELLENCE
OFFICE OF THE STAFF JUDGE ADVOCATE
Legal Assistance Office



LEASE TERMINATION

Service Member Credit Relief Act (SCRA)

Allows early termination of lease if:

1. The member tenant entered military service during the lease
2. The member started a lease during military service and receives orders to deploy for at least 90 days.
3. The member received PCS orders.
4. Tenant needs to provide written notice of intention to move; the tenant delivers the landlord a copy of the military orders; and the tenant satisfies rent payments for both the month notice is given and for the following month. If these are followed, the lease is terminated 30 days after the first date of the next monthly payment due.
 - a. Example: if you give your notice to vacate in January, you pay for January and February, your lease ends March 1.
 - b. Based on the language of the law, this can unintentionally extend your lease. For example, if your lease ends February 15 and you give notice in January, your lease officially ends March 1 under the SCRA. That's 15 additional days that the tenant is in the unit and the Landlord can charge for it. Not sure how this argument would work in court but it's how the law is written.

SCRA protections can be waived:

1. Be in writing
2. Use a 12-point font or larger
3. Be an individual document, not attached, stapled or connected to the contract or agreement to which it applies
4. Directly state which contract or agreement is the waiver applies to
5. Be signed during or after active-duty military status

Missouri Law

Provides further protections for service members.

1. **41.944. Certain military service, termination of lease — requirements.**
— 1. Any member of the Armed Forces of the United States who is on active duty, and any member of the Missouri Army or Air National Guard serving on full-time duty or as a civil service technician with a Missouri Army or Air National Guard unit who is a tenant under a lease of a residential dwelling may, pursuant to subsection 2 of this section, terminate such lease with the member's lessor if the member:



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- a. Receives permanent change of station orders transferring the member to another duty station;
 - b. Receives temporary duty orders in excess of ninety days duration assigning the member to another location which is at least twenty-five miles from the site of the leased residential premises;
 - c. Is discharged or released from active duty with the Armed Forces of the United States or from the member's full-time duty or technician status with the Missouri Army or Air National Guard; or
 - d. Is ordered to reside in government supplied quarters.
2. 15 days after written notice is provided, SM can break the lease. Provide written notice and provide a copy of the orders/letter signed by commanding officer. Entitled to security deposit if eligible.

If you feel your rights under the SCRA are violated, you can contact the DOJ Civil rights Division. Number is (202)-514-4713.