



## **OFFICE OF THE JUDGE ADVOCATE GENERAL** **LEGAL ASSISTANCE POLICY DIVISION**



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

The Servicemembers Civil Relief Act 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 service members. Some of the protections afforded service members under the SCRA are:

#### **Lease Terminations**

The SCRA allows service members to terminate residential and automobile leases in certain circumstances. To terminate a residential lease, you must have been ordered to PCS, (***includes retirement and separation from service, check state law as well***), mobilize, or deploy for at least 90 days. To terminate an automobile lease, you must have been ordered to PCS outside the continental United States or deploy for more than 180 days.

#### **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 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 incurred prior to entry onto Active Duty that have an interest rate higher than 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 service member. 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 your military orders.

## **Eviction**

The SCRA also prevents landlords from evicting service members 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 \$4,089.62. This rent ceiling is subject to increase due to inflation.

If you have questions, contact your local legal assistance office to speak with an attorney.

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