



VSB MLS SAILOR LEGAL READINESS SUPPORT

Residential Lease Termination

Servicemembers Civil Relief Act 50 USC app 535



The Servicemembers Civil Relief Act's (SCRA) is a federal statute enacted to promote and provide servicemember mission readiness by providing protections from some civil matters.

If you have mobilization orders the SCRA protections apply from the date you receive orders (Section 516). Section 535 of the SCRA allows you to terminate your lease. The termination applies to both the Servicemember and his dependents.

A servicemember can terminate a residential or business lease any time after entry on to active duty service (mobilization) or the effective date on orders for a Permanent Change of Station (PCS) or to deploy for 90 days or more.

Lease termination under the SCRA is not early termination; but a statutory termination or end of the lease and works as though the lease had run full term. The SCRA does not allow the landlord to charge an early termination fees. This includes concession fees.

It is lawful to waive your rights under the SCRA (section 517). If you execute a waiver with your landlord you will lose valuable benefits. **DO NOT SIGN A WAIVER.** **Notify the Navy Housing Office of landlords who require a waiver.**

To terminate your lease you must do the following things:

1. Provide your landlord **written** notice of your intention to terminate. The notice to terminate must be in **writing**. The **written notice** protects you. Keep a copy of the signed receipt of notice from the landlord.
2. Termination is effective 30 days after the first date rent is due following receipt of the notice. For example, notice provided on May 1 will terminate your lease on June 30. Notice early in the month will result in payment of two (2) months' rent. Notice provided on May 31 will result in the same termination date but only an additional one (1) month's rent. **NOTE:** It is important for commands, whenever possible, to provide notice early to allow the servicemember to plan the termination of the lease.

Prior to termination of the lease the servicemember must provide the landlord a copy of the official orders or letter from the command indicating a deployment. The servicemember will be responsible for damages beyond normal wear and tear and any utility bills for service during the occupancy.