



THE JBSA JURIST

VOLUME 4, ISSUE 9

September 2018

SCRA and Residential Leases

Even though the bulk of PCS season is over, many servicemembers from across Joint Base San Antonio (JBSA) are receiving either PCS or deployment orders. While your tour here may be ending, some of the contracts you entered into may not be. One of the most common problems servicemembers face arise from residential lease agreements. The Servicemembers Civil Relief Act (SCRA) provides a number of civil protections for servicemembers, including breaking a lease when ordered to PCS or deploy.

SCRA applies to both the servicemember and their dependents when dealing with residential lease agreements. SCRA states that the servicemember must have executed the lease while either on active duty and was subsequently ordered to PCS, or be a person who executes a lease and later enters military service.

Let's examine how SCRA saves the day when it's time to PCS. First, the servicemember must provide to the landlord a written notice of termination along with one of two different types of substantiating documentation. The first substantiating document that one could provide are the servicemember's orders indicating that they are about to PCS or deploy for a period of time 90 days or longer. The second form of documentation is geared towards individuals who cannot get a copy of their orders and instead permits them to get a letter from their commanding officer stating that the individual is going to PCS or deploy.

One important thing that the servicemember must to keep in mind is the timing of delivering notice to the landlord. For rentals where rent is paid monthly, the termination is effective 30 days after the date on which the next rental payment is due. If, for example, your rent is due on the 1st of the month and notice is provided on August 15th the 30 day period begins to run on September 1st and would end on September 30th. This means that you are responsible to pay your rent through the 30th of September. If you provide notice on September 1st, the next rental payment date would be October 1st, and the effective date would be thirty days after that date (October 1st). You are responsible for rental payments until the effective date of the termination. even if you PCS or deploy prior to that date. For all other leases (other than those paid monthly), termination is effective the last day of the month following the month the landlord is notified, so, for example, notice given on August 20th would be effective September 30th.

We recommend you deliver the notice by mail or hand delivery. If you mail the notice, make sure to send the notice using certified mail so that you will have proof of when it was delivered and received. If you decide to hand deliver the notice, make sure you have the landlord sign some form of acknowledgement stating that they received the hand delivered notice.

One final point to remember when successfully terminating your lease under SCRA is that the landlord must refund all prepaid rent and security deposits (unless withholding a portion of the deposit for damages caused by the tenant). Landlords cannot assess a penalty or fine for the early termination of your lease.

On a positive note, most landlords in San Antonio deal with military renters quite frequently and both know and understand SCRA. If however a landlord is giving you a difficult time when it comes to terminating your lease under SCRA and you need legal assistance, just schedule an appointment or come on in during walk in hours. We are always here to help.

AREA DEFENSE COUNSEL

ADCs are experienced judge advocates outside the local chain of command to allow Airmen completely confidential legal advice for criminal and adverse matters.

Ft Sam Houston: DSN 471-9679

Lackland: DSN 473-2924/2926

Randolph: DSN 487-2274

SPECIAL VICTIMS' COUNSEL

SVCs are experienced, independent judge advocates who provide confidential legal advice to victims of sexual assault. They serve both restricted and unrestricted reporters, help victims understand their legal rights, and explain how the legal process works for processing sex assault claims.

JBSA (LAK, FSH, RND): DSN 473-4748

**PREPARE FOR YOUR
LEGAL ASSISTANCE APPOINTMENT**

LOG ONTO: <https://aflegalassistance.law.af.mil>

Wills & Power of Attorney Powers of Attorney

1. Click on tab "Legal Worksheets"
2. Complete worksheet for documents you wish to have created
3. Save your ticket number, then call the Legal Office for an appointment!
4. Please complete survey online

Legal Assistance

1. Click on tab "Legal Information"
2. If the information you are looking for is not listed, call the Legal Office for an appointment!
3. Please complete online survey!

**TO SCHEDULE AN APPOINTMENT CALL
ONE OF THE OFFICES BELOW**

JBSA-Ft Sam Houston

502 FSG/JA
2422 Stanley Road

*Legal Assistance Primarily by
Appointment*

Walk-in Hours

Tues 0800-1000 All eligible clients
Thurs 0800-1000 Active Duty only

Notary and Powers of Attorney

Mon-Thurs 0730-1630
Fri 0730-1200

**DSN 420-0169
Comm: 210-808-0169
Tax Center: 210-295-1040**

JBSA-Randolph

502 SFLSG/JA
1 Washington Circle, Bldg 100

*Legal Assistance Primarily by
Appointment*

Walk-in Hours

Tues 0900-1000 All eligible clients
Thurs 0900-1000 Active Duty only

Notary and Powers of Attorney

Mon-Fri 0800-1500

**DSN 487-6781
Comm: 210-652-6781
Tax Center: 210-652-1040**

JBSA-Lackland

502 ISG/JA
1701 Kenly Ave, Suite 134

*Legal Assistance Primarily by
Appointment*

Walk-in Hours

Wed 0830-0930 All eligible clients

Notary and Powers of Attorney

Mon, Tues, Thurs, Fri 0830-1530
Wed 0830-1230

**DSN 473-3362
Comm: 210-671-3362
Tax Center: 210-671-1001**



WISDOM - VALOR - JUSTICE