

## **Servicemembers Civil Relief Act (SCRA) Questions and Answers for Servicemembers**

The Servicemembers Civil Relief Act (SCRA), formerly known as the Soldiers' and Sailors' Civil Relief Act (SSCRA), is a federal law that provides protections to individuals in military service. The law's purpose is to postpone, suspend, terminate, or reduce the amount of certain civil obligations so that members of the armed forces and certain other individuals can focus their full attention on their military or professional responsibilities without adverse consequences for themselves or their families. This document provides an overview of the protections under the SCRA. To find more information about the SCRA and other laws that protect the rights of servicemembers, visit [www.servicemembers.gov](http://www.servicemembers.gov).

### ***Q: What is the SCRA?***

A: The SCRA, enacted in 2003 and amended several times since then, revised and expanded the Soldiers' and Sailors' Civil Relief Act of 1940, a law designed to ease financial burdens on servicemembers during periods of military service. The SCRA enables servicemembers to devote their time and attention to the defense needs of the Nation by providing protections related to such things as rental agreements, security deposits, prepaid rent, evictions, installment contracts, credit card interest rates, automobile repossessions, mortgage interest rates, mortgage foreclosures, civil judicial proceedings, automobile leases, life insurance, health insurance and income tax payments.

### ***Q: Does the SCRA protect me?***

A: The SCRA protects you during periods of military service and, in certain instances, for a period of time after your military service has ended. If you are a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard who is on active duty status, or who is absent from duty as a result of being wounded or being granted leave, you are protected by the SCRA. You are also protected by the SCRA if you are a member of the National Guard and you received a specific type of activation orders. Finally, the SCRA protects you if you are an active service commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. If you have questions about whether you are covered under the SCRA, contact your nearest Armed Forces Legal Assistance Program office. You can find the nearest location at <http://legalassistance.law.af.mil/content/locator.php>.

If you fall into one of the above categories, the SCRA may also afford certain protections to your dependents, including your spouse, your children, and any individual for whom you provided more than one-half of his or her financial support for the past 180 days. However, the SCRA does not protect you or your dependents if you are a civilian or a contractor.

### ***Q: How does the SCRA protect my home from foreclosure?***

A: If you obtained a mortgage before you entered into military service, then the SCRA requires that your lender get a court order before it can foreclose on your home during any period of military service and for nine months thereafter. The lender must get a court order even in states that generally allow foreclosures without a court order. If your lender seeks such a court order, and you can show that you have been unable to meet your financial obligation because of your military service, the court must temporarily stay the proceedings or adjust the amount of your obligation to the lender.

***Q: How does the SCRA protect me from eviction as a renter?***

A: If your monthly rent is less than \$3,047.45 per month (as of 2012), your landlord may not evict you or your dependents from a home that is used primarily as a residence during a period of military service without a court order. If an eviction action is filed against you or one of your dependents, the court must temporarily stay the proceedings or adjust the amount of your financial obligation if you can show that you have been unable to meet your financial obligations under the lease because of your military service.

***Q: What if I need to break my apartment lease because of my military service?***

A: While in military service you may terminate, without penalty, residential and business leases that you entered into prior to joining the military. You may also terminate residential and business leases entered into while in military service if you receive orders to deploy for a period of at least 90 days, or orders for a permanent change of station. To find detailed information about how to invoke your rights under SCRA, contact your nearest Armed Forces Legal Assistance Program office. You can find the nearest location at <http://legalassistance.law.af.mil/content/locator.php>.

***Q: What if I need to break my motor vehicle lease because of my military service?***

A: You may terminate a motor vehicle lease that you signed prior to joining the armed forces if you enter military service under a call to duty or orders of 180 days or more, or if you have orders for a shorter period of time extended to a period of at least 180 consecutive days. Finally, you may terminate a motor vehicle lease that you entered into while in military service if you receive certain permanent change of station orders or orders to deploy for a period of at least 180 days. To find detailed information about how to invoke your rights under SCRA, contact your nearest Armed Forces Legal Assistance Program office. You can find the nearest location at <http://legalassistance.law.af.mil/content/locator.php>.

***Q: If I break my apartment lease, can I get my security deposit back?***

A: In most cases, you have the right to have your security deposit refunded. However, you will be responsible for any unpaid rent or other lease amounts due *before* the effective date of termination, as well as any taxes, fees, and other reasonable charges, such as charges for excess wear and damages.

***Q: How does the SCRA protect my car, truck or other vehicle?***

A: If you purchased or leased your vehicle and made a deposit or installment payment before you entered military service, then your creditor or lessor may not terminate your contract or repossess your vehicle for breach of contract without a court order while you are in military service.

***Q: How does the SCRA protect me from high interest rates?***

A: You have the right to request that the interest rates, including all fees, you pay on credit cards, mortgages, student loans (as of 2008, including federally-subsidized student loans), and other loans that you obtained prior to entering into military service be reduced to six percent per year during your military service. For pre-service mortgages, you are entitled to receive the six percent interest rate not only for your period of military service, but also for one year after you complete your service. To

find detailed information about how to invoke your rights under SCRA, contact your nearest Armed Forces Legal Assistance Program office. You can find the nearest location at <http://legalassistance.law.af.mil/content/locator.php>.

***Q: What about my cell phone?***

A: If you receive military orders to relocate for at least 90 days to a location that does not support your cell phone service contract, you may terminate that contract at any time without penalty. In addition, if you are relocated for a period of three years or less, you have the right to retain your cell phone number under certain circumstances.

***Q: What happens if I am in military service and need to appear in court for a civil matter?***

A: If you receive notice that a civil action has been filed, or that a child custody proceeding has been initiated, against you during a period of military service or within 90 days thereafter, you have the right under the SCRA to request that the action or proceeding be stayed for a period of at least 90 days. You also have the right to request that the court extend such a stay if necessary. If your request for an extension of a stay is denied, then the court must appoint an attorney to represent you in the action or proceeding. To find detailed information about how to invoke your rights under SCRA, contact your nearest Armed Forces Legal Assistance Program office. You can find the nearest location at <http://legalassistance.law.af.mil/content/locator.php>.

***Q: What happens if I am in military service and receive notice that my accounts are being attached or my wages are being garnished?***

A: If you cannot comply with an order garnishing your wages or money in your accounts because of your military service, then you may request that the court temporarily stop your money or property from being taken. This right applies only to actions and proceedings that were commenced against you before your period of military service, during your period of military service, or within 90 days after your period of military service ended.

***Q. What can I do if I am in military service and learn that a default judgment has been entered against me?***

A: In certain actions, if a court enters a judgment against you when you failed to appear or defend yourself during a period of military service or within 60 days thereafter, you have the right under the SCRA to request that the court reopen the judgment to allow you to defend the action. To find detailed information about how to invoke your rights under SCRA, contact your nearest Armed Forces Legal Assistance Program office. You can find the nearest location at <http://legalassistance.law.af.mil/content/locator.php>.

***Q: Can I be penalized for asserting my rights under the SCRA?***

A: Asserting your rights under the SCRA cannot be a basis for a determination by a lender that you are unable to pay a financial obligation. A creditor cannot deny you credit, revoke your credit, change the terms of an existing credit arrangement, or refuse to give you credit in the amount or on the terms requested by you because you asserted your rights under the SCRA. Negative information may not be reported to credit bureaus simply because you asserted your rights under the SCRA. An

insurer may not refuse to insure you, or change the terms or conditions of your insurance, because you asserted your rights under the SCRA.

***Q. May any of my rights and protections under the SCRA be waived?***

A. Yes, you may waive any of the rights and protections provided to you by the SCRA. However, a waiver of certain SCRA rights and protections must be in writing. For example, a waiver of a right or protection provided by the SCRA that applies to a contract, lease, or similar legal instrument must be in writing and in at least 12 point font.

***Q. Who can I contact if I believe that my rights under the SCRA were violated?***

A. You should first contact your nearest Armed Forces Legal Assistance Program office to see if the SCRA applies to your particular situation. Dependents of servicemembers can also contact or visit local military legal assistance offices where they reside.

In order to have your SCRA matter reviewed by the Department of Justice (DOJ), you must first seek the assistance of your military legal assistance office. If that office cannot resolve the complaint, it may choose to forward the complaint to the DOJ. The DOJ then will review the matter to determine whether DOJ action is appropriate. However, in emergency situations (such as an imminent foreclosure, eviction or repossession), you can contact Civil Rights Division's Housing and Civil Enforcement Section:

(202) 514-4713  
TTY - 202-305-1882

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Housing and Civil Enforcement Section, NWB  
Washington, D.C. 20530

**Email:** [fairhousing@usdoj.gov](mailto:fairhousing@usdoj.gov)

*NOTE: These questions and answers are intended to provide you with an overview of the SCRA's protections and the kinds of issues that could arise in connection with your military service. They do not constitute legal advice. For more information about your rights under the SCRA and other issues relating to your military service, please contact MilitaryOneSource:*

*<http://www.militaryonesource.com/>. You may also wish to contact a military legal assistance office nearest you: <http://legalassistance.law.af.mil/> (within the continental United States) or <http://www.militaryinstallations.dod.mil/> (worldwide).*