

## ***==AIRBORNE EXPRESS==***

### **Lease Termination for ETS under SCRA**

The Servicemembers Civil Relief Act (SCRA) provides relief to Soldiers when dealing with the termination of real property leases. Specifically, if an active duty Soldier receives military orders for a permanent change of station (PCS) or deployment orders for 90 days or more, they may terminate their lease without penalty. To do so, the Soldier must deliver 30 days written notice of the termination to the landlord with a copy of the military orders or a letter from the commander.

The SCRA only mentions PCS or Deployment as grounds for a penalty free termination of the lease. What about when a Soldier reaches the expiration of his or her term of service (ETS)? The Army will pay to move the Soldier back to his or her home of record and there are orders involved. So, does the SCRA provide for a penalty free termination of lease in the case of ETS as well?

The answer is yes! An ETS counts as a PCS for the purposes of the SCRA. The Joint Federal Travel Regulation (JFTR) Ch. 5 U5000 B. regulates PCS travel and discusses the "PCS Travel Covered". In this chapter it lists out the different types of PCS and number four is Separation or Retirement. This is defined as travel from the last Permanent Duty Station (PDS) to home (home of record) upon a discharge, resignation, or separation from the Service under honorable conditions; retirement; or temporary disability retirement. Clearly, the JFTR defines ETS as a subcategory of PCS. The same 30 day notice and a copy of the orders would need to be given to the landlord, but the Soldier would be covered under the SCRA when he or she needs to terminate a lease because they have reached their expiration of term of service and are returning to their Home of Record.- CPT Victoria Salibi

**Who should I contact if I have questions?** Legal Assistance office at 270-798-4432

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