



**OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLIENT SERVICES
(270) 798-4432**

Residential Lease Termination

The Servicemembers' Civil Relief Act (SCRA), 50 U.S.C. App. § 535, allows termination of residential leases by active duty service members and their dependents who subsequently receive orders for a permanent change of station (PCS) or a deployment for a period of 90 days or more.

People to whom the SCRA applies. The SCRA applies to activated reservists, new service members, and active duty members deploying or on PCS orders. The protection also applies to the service member's spouse (in the case of a joint lease) or any other dependent who has signed the lease with the service member. A dependent is defined as (A) the service member's spouse, (B) the service member's child, or (C) an individual for whom the service member provided more than one-half of the individual's support for 180 days immediately preceding an application for relief under this Act.

When you may terminate the lease. A residential lease for property may be terminated by the service member-lessee if any one of the following conditions is met:

- The lease was entered into by the service member before the member's entry into military service
- The lease was entered into by a service member while in military service and thereafter receives military orders for a permanent change of station
- The lease was entered into by a service member while in military service and thereafter receives military orders to deploy with a military unit for a period of not less than 90 days.

Manner of termination. The service member must deliver written notice of such termination and a copy of the service member's military orders to the landlord (those can be official orders or a letter from the commander). This delivery can be done by hand delivery, private business carrier, or by the United States Postal Service *with return receipt requested*.

Effective date of lease termination. If rent is due monthly, termination of the lease is effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered. For example, rent is often due on the first of each month. If a service member mails rent and a notice of termination of the lease on August 1st, rent is next due on September 1st. Thirty days after September 1st is October 1st; therefore, this is the date on which the termination is effective- October 1st. If the rent payments are not due monthly but on any other schedule, termination of the lease is effective on the last day of the month following the month in which the notice is delivered. For example, if the lease is for a yearly rental and termination of the lease is given on July 20th, the effective date of the termination would be August 31st.

Unpaid rent and rent paid in advance. Service members are required to pay all rent for only those months before the lease is terminated. If rent has been paid in advance, the landlord must prorate and refund the unearned portion of the rent and return it to the service member within 30 days of the effective date of termination of the lease.

Sample letter. If you are confident that you meet the conditions to terminate your residential lease, see the reverse side of this paper for a sample letter to send your landlord requesting lease termination due to deployment.



Free assistance and mediation. If you need assistance with any landlord-tenant issues, please go to the Fort Campbell Housing Services Offices located at 850 Georgia Ave and 16th Street (Main Housing Office) or call them at (270) 798-3808. You may also contact the Fort Campbell Client Services Office, Building 2765 Tennessee Avenue at 29th Street. (270) 798-4432.

Name
Address
City, State, Zip Code

Landlord Name
Address
City, State, Zip Code

Re: Lease dated _____ (date) for premises located at _____ (address).

Dear Sir or Madam:

This is my notice to quit the leased premises on _____ (date). This notice is made pursuant to 50 U.S.C. App. § 535 of the Servicemembers Civil Relief Act (SCRA) as legislated by Congress and signed into law in December 2003, which allows a service member and dependents to terminate a lease agreement if the service member receives deployment orders for greater than 90 days or orders to a permanent change of station.

Per the enclosure, I am required to deploy in support of Operation _____ for ninety (90) days or longer or PCS. The SCRA requires that the subject lease be terminated no later than thirty (30) days from the date of the next rental due date. The next rental due date on this lease is _____ (date). Therefore, according to the SCRA, this lease shall terminate on _____ (date).

All security deposits and prorated future rents paid must be returned to me within thirty (30) days of the termination date of the lease. You may forward this refund to _____ (name) at _____ (address).

Should you have any questions, you may contact me at _____ (phone number).

Thank you for your understanding and support in this matter.

Sincerely,

Name
(Rank), US Army

Enclosure: Deployment orders