



# Military Personnel May Break Leases

by Bruno Friia, MPM®, CPM®

**A**s the country continues to mobilize into almost war time conditions, with no clear cut or specific time frame for its duration, apartment owners and managers are being reminded about a law that gives residents who are called to active duty the right to break their rental leases by following a prescribed procedure.

The US Soldiers and Sailors Civil Relief Act (SSCRA), first enacted in 1940, has been modified over the years to meet the needs of military personnel in more recent operations. The stated aim of the law is to “protect those who have been obliged to drop their own affairs to take up the burdens of the nation” by suspending any civil action against them – such as an eviction – that is already under way.

It also establishes the right of residents or their dependents who signed their leases before being called to active duty, to be able to break their lease when they are called up.

Some of the features of this act include but are not limited to:

- A resident called to active duty has the right under this provision to break a lease for a rental he or she occupies or that is occupied by his or her dependents.
- The tenant must provide the owner/manager with written notice, along with a copy of the call up orders.
- A monthly lease may be terminated 30 days after the first date on which the next payment is owed.

- Leases of a longer duration will be terminated on the last day of the month following the month in which notice is given.
- The resident is entitled to the return of any security deposit to which he or she is entitled, and a prorated refund of any advance rent. This does not mean that the whole security deposit has to be returned.
- The dependents of any person on active duty may not be evicted from an apartment for which the rent is less than \$1,200, except upon a court order.

You should consult the entire document for a complete determination of the tenants and owner/managers rights under this act. Try this web address: <http://usmilitary.about.com/library/milinfo/sscra/blsscra.html>.



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