

Keep it Legal, Volume 3
SCRA: Wisdom Nugget

On orders or have a set coming up? If so, then tuck away this little golden nugget – the Servicemembers Civil Relief Act. The SCRA is Congress's recognition of the need to postpone certain civil (not criminal) obligations so that servicemembers on active duty orders can devote full attention to their military duties.

So, what obligations does the SCRA temporarily shield? Here is a non-exhaustive list:

- **Rental leases**: Servicemembers can terminate real estate rental agreements upon receiving orders greater than 90 days. The member must provide the landlord with written termination notice and a copy of orders. The lease then terminates 30 days after the next rental payment is due (i.e., you must give a full month's notice; if not, you will be responsible for the entire next month's rent – so plan ahead!).
- **Evictions**: The SCRA prohibits eviction, without a court order, of a servicemember on active duty orders.
- **Storage**: A servicemember's storage facility or container cannot, during any period of active duty and for 90 days thereafter, be foreclosed without a court order.
- **Cell phone contracts**: Cell phone contracts can be terminated without penalty if a servicemember is ordered to relocate somewhere that does not support the service for more than 90 days.
- **Maximum interest rates of 6% (excluding student loans)**: If a member incurs a loan (e.g., credit card, car loan, mortgage, and even loans incurred jointly with a spouse) *prior* to entering active duty service with an interest rate in excess of 6%, then upon application to the lender, the member will not be obligated to pay interest in excess of 6% per year during the period of active duty service.
- **Insurance**: Health insurance in effect before active military service began must be, without any waiting period or exclusions, reinstated. Also, a servicemember's private life insurance policy is protected against termination during, and even a brief period after, active duty.
- **Taxation**: A servicemember does not lose legal residence solely because of a set of orders. Additionally, any taxes owed before or during active duty military service can be deferred until six months after the active duty obligation ends.
- **Judicial proceedings and judgments**: If a civil or administrative proceeding is scheduled to occur while a servicemember is on active duty orders, then the court may stay the proceeding for 90 days or more. If a default judgment (a final order issued by a court against a defendant that fails to appear at trial) is entered against a member while away on active duty orders, then the judgment can be reopened.

A point of caution: The SCRA's protections are not automatic! *Servicemembers must request the particular protection sought in a timely manner.* Members also must generally show that their service is the reason why they are unable to meet their obligation.

Keep your new-found nugget of SCRA-wisdom handy for your next set of orders.

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