

Soldiers and Sailors Civil Relief Act (SSCRA)

The purpose of this section is to explain some of the rights you have, or have had, under the Servicemembers Civil Relief Act. The very nature of your military service often compromises your ability to fulfill financial obligations such as mortgage or auto payments and to assert many of your legal rights. Congress and the state legislatures have long recognized the need for this type of protective legislation. This is the law that now governs legal protections for members of the United States Military.

As a reservist and member of the National Guard (when in active federal service) you are protected under the Soldiers and Sailors Civil Relief Act (SSCRA). SSCRA (for all) begins on the first day of active duty; which includes the day when you shipped out to basic training (basic training, and job-school are considered active duty for Guard and Reserve personnel, as well as active duty personnel). This protects you until your discharge/release date, although some protections under the act can be extended for a limited time beyond your active duty discharge or release. Additionally, some of the Act's protections extend to your dependents.

National Guard members recalled for State duty are also protected by the Servicemember's Civil Relief Act in certain circumstances. National Guard members are entitled to SSCRA protection when called to state active duty under Title 32, if:

- the duty is because of a federal emergency,
- the request for active duty is made by the President or Secretary of Defense,
- and the member is activated for longer than 30 days.

An example of this would be the President requesting National Guard members are activated by the states, to provide security for airports after 9-11.

Let's discuss some of the major legal protections. First, the termination of residential leases.

- The SSCRA allows individuals to break a lease when they go on active duty, if they entered into a lease before being activated. Additionally, the act allows a service member to terminate their previous residential lease while they are in the military, if they received permanent change of station (PCS) orders, or orders to deploy for a period of not less than 90 days.
- To break a lease under these provisions, you must make the request in writing, and must include a copy of your orders (orders placing them on active duty, PCS orders, or deployment orders). You can deliver the notification by hand, by commercial carrier, or by mail (return receipt requested).

There is also a protection from being evicted from a house which you are renting or leasing under SSCRA. The rented/leased property must be occupied by you or your dependents for the purpose of housing, and the rent can not exceed a certain amount.

Next is automobile leases.

- If you entered into an automobile lease before going on active duty, you may request termination of the lease when you go onto active duty. However, for this to apply, the active duty must be for at least 180 continuous days.

- Additionally, those military members making a permanent change of station (PCS) move, or who deploy for 180 days or longer may terminate such leases.
- The act specifically covers " lease of a motor vehicle used, or intended to be used, by a service member or a service member's dependents for personal or business transportation."
- To terminate the lease, you must make the request in writing, along with a copy of orders. You can deliver the notification by hand, by commercial carrier, or by mail (return receipt requested). Additionally, you must then return the vehicle to the lender within 15 days of delivery of the termination notice.
- The lender is prohibited from charging an early lease termination fee. However, you will need to pay any taxes, summonses, and title and registration fees along with any other obligation and liability you owe in accordance with the terms of the lease. This also includes any reasonable charges for excess wear, use and mileage that are due and unpaid at the time of termination of the lease.

SSCRA also addresses installment contracts. The act gives certain protections against repossessions for installment contracts (including automobile leases).

Probably the most common provision that SSCRA covers is the 6% Interest Rate.

- If your obligation has affected your ability to pay any financial obligations such as credit cards, loans, mortgages, etc., you can have the interest rate capped at 6% for the duration of the military obligation.
- Qualifying debts are debts that were incurred by you or you and your spouse jointly, before coming on active duty. Debts entered into after going on active duty are not protected.
- This only applies if the military service affects your ability to pay. However, if the creditor believes that the military obligation does not materially affect the ability to pay then the burden is on them to seek relief in a court of law. The creditor must comply with this law, unless the court-order states otherwise.

If you are a defendant in a civil court proceeding, such as suits for paternity, child custody suits, and bankruptcy debtor/creditor meetings, and administrative proceedings the court may grant a 90-day stay (delay) in the proceedings. If you ask for a stay, the court *must* grant a minimum 90 day stay, if you meet certain requirements.

Another provision is the enforcement of obligations, liabilities, and taxes during or prior to your active military service. You may at any time during your military service (or within 6 months thereafter) apply to a court for relief of any obligation or liability incurred by you or a dependent prior to active duty or in respect to any tax or assessment. The court may grant stays of enforcement during which time no fine or penalty can accrue.

As you have noticed, most of the provisions under this act are available for you while you are on active duty. Now that you are separating you need to be aware that if you enacted any of these provisions you will have to meet the appropriate deadlines. For example, if you capped your credit cards at 6% your original interest rates are reinstated once your military service has ended.

If you need more information on this topic, visit:
www.usmilitary.about.com/od/sscra/1/blscramenu.htm.