

# Servicemembers Civil Relief Act

## ★ THE SCRA SIMPLIFIED

*This handout provides a basic overview of the provisions of the Servicemembers Civil Relief Act. For full text and a comprehensive discussion of the Act, visit <https://www.justice.gov/servicemembers>. For guidance and answers related to your specific situation, contact your installation legal office (Locator at: <https://aflegalassistance.law.af.mil>).*

## ★ WHAT IS IT?

▶ **The SCRA is a law designed to ease or eliminate certain financial burdens on Soldiers that might arise because of military service.**

▶ **Potential Soldier benefits offered under the act:**

- 6% interest rate caps on pre-Service debts
- Ability to terminate certain:
  - Vehicle leases
  - Residential leases
  - Mobile phone contracts
- Eviction protection
- Foreclosure protection
- Repossession protection
- Court proceeding deferrals
- Insurance protection
- Income tax deferrals
- Certain other matters
- State income tax options

## ★ WHO IS COVERED?

01

Active-duty  
Soldiers

02

Members of the  
Guard/Reserve on  
federal active duty

03

Members of the  
National Guard on  
federal orders for  
a period of more  
than 30 days

04

Soldier dependents  
(in some situations)

05

Co-signers or those  
who took out loans  
with a Soldier  
(in some situations)

**SOME PROTECTIONS EXTEND FOR A LIMITED TIME BEYOND ACTIVE-DUTY DISCHARGE OR RELEASE AND ARE TIED TO THE DISCHARGE OR RELEASE DATE.**

## ★ ADDITIONAL DETAILS

*Because the protections under SCRA can sometimes be complicated, Soldiers are urged to seek the assistance of their installation legal office for any SCRA-related matters.*



### SIX PERCENT INTEREST RATE

Soldiers can request a 6% interest rate cap on any debts incurred prior to military service (credit cards, loans, mortgages, etc.) for the duration of the Soldier's military obligation and one year thereafter for mortgages. This applies to individual debts of the Soldier as well as those incurred jointly with his or her spouse.



### VEHICLE LEASES

Soldiers entering active military service of at least 180 days can terminate vehicle leases that were executed prior to going on active duty. Vehicle leases executed after beginning military service can be terminated upon receipt of certain PCS orders involving locations outside the continental United States or deployment orders of at least 180 days. Joint leases with the Soldier's spouse or dependents are also covered.



### RESIDENTIAL LEASES

Soldiers entering active military service can terminate residential leases that were executed prior to going on active duty. Residential leases executed after beginning military service can be terminated upon receipt of PCS orders or deployment orders of at least 90 days. Joint leases with the Soldier and his or her spouse or dependents are also covered.



### MOBILE PHONE CONTRACTS

Soldiers can cancel mobile phone contracts after receiving orders to relocate for a period of at least 90 days to a location that does not support the contract.



### EVICITION FROM HOUSING

Soldiers and their families cannot be evicted for nonpayment of rent without a court order while on active duty, provided the rent is below a certain amount. Eviction can still occur if ordered by the court.



### FORECLOSURE & REPOSSESSION PROTECTION

Active Soldiers are protected from foreclosure and repossession under certain circumstances, including the common requirement that lenders must obtain a court order before taking such actions.



### COURT PROCEEDINGS

If a Soldier is a defendant in a civil court proceeding, the court may grant a delay if the Soldier's military service affects the Soldier's ability to appear before the court. The provision applies to civil lawsuits, suits for paternity, child custody suits, bankruptcy debtor/creditor meetings, and administrative proceedings.



### RESIDENCE FOR STATE TAXES

Under certain circumstances, the SCRA prohibits states from taxing Soldiers and their spouses solely due to their presence in a state because of compliance with military orders. This means if a Soldier and his or her spouse are residents of another state, they may not be required to pay certain taxes in the state in which they are stationed.