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New Relief Act Provisions Protect Service Members

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WASHINGTON, Jan. 7, 2004 – A new law replacing the Soldiers' and Sailors' Civil Relief Act of 1940 will provide military personnel -- especially those deployed or called to active duty -- greater protections to handle their personal financial and legal obligations, Defense Department officials said here.

President Bush signed the Service Members' Civil Relief Act into law Dec. 19.

"The focus of the SCRA is the same as under the SSCRA: to provide protections to service members who have difficulty meeting their personal financial and legal obligations because of their military service," said Air Force Lt. Col. Patrick Lindemann, deputy director for legal policy in DoD's [Office of the Undersecretary of Defense for Personnel and Readiness](#).

"The SCRA is a significant law, because it clarifies and updates the provisions that existed in the SSCRA, while adding some additional protections," he said.

"Service members on long-term deployments or called to active duty should not have to worry about their families in their absence being evicted from their quarters without sufficient legal protections," he continued, "or that they are paying on a leased car or apartment that they can't use, or about civil legal proceedings they can't attend because of their deployment.

"These are some of the situations the SCRA covers so that service members are able to devote their energies to the military mission and the defense needs of the nation, and not on civil matters waiting for them at home," he added.

What Lindemann called "a significant change" added in the SCRA is an automatic 90-day stay of civil proceedings upon application by the service member. This applies to all judicial and administrative hearings. In the past, according to Lindemann, stays were discretionary with the courts.

The SCRA also makes it clear that the 6 percent limitation on interest rates for pre-service debts requires a reduction in monthly payments, and that any interest in excess of 6 percent is forgiven, not deferred, Lindemann said.

The SCRA also expanded the protection against eviction. Under the SSCRA, service members and their dependents who entered into a lease for \$1,200 or less could not be evicted without a court order. The SCRA increased that maximum lease amount to \$2,400 and added an annual adjustment for inflation. For 2004, the maximum will be \$2,465. Lindemann said this will significantly increase the number of service members entitled to this protection.

The SCRA also gives the service member who has received permanent-change-of- station orders or who is being deployed for not less than 90 days the right to terminate a housing lease with 30 days' written notice. Prior to the SCRA, service members could be required to pay for housing they were unable to occupy.

One of the more significant provisions in the SCRA that did not exist in the SSCRA, Lindemann said, was an added protection for service members who have motor vehicle leases. Any active duty service member who has received PCS orders outside the continental United States, or who is being deployed for not less than 180 days, may terminate a motor vehicle lease. The law prohibits early termination charges. "Now, service members won't have to pay monthly lease payments for a car they can't use," said Lindemann.

"Service members may not always realize all the protections they have under the law," Lindemann said. "If service members have questions about the SCRA or the protections that they may be entitled to, they should contact their unit judge advocate or installation legal assistance officer for further assistance."