

The SCRA

The Servicemembers Civil Relief Act (SCRA) (50 USC App. § 3901 et seq, as amended), formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940, provides important safeguards to members on active duty status in the area of financial management, including rental agreements, security deposits, evictions, installment contracts, credit card interest rates, mortgages, civil judicial proceedings, income tax payments, etc. **These protections do NOT apply to U.K. civil proceedings.**

Protections

Credit Protection: Provides for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

Stay of Proceedings: While on active duty or within 90 days of completing an active duty assignment, you may request a delay of an administrative or civil court proceeding if your military service materially affects your ability to participate in the proceeding. You must submit a letter from your commander stating that duty prevents you from appearing in court and that the mission prevents release to attend the proceedings. The stay lasts for a minimum of 90 days and additional delays may be requested.

Statute of Limitations: While on active duty, SCRA may toll the statute of limitations in some actions, with exceptions of torts and IRS collections.

6% Interest Rate: This may give you a 6% maximum interest rate on certain PRE-active duty debts if you follow strict statutory steps. Interest in excess of 6% is forgiven, not postponed.

Eviction Protection: A court may stay an eviction for three months if the ability to pay rent is materially affected by military service. Criminal sanctions may be imposed on a landlord for violating this section.

Terminating Residential Leases: You may be able to terminate a lease for your home that was entered into before being called to active duty, after receiving orders for a permanent change of duty station, when deploying with a military unit for 90 days or more, or when separating from the military. You may terminate a housing lease with 30 days' written notice.

Terminating Auto Leases: You may terminate an auto lease that was entered before being called to active duty for a period of 180 or more days, upon receiving orders for a permanent change of duty station outside the U.S. or from a duty station outside the U.S., or when deploying with a military unit for 180 days or more. You must provide written notice of

termination to the lessee and return the vehicle within 15 days of the notice.

Default Judgments: If a default judgment is entered against a servicemember during his or her active duty service, or within 60 days thereafter, the SCRA allows the service member to reopen that default judgment and set it aside. In order to set aside a default judgment, the service member must show that he or she was prejudiced by not being able to appear in person, and that he or she has good and legal defenses to the claims against him/her. The servicemember must apply to the court for relief within 90 days of the termination or release from military service.

Car Leases: Motor vehicles fall within the umbrella of installment contract protections. If you entered into the lease pre-service, the lease may be terminated any time after entry. If entered into during service, the lease may be terminated if you PCS OCONUS (or CONUS from OCONUS) or deploy for more than 180 days. This applies to joint leases with a spouse.

Foreclosures: If, because of active duty military service, you breach the terms of the purchase contract for real property or an automobile, the property may not be foreclosed or repossessed without a court order.

Cell Phones: You may terminate cell phone contracts (individual or family plans) if

relocated for more than 90 days, the new location does not support the contracted service, and the member provides written notice. Early termination fees are prohibited.

Health Insurance: If a health insurance policy is in effect before active duty and terminated while on active duty, then coverage is immediately reinstated as long as there is no Dept of VA determination of disability.

Taxes

Ask about SCRA state tax benefits, new rules for combat zones, hazardous duty pay, and the Earned Income Credit (EIC). You may be due a state tax refund. If your family income has changed, consider adjusting your income tax withholding with a new W-2 or paying estimated income tax. Tax forms and a new W-2 calculator may be accessed at www.irs.gov. Military members may defer taxes for 180 days if their ability to pay is materially affected by military service and no interest accrues during deferment.

Conclusion

The SCRA takes significant steps to broaden and clarify the civil protections afforded to military members by suspending enforcement of certain civil liabilities. The notification requirements ensure that servicemembers are aware of their protections and the methods to exercise these protections.

This handout is for basic information on topic covered as it relates to military personnel stationed in the United Kingdom. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the Legal Office for questions and further information. You may view more information on various legal topics at the Air Force Legal Assistance website found at <https://aflegalassistance.law.af.mil>. Additionally, complete legal worksheets for Wills, Living Wills, Powers of Attorney (General, Special, and for Health Care), and access to the Online Survey are found on the Air Force Legal Assistance website.

Scan Below to Access the:

RAF Mildenhall Legal Office Website
www.mildenhall.af.mil/Info/Legal-Office



Legal Assistance Website
<https://aflegalassistance.law.af.mil>



Legal Assistance Information Series Servicemembers' Civil Relief Act.



Hours of Operation (Walk-ins)
Notary Public & Powers of Attorney
Monday – Friday: 800-1630 hrs

Legal Assistance
By Appointment Only

100 ARW/JA
APO AE 09459
DSN 314-238-2028
COMM (0)1638-54-2028
E-mail: 100ARW.JAV3@mildenhall.af.mil

Scan Below to Access Our Website
www.mildenhall.af.mil/Info/Legal-Office

