

Stateside Legal™

Self-Help Sample Letter Packet

Letter from Service Member Providing Notice of Early Termination of Residential Lease (Protections under the Servicemembers Civil Relief Act)

This self-help resource was created by the Stateside Legal Project. Stateside Legal provides these sample forms and information free of charge to individuals with military connections (IMC). These forms are not based upon any specific state law or jurisdiction. They are intended as samples of how to use the protections of the Servicemembers Civil Relief Act (SCRA) to assist active duty members of the military.

READ ALL INSTRUCTIONS IN THIS PACKET VERY CAREFULLY.

PACKET CONTENTS:

Letter for Terminating Lease _____	2
Helpful Instructions _____	3

MORE INFORMATION

For information about the Servicemembers' Civil Relief Act or many more topics concerning individuals with military connections, visit www.statesidelegal.org or contact your local Judge Advocate General's Corps office.

DISCLAIMER: *The Stateside Legal Information Series is produced by the Pine Tree Legal Assistance of Maine®, Arkansas Legal Services Partnership®, and the Legal Services Corporation®. These organizations promote or provide free legal services to eligible low-income people. Additional information can be found at www.lsc.gov. This sample form packet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

LETTER FROM SERVICE MEMBER TO LANDLORD

DATE
SERVICE MEMBER NAME
ADDRESS
CITY, STATE, ZIP

RE: LEASE DATED _____ FOR PREMISES AT _____.

Dear Landlord:

This letter is my notice to quit the leased premises on (DATE OF LEASE). This notice is made pursuant to 50 U.S.C. § 535 of the Servicemembers Civil Relief Act (the “SCRA”) as legislated by the United States Congress and signed into law in December 2003.

Per the enclosure, I am required to deploy to (LOCATION) for ninety (90) days or longer. The SCRA requires that the subject lease be terminated no later than 30 days from the date of the next rental due date. The next rental due date on this lease is (NEXT RENT DUE DATE). Therefore, according to the SCRA, this lease shall terminate on (TODAY + DATE).

All security deposits and prorated future rents paid must be returned to me within thirty (30) days of the termination date of the lease. You may forward this refund to:

(INSERT FORWARDING ADDRESS)

Should you have any questions, you may contact me at the address listed above. Thank you for your understanding and support in this matter.

Sincerely,

Service Member Name
Rank, Service Branch

Enclosures (1): Copy of Orders

LAW YOU SHOULD KNOW

The purpose of the Servicemembers Civil Relief Act (SCRA) is to provide protection to service members who have difficulty meeting their financial and legal obligations because of their military service. The SCRA allows a service member that is required to move due to military orders to terminate a lease early (50 U.S.C. App. § 535) under certain circumstances.

The service member must:

- Provide written notice to the landlord (oral notice is not sufficient) and
- Provide a copy of the military orders.

The landlord must:

- Not demand any type of penalty for early termination;
- Refund the security deposit (minus any damages) within 30 days of the date the lease was terminated; and
- Refund the unused portion of any rent that was prepaid to the service member.

WHEN WILL THE LEASE END?

- **Month-to-Month Rentals:** effective 30 days after the next rent payment is due.
(Example: if the rent is due on the first day of each month and notice is mailed on August 1, then the next rental payment is due and payable on September 1. Thirty (30) days after that date would be October 1, the effective date of termination.)
- **All Other Leases:** effective on the last day of the next month after notice of termination was given.
(Example: if the lease requires a yearly rental and proper notice of termination is given on July 20, the effective date of termination would be August 31.)

DOES THIS APPLY TO ME?

The SCRA may allow early termination of a lease for activated reservist, new service members, current active duty deploying or PCS Orders. It may apply to other service members in other situations.

Activated Reservist: the lease was entered into by the reserve or guard member before he or she was recalled to active duty for 180 days or more;

New Service Members/Current Active Duty: The SCRA applies to both leases executed before beginning active duty and for leases executed after active duty begins if the service member is deployed for 90 days (or more) or if the service member receives PCS orders.

ABOUT THIS SAMPLE LETTER:

- This letter provides the required statement of notice to a service member's landlord explaining how his or her current military service requires the early termination of the residential lease without penalty under the SCRA.
- This letter provides instructions for delivery of the security deposit or any unused prepaid rent.
- Read over this letter and make sure the information you have given is correct and complete. The letter in this packet is not based upon any specific state law or jurisdiction. The letter may need to be modified before use in any specific jurisdiction.

Much of the contents of this packet were originally developed by the Department of Defense.

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