

SERVICEMEMBERS: KNOW YOUR RIGHTS

The Connecticut Office of the Attorney General, Connecticut Department of Consumer Protection, and the Connecticut Department of Veterans Affairs are urging servicemembers to **know their rights** when it comes to lease protections.

Oftentimes, servicemembers who have executed vehicle, residential or business leases fail to assert legal rights to which they are entitled when they are called to active duty simply because they are not familiar with the applicable laws.

The Servicemembers Civil Relief Act (SCRA) provides important protections for servicemembers called to active duty regarding vehicle, residential and business leases. Servicemembers may have the ability to terminate vehicle, residential and business leases without penalty under certain circumstances. Servicemembers and their families are also entitled to certain protections while going through the eviction process. Be aware that the responsibility is on the servicemember to assert rights under the SCRA in a timely manner.

VEHICLE LEASES

Servicemembers who lease vehicles before being called to active duty for six months or more have the right to terminate the contract without penalties.

If the vehicle lease is signed while on active duty, the servicemember may terminate the contract if he or she:

- (a) Receives a permanent change of duty station to outside the Continental United States;
- (b) Goes on deployment for 180 days or more; or
- (c) Leaves active duty, but is reactivated for a period of 180 days or more.

HOUSING RIGHTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)

EVICITION

The SCRA provides certain protections for servicemembers and dependents from eviction. The act does not preclude eviction, but it does require a process that affords the servicemember or dependents the opportunity to be heard during eviction proceedings.

If a servicemember's ability to pay rent is materially affected by military duty, the court must order a stay of execution, typically lasting 90 days. If the servicemember cannot attend court because of military orders, the judge must appoint a legal representative. Military personnel should contact their local Legal Assistance Office (<https://legalassistance.law.af.mil>) or consult private counsel regarding rent payment obligations if faced with an eviction. It is important to note that the court ordered automatic stay does not relieve a servicemember from his or her obligation to pay the rent.

RESIDENTIAL AND BUSINESS LEASES

The protections provided under the SCRA begin when personnel start active duty and end 30 to 90 days after discharge.

The servicemember may cancel any housing or business lease if:

- (a) The contract was signed before beginning active duty;
- (b) He or she receives a permanent change of duty station; or
- (c) He or she goes on deployment lasting 90 days or more.