

READ carefully BEFORE YOU SIGN a lease for an apartment or home!

On December 22nd, 2003, the President signed a new law that revamped the Soldiers and Sailors Civil Relief Act of 1940, now known as the "Service Members Civil Relief Act" of 2003. Among other things, the new law made it easier for soldiers to terminate residential leases when the soldier receives deployment or PCS orders. It applies to active duty soldiers, Reservists ordered to active duty, and National Guardsmen called to active service for 30 days or more.

Terminating an Apartment or House Lease. Soldiers may terminate a residential lease after receiving orders to deploy with a military unit for 90 days or more, or after receiving PCS orders. Soldiers must provide written notice of the intent to terminate the lease. Termination is effective 30 days after the first date on which the next rental payment is due.

Watch out for Landlord "Waivers." Under the new law, soldiers can waive any of the rights and protections of the SCRA and some landlords are taking advantage of that provision by changing the wording in the standard "Military Clause" or "Deployment Clause." The majority of landlords in the Fort Hood area have traditionally been very cooperative and helpful in resolving terminations due to deployments, but the new law has created some confusion.

Before you sign a new lease for an apartment or home, make sure to read the so-called "Military Clause" or "Deployment Clause" carefully to ensure you will have the same termination rights provided for in the SCRA (ability to terminate 30 days following the next rental payment date after written notice of deployment or PCS is provided to the landlord). If your lease does not say this, discuss it with the landlord - do not rely on a comment such as "that is what the standard lease says." The standard leases are being revised to reflect the new law (or waive your rights under the new law), and anyone can always make pen and ink changes to any clause in a lease, so long as both parties agree.

If you are not sure what your rights are under the lease or the SCRA, call Mr Pat Lisowski, the OTC attorney, at 287-7057. Bring a copy of the lease provision too. Once you sign a lease, the provisions of that lease bind you, so be careful.

Pat Lisowski, 17 Feb 04