

# **TERMINATION OF LEASE**

**Possible for  
ACTIVATED RESERVISTS,  
NEW SERVICE MEMBERS, CURRENT ACTIVE DUTY  
DEPLOYING OR ON PCS ORDERS.**

*The material in this handout represents general legal principles. The law is continually changing; although the information in the handout was current as of the date it was drafted, some provisions in this pamphlet may have changed. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.*

A lease for property may be terminated by a servicemember if one of the following conditions are met:

- The lease was entered into by the member before he or she started active duty; or
- The lease was entered into by the reserve or guard member before he or she was recalled to active duty; or
- The servicemember occupying the premises under lease receives military orders for permanent change of station; or
- The servicemember occupying the premises under lease receives military orders for deployment for 90 days or more.

To terminate the lease, the member must deliver written notice to the landlord at any time after call to active duty or receipt of orders. Oral notice is not sufficient.

For month-to-month rentals, the termination becomes effective 30 days after the first date on which the next rental payment is due subsequent to the date when the notice of termination is delivered. For example, if the rent is due on the first day of each month, and notice is mailed on August 1st, then the next rental payment is due and payable on September 1st. Thirty days after that date would be October 1st, the effective date of termination.

For all other leases, termination becomes effective on the last day of the month following the month in which proper notice is delivered. For example, if the lease requires a yearly rental and proper notice of termination is given on July 20th, the effective date of termination would be August 31st.

The servicemember is required to pay rent for only those months before the lease is terminated. If rent has been paid in advance, the landlord must prorate and refund the unearned portion within 30 days of the date of termination of the lease.

If you are unsure of whether you qualify for the SCRA lease termination, visit your nearest legal office to speak with a legal assistance attorney. If you are confident that you do qualify for lease termination, see reverse side of this paper for a sample letter to your landlord requesting lease termination.

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# SAMPLE LETTER

DATE

NAME OF CREDITOR  
ADDRESS  
CITY, STATE, ZIP

RE: LEASE DATED \_\_\_\_\_ FOR PREMISES AT \_\_\_\_\_.

Dear Sir or Madam:

This is my notice to quit the leased premises on \_\_\_\_\_ (date). This notice is made pursuant to 50 U.S.C. App. § 535 of the Servicemembers' Civil Relief Act (the "SCRA") as legislated by Congress and signed into law in December 2003.

Per the enclosure, I am required to deploy in support of Operation \_\_\_\_\_ 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 \_\_\_\_\_ (date). Therefore, according to the SCRA this lease shall terminate on \_\_\_\_\_ (date).

All 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 \_\_\_\_\_ at \_\_\_\_\_ (address).

Should you have any questions, you may contact me at \_\_\_\_\_. (May add contact info. for dependent or agent holding tenant's power of attorney).

Thank you for your understanding and support in this matter.

Sincerely,

John Doe, Rank, USAF

**\*\* ENCLOSE A COPY OF YOUR ORDERS THAT (1) ACTIVATED YOU AS A RESERVIST OR (2) BROUGHT YOU FROM CIVILIAN LIFE TO ACTIVE DUTY OR (3) PERMANENTLY CHANGE YOUR CURRENT DUTY STATION OR (4) ORDER YOUR DEPLOYMENT FOR 90 DAYS OR MORE.**