

# Understand Your Legal Issue

Eviction Protection

Solve Your Legal Problem

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## Eviction Protection for Members of the Military

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### **FAQ**

#### **Who is included in the protections from the Servicemembers Civil Relief Act (SCRA)?**

The SCRA protects active duty members of the Army, Navy, Air Force, Marine Corps, or Coast Guard and members who are absent from duty as a result of being wounded or being granted leave. This includes members of the National Guard who have activation orders and active members commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration.

You are protected from the date you enter active duty and it usually ends within 30 to 90 days after you are discharged from active duty.

#### **Do my spouse and children also receive protections under the SCRA?**

Yes, dependents receive some protections under the SCRA. Your spouse, children, and also other people you have provided more than half of the financial support to for the past 180 days are considered dependents.

#### **How should I prove that I should receive protection under SCRA?**

Use your orders to active duty or deployment if you are asking for a benefit or right under the SCRA.

#### **Can I get out of my lease while I am deployed if I no longer want to pay rent for my apartment and put my stuff in storage?**

If you have a lease for a house or apartment, you may be able to get out of the lease when you come on active duty if:

- You originally signed your lease when you were not on any form of active duty.
- You have received your orders to active duty.
- You gave written notice to your landlord that you want to terminate your lease. You will still have to pay rent for a short while. Your landlord can charge you rent for 30 days after the date your next rent is due, after the date you give your written notice. Example: You give notice on 15 December. Your next rent is normally due 1 January. The landlord can make you pay rent until 31 January. The key is to get the written notice in the landlord's hands just as soon as possible.

## **Can I be evicted if I am on active duty?**

If your monthly rent is less than \$3,329.84 per month (as of 2015), your landlord may not evict you or your dependents from a home that is used primarily as a residence during your military service without a court order. If an eviction action is filed against you or one of your dependents, the court must temporarily postpone the proceedings or adjust the amount of your financial obligation if you can show that you have been unable to meet your financial obligations under the lease because of your military service. But the court only has to postpone the proceedings if you request it. So it is up to you to ask the court for a "stay" in order to get the court to postpone the eviction and court proceedings.

## **If I break my apartment lease, can I get my security deposit back?**

In most cases, you have the right to have your security deposit refunded. However, you will be responsible for any unpaid rent or other lease amounts due before the effective date of termination, as well as any taxes, fees, and other reasonable charges, such as charges for excess wear and damages.

## **If I have other questions or need help, who can I talk to?**

Contact your nearest Armed Forces Legal Assistance Program office. You can find the nearest location at <http://legalassistance.law.af.mil/content/locator.php>.

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