



Air Force Space Command

Guardians of the High Frontier



U.S. AIR FORCE

Let 'em go, Landlord – SCRA, Residential Leases, and PCS

21 SW/JA

Capt Patrick Clary



Overview



- **Section 535 of the SCRA**
- **What's a PCS?**
- **State law**



Force Reduction



- **5.5% over 5 years**
 - **Army – 6.8%**
 - **Navy – 3.9%**
 - **Marine Corps – 8.3%**
 - **Air Force – 2.3%**

Source: <http://www.defense.gov/news/newsarticle.aspx?id=67167>



Section 535 SCRA



- **Purpose of SCRA**
- **Key Terms**
 - **Residential Lease**
 - **Orders**
 - **Permanent Change of Duty**



Section 535 SCRA



- (a) Termination by lessee
 - (1) In general. The lessee on a lease described in subsection (b) may, at the lessee's option, terminate the lease at any time after—
 - (A) the lessee's entry into military service; or
 - (B) the date of the lessee's **military orders** described in paragraph (1)(B) or (2)(B) of subsection (b), as the case may be.



Section 535 SCRA



- (i) Definitions
 - (1) Military orders. The term “military orders”, with respect to a servicemember, means official military orders, or any notification, certification, or verification from the servicemember’s commanding officer, with respect to the servicemember’s current or future military duty status.



Section 535 SCRA



- (b) Covered leases This section applies to the following leases
 - (1) Leases of premises. A lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember's dependents for a residential, professional, business, agricultural, or similar purpose if—
 - (A) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or
 - (B) the servicemember, while in military service, executes the lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 90 days.



Section 535 SCRA



- What's a permanent change of station?
 - **Permanent Change of Duty Station (PCS)**—In general, movement of an Airman to **a different duty location** for permanent duty, regardless of distance (with or without concurrent change in unit of assignment) under competent orders that **do not specify the duty as temporary, do not provide for further assignment to a new permanent duty station, or do not direct return to the old permanent duty station.** AFI 36-2110, *Assignments*, Attachment 1.



Section 535 SCRA



- What's a permanent change of station?
 - Joint Federal Travel Regulation, Appendix A, Part 1
 - Permanent Change of Station (PCS)
 - e. Change from the last [permanent duty station] to home upon:
 - (1) Discharge, resignation, or separation from the Service under honorable conditions
 - (4) Retirement



Section 535 SCRA



- **JFTR definition and the policy of SCRA**
- **United States v. Empirian Property Management, Inc., District of Nebraska**
- **Persuasive authority**



State Law



- Virginia - § 55-248.21:1. Early termination of rental agreement by military personnel.
 - A. Any member of the armed forces of the United States . . . may . . . terminate his rental agreement if the member
 - (i) has received permanent change of station orders to depart 35 miles or more (radius) from the location of the dwelling unit;
 - (ii) has received temporary duty orders in excess of three months' duration to depart 35 miles or more (radius) from the location of the dwelling unit;
 - (iii) is discharged or released from active duty with the armed forces of the United States or from his full-time duty or technician status with the National Guard



State Law



- Florida – Title VI, § 83.682 Termination of rental agreement by a servicemember.—
- (1) Any servicemember may terminate his or her rental agreement . . . if any of the following criteria are met:
 - (a) The servicemember is **required, pursuant to a permanent change of station orders, to move 35 miles or more** from the location of the rental premises;
 - (b) The servicemember is **prematurely or involuntarily discharged or released** from active duty or state active duty;
 - (c) The servicemember is **released from active duty** or state active duty after having leased the rental premises while on active duty or state active duty status and the rental premises is **35 miles or more from the servicemember's home of record** prior to entering active duty or state active duty;



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Questions?

Dominate the High Ground