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# Servicemembers Civil Relief Act Updates


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*\*this presentation reflects the views of the presenter  
and not of the DoD or Air Force*





# SCRA Overview

- Servicemembers Civil Relief Act (SCRA), 50 U.S.C. 3901 et seq.
  - Most Recent Act:
    - H.R. 7939, more commonly known as the “Veterans Auto and Education Improvement Act of 2022”
    - Public Law 117-333, Sections 17-19
    - Effective 5 Jan 2023
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# More Contracts Can Be Canceled – 50 USC § 3956

- Changed from “telephone, multichannel video programming, and internet access” to “certain consumer” contracts”
- The covered contracts include
  - commercial mobile services
  - telephone exchange services
  - internet access services
  - multichannel video services
  - *gym memberships or fitness program*
  - *home security services*
- If ordered to relocate for a period of 90+ days to a location that does not support the contract
- Includes spouse or dependent who accompanies servicemember for the relocation

# Stop Movement Orders – 50 USC § 3955

- 2021 amendment by P.L. 116-283
- Residential leases
- Can terminate leases due to a stop movement order issued on or after 1 March 2020
  - the spouse *or dependent* can terminate the lease after death of the lessee

# Stop Movement Orders – 50 USC § 3956

- Termination of certain contracts allowed when a servicemember receives military orders to PCS, then enters into a contract, and then is issued a stop movement order that renders them unable to use the services discussed in the contract.
- The covered contracts include
  - commercial mobile services
  - telephone exchange services
  - internet access services
  - multichannel video services
  - *gym memberships or fitness program*
  - *home security services*
- Retroactive to 1 March 2020
- Cancelling residential leases was added

# Catastrophic Injury or Illness – 50 USC § 3955(a)(4)

- 2021 amendment by P.L. 116-283

(A) Termination. If the lessee on a lease described in subsection (b) incurs a catastrophic injury or illness during a period of military service or while performing covered service, during the one-year period beginning on the date on which the lessee incurs such injury or illness—

(i) the lessee may terminate the lease; or

(ii) in the case of a lessee who lacks the mental capacity to contract or to manage his or her own affairs (including disbursement of funds without limitation) due to such injury or illness, the spouse or dependent of the lessee may terminate the lease.

(B) Definitions. In this paragraph:

(i) The term “catastrophic injury or illness” has the meaning given that term in section 439(g) of title 37, United States Code.

(ii) The term “covered service” means full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).

# Taxes – 50 USC § 4001

- Tax filings for military spouses
- Previously said the spouse could elect the same resident for tax purposes as the servicemember
- The updated act now allows the spouse of a service member to use any of the following:
  - the residence/domicile of the service member
  - the residence/domicile of the spouse
  - the permanent duty station of the service member.


# License Portability – 50 USC § 4025a

- If a service member or spouse has a professional license or certificate and they move to another area pursuant to spouse's orders, the license can be used in a similar scope
- A few requirements –
  - remaining in good standing
  - the spouse or servicemember must have actively used it during the two years prior to moving
  - and abiding by licensing authority in new jurisdiction
- Will not apply if there is an interstate licensure compact
- Not applicable to law licenses
- DOJ has taken up one case against Texas already, on behalf of Hannah Magee Portee (*Portee v. Morath*), over her school counseling license





# Not SCRA, but in recent USERRA news....

- *Torres v. Texas Department of Public Safety*, 142 S. Ct. 2455 (2022)
  - U.S. Supreme Court held states can be sued for violating USERRA
  - Jury awarded nearly \$2.5 million on 29 September 2023
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# DOJ Enforcement Program

- The Servicemembers Civil Relief Act (“SCRA”)
- The Uniformed Services Employment and Reemployment Rights Act (“USERRA”)
- The Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”)



Expanding outreach efforts:

- The Americans with Disabilities Act (“ADA”)
  - The Fair Housing Act (“FHA”)
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DOJ,  
continued:

- Companies or individuals engaged in a pattern or practice of violating the SCRA, or
- Matter presents an issue of significant public importance

50 § USC 4041

# RESOURCES:



<https://www.justice.gov/servicemembers/resources>

Website to obtain SCRA certificate for court proceedings: <https://scra.dmdc.osd.mil/scra/#/home>

<https://www.roa.org/page/lawcenter>