

## **Soldiers' and Sailors' Civil Relief Act (SSCRA) Eviction Protections**

Provided by the  
Legal Assistance Branch MLCPAC  
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### **Eviction:**

Service members and their dependents have limited protection from eviction for nonpayment of rent under 50 USC App. § 530.

Before a landlord can evict a service member or his/her dependents, the landlord must obtain a court order. The court must make a finding the service member's failure to pay is not materially affected by his/her military service. Material effect is present where the service member does not earn sufficient income to pay the rent. Where the member is materially affected by military service, the court must stay the eviction (maximum of three months) when the service member or dependents request it. There is no requirement that the lease be entered into prior to active duty.

The requirements of this section are that:

- (1) The landlord is attempting eviction during a period in which the service member is in military service or after receipt of orders to report to duty;
- (2) The rented premises is used for housing by the spouse, children, or other dependents of the service member; and
- (3) **The agreed rent does not exceed \$1200 per month.**

If you have additional questions regarding this issue please call the MLCPAC Legal Assistance Branch at (510) 437-5891 and schedule an appointment with a Legal Assistance Attorney.

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