



Region Legal Service Office, Mid Atlantic Legal Assistance Department

Lease Termination under the SCRA and Virginia law

Waiver

VRLTA – The Virginia Residential Landlord Tenant Act **cannot be waived**.

SCRA – The SCRA can be waived if, for example, the lease states that you waive your SCRA rights. **DO NOT WAIVE YOUR SCRA RIGHTS WITHOUT LEGAL ADVICE.**

Termination

VRLTA and SCRA – Terminating the lease under both of these laws end the contract. Lease termination under these laws is not a breach or failure to fulfill the contract and the landlord may not impose damages or collect repayment of the concession fee.

Coverage

VRLTA – Applies to all residential leases.

SCRA – Applies to all premises occupied, or intended to be occupied, by a servicemember or a servicemember's dependents for a residential, professional, business, or agricultural purposes.

Basis for Termination

VRLTA – Temporary duty (TDY) or deployment sending the servicemember more than 35 miles away from residence for more than three months; Permanent Change of Station (PCS) orders more than 35 miles from home; discharge; or ordered to government quarters (resulting in the forfeiture of BAH).

SCRA – Deployment more the 90 days (no distance limitation) or PCS (no distance limitation).

Impact on Dependents

VRLTA – Does not provide dependents with permission to terminate lease obligations.

SCRA – Dependents on the lease with the servicemember may terminate their lease obligations.

Notice

VRLTA and SCRA – Deliver written notice of termination (not e-mail or text) to landlord. Notice should specify the termination date. Provide a copy of the orders to the landlord prior to the termination date.

Date of Termination

VRLTA – Must wait 30 days from the day the next rental payment is due after notice is delivered. For example, if notice is given on July 3rd, and rent is next due on August 1st, termination date is August 31st. Termination date must also be within 60 days of departure date specified in orders.

SCRA – Must wait 30 days from the day the next rental payment is due after notice is delivered. For example, if notice is given on July 3rd, and rent is next due on August 1st, termination date is August 31st.

Damages

VRLTA – Landlord may not charge “liquidated damages” (preset fees for early termination or damages).

SCRA – No early termination fee.

Enforcement

VRLTA – Private cause of action by servicemember.

SCRA – U.S. Department of Justice action, private cause of action, attorney fees to servicemember.

Orders

VRLTA – Official orders or a signed letter, confirming the orders, from commanding officer.

SCRA – Official military orders or any notification, certification, or verification from the commanding officer.

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