

## Beyond the Yellow Ribbons - Part 1

"The military don't start wars. Politicians start wars."  
-- General William Westmoreland,  
U.S. Commander in Viet Nam, 1964-1968

"I have never advocated war except as a means of peace."  
-- Ulysses S. Grant, 18th President of the  
United States and leading Union general

This is the first of three columns in honor of our nation's military service members and their families. These columns focus on legal protections for women and men in military service.

Let me state one point clearly: I firmly believe that our support for our troops should be neither based on nor limited by the uncertain chemistry of partisan politics.

Yellow ribbons are a good thing, but active service persons also need help to handle their legal affairs and reduce their financial obligations while on active duty. They need to know that the homes and jobs they leave behind will be waiting for them when they return.

### **Q. Do military personnel have any special rights in legal matters?**

Yes. In Tennessee there are federal and state laws that help protect service members from legal hardship. One of the main laws is the federal Servicemembers' Civil Relief Act, or SCRA.

The SCRA applies in Tennessee and across the nation to all active duty members of the military, including the activated National Guard.

### **Q. Can the SCRA help military personnel with loan problems?**

Yes. The SCRA can lower interest on loans paid by service members to a 6 percent cap (except on federally guaranteed student loans, which are usually already below 6 percent). Service members can qualify for an interest rate reduction under SCRA if they took out the loan before they began active duty, and if they can show that they make significantly less money now than before they went on active duty.

Another SCRA rule is no repossessions of goods purchased by installment contract, such as cars or furniture, without a court order. Businesses must go to court to get such an order if they want to repossess

the goods belonging to a member of the military on active duty. The service person is given notice of the proceeding, and has the right to ask the court for a stay, or delay, of the proceeding.

### **Q. How can the SCRA help with housing problems?**

The SCRA allows early termination of leases if the residential or commercial lease was signed before entering active duty.

A service member must mail a written notice of intent to terminate to the landlord or property manager, plus a copy of the duty orders. The lease will then terminate 30 days after the day that rent is next due or earlier if the lease allows shorter notice periods, such as a weekly lease.

The families of active duty military are protected from rapid evictions by the SCRA.

If a spouse, child, or other dependent occupies the rented unit and the rent is less than \$2,400 per month, then the landlord must notify the court when an eviction case is filed. (That is another reason to let your landlord know you are going on active duty.) The judge then decides whether the service person's status in the military is affecting his or her ability to pay rent, and can delay the case for up to three months.

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**Note:** This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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