

Senate Passes Bill That Would Amend SCRA to Expand Spousal Lease Termination Rights

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On June 27 the Senate passed the Gold Star Spouses and Spouses of Injured Servicemembers Leasing Relief Expansion Act as part of the [Fiscal Year 2020 National Defense Authorization Act \(see Sec. 6007\)](#). If it becomes law, the bill would amend the SCRA to allow spouses of servicemembers killed or injured during service to terminate certain types of leases.

The bill was originally introduced in April by Senators Elizabeth Warren (D-Mass.), Rob Portman (R-OH), Kyrsten Sinema (D-AZ), Thom Tillis (R-NC) and Ranking Member of the Senate Armed Services Committee Jack Reed (D-RI) in the Senate, and by Representatives Cheri Bustos (D-IL) and Brad Wenstrup (R-OH) in the House of Representatives. The House version has not yet passed.

The bill provides the surviving spouse of a servicemember who died during military service with a broad right to terminate a vehicle lease during a one-year period that begins to run on the date of the servicemember's death. The bill also allows the spouse of a servicemember who sustained a "catastrophic injury or illness" to end a residential lease or vehicle lease during the one-year period that begins to run on the date of the servicemember's injury or illness.

These added protections apply if a servicemember died or sustained the injury or illness while in military service or while performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training.

This bill is notable in that it introduces the concept of "catastrophic injury or illness" to the SCRA, though this term itself is not new. Currently, the only references to injuries in the SCRA are relatively obscure provisions relating to desert land and mining claims. [Department of Defense Instruction 1341.12](#) (published August 10, 2015) defines "catastrophic injury or illness" as a "permanent, severely disabling injury, disorder, or illness incurred or aggravated in the line of duty that compromises the ability to perform [activities of daily living] to such a degree that a Service member requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others." The term is one of several designations that can be conferred on a servicemember based on an evaluation of that servicemember's condition as part of DoD's [Disability Evaluation System](#).

While the bill is silent as what types of evidence a lessor may require of a servicemember's spouse

to prove that such an illness or injury was suffered, the likeliest scenario is that the spouse could provide a copy of documentation showing the designation.

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