

112TH CONGRESS
2D SESSION

S. 3179

To amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2012

Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Servicemember Hous-
5 ing Protection Act of 2012”.

1 **SEC. 2. ENHANCEMENTS TO PROTECTIONS ACCORDED**
2 **UNDER THE SERVICEMEMBERS CIVIL RELIEF**
3 **ACT.**

4 (a) PROTECTION OF SURVIVING SPOUSE WITH RE-
5 SPECT TO MORTGAGE FORECLOSURE.—

6 (1) IN GENERAL.—Section 303 of the
7 Servicemembers Civil Relief Act (50 U.S.C. App.
8 533) is amended by adding at the end the following
9 new subsection:

10 “(e) PROTECTION OF SURVIVING SPOUSE.—With re-
11 spect to a servicemember who dies while in military service
12 from a service-connected cause and who has a surviving
13 spouse who is the servicemember’s successor in interest
14 to property covered under subsection (a), this section shall
15 apply to the surviving spouse with respect to that property
16 during the 9-month period beginning on the date of such
17 death in the same manner as if the servicemember had
18 not died.”

19 (2) EFFECTIVE DATE.—Subsection (e) of sec-
20 tion 303 of the Servicemembers Civil Relief Act, as
21 added by paragraph (1), shall apply to the surviving
22 spouse of a servicemember whose death occurs on or
23 after the date of the enactment of this Act.

24 (b) TERMINATION OF RESIDENTIAL LEASES.—

25 (1) IN GENERAL.—Section 305 of such Act (50
26 U.S.C. App. 535) is amended—

1 (A) in subsection (a)(1)—

2 (i) in subparagraph (A), by striking
3 “or” at the end;

4 (ii) in subparagraph (B), by striking
5 the period at the end and inserting “; or”;
6 and

7 (iii) by adding at the end the fol-
8 lowing new subparagraph:

9 “(C) in the case of a lease described in
10 subsection (b)(1) and subparagraph (C) of such
11 subsection, the date the lessee is assigned to or
12 otherwise relocates to quarters or a housing fa-
13 cility as described in such subparagraph.”; and

14 (B) in subsection (b)(1)—

15 (i) in subparagraph (A), by striking
16 “or” at the end;

17 (ii) in subparagraph (B), by striking
18 the period at the end and inserting “; or”;
19 and

20 (iii) by adding at the end the fol-
21 lowing new subparagraph:

22 “(C) the lease is executed by or on behalf
23 of a person who thereafter and during the term
24 of the lease is assigned to or otherwise relocates
25 to quarters of the United States or a housing

1 facility under the jurisdiction of a uniformed
2 service (as defined in section 101 of title 37,
3 United States Code), including housing pro-
4 vided under the Military Housing Privatization
5 Initiative.”.

6 (2) MANNER OF TERMINATION.—Subsection
7 (c)(1) of such section is amended—

8 (A) in subparagraph (A)—

9 (i) by inserting “in the case of a lease
10 described subsection (b)(1) and subpara-
11 graph (A) or (B) of such subsection,” be-
12 fore “by delivery”; and

13 (ii) by striking “and” at the end;

14 (B) by redesignating subparagraph (B) as
15 subparagraph (C); and

16 (C) by inserting after subparagraph (A)
17 the following new subparagraph (B):

18 “(B) in the case of a lease described in
19 subsection (b)(1) and subparagraph (C) of such
20 subsection, by delivery by the lessee of written
21 notice of such termination, and a letter from
22 the servicemember’s commanding officer indi-
23 cating that the servicemember has been as-
24 signed to or is otherwise relocating to quarters
25 of the United States or a housing facility under

1 the jurisdiction of a uniformed service (as de-
2 fined in section 101 of title 37, United States
3 Code), to the lessor (or the lessor's grantee), or
4 to the lessor's agent (or the agent's grantee);
5 and”.

6 (c) DEFINITION OF MILITARY ORDERS AND CONTI-
7 NENTAL UNITED STATES FOR PURPOSES OF ACT.—

8 (1) TRANSFER OF DEFINITION.—Such Act is
9 further amended by transferring paragraphs (1) and
10 (2) of section 305(i) (50 U.S.C. App. 535(i)) to the
11 end of section 101 (50 U.S.C. App. 511) and redesi-
12 gnating those paragraphs as paragraphs (10) and
13 (11).

14 (2) CONFORMING AMENDMENTS.—Such Act is
15 further amended—

16 (A) in section 305 (50 U.S.C. App. 535),
17 as amended by paragraph (1), by striking sub-
18 section (i); and

19 (B) in section 705 (50 U.S.C. App. 595)
20 by striking “or naval” both places it appears.

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