



SCRA PROTECTIONS FOR TENANTS AND MORTGAGE HOLDERS AFFECTED BY THE COVID 'STOP MOVEMENT'



This Information Paper from the Fort Benning Legal Assistance Division contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney

(This is a summary of ALARACT 033/2020, original ALARACT and attachments posted on our [Legal Assistance COVID tab](#))

The SCRA applies to leases, but not mortgages. The DoD Stop Movement Order alone is not sufficient to trigger automatic cancellation of leases under the SCRA as it is not considered PCS or deployment orders.

1. Terminating lease or abating rent at next duty station

Landlords are not required by law to terminate or suspend rent payments. The letters are request only.

If a landlord at the gaining installation will not voluntarily agree to allow for lease termination, the Servicemember (SM) should work with command/Legal Assistance to obtain a request for new orders, ordering the SM to his current duty location for a period of not less than 90 days. Provide these orders to the landlord to validly terminate the lease under the SCRA. You will need to provide with the normal SCRA requirements - a copy of orders and a written request to the landlord. Once this is provided, termination will be effective 30 days after the first date on which the next rental payment is due.

The Legal Assistance office is prepared to help prepare a letter for the client seeking to pause their rent obligations or cancel the lease at their new duty station, or they can use the posted samples and contact us with additional questions.

2. Leases at Present Duty Location

Servicemembers are advised not to cancel the lease at the current duty location.

If the SM has already requested termination, they should contact the landlord to see if the landlord will agree to a lease extension or temporary re-lease. If the landlord will not let you stay, you may need to execute two moves - one from the terminated residence and then again when PCS orders are re-issued.

Chapter 011904, para B. of the JTR authorizes a short-distance move when vacating local private sector housing due to involuntary tour extension. The move is required for when the tour of duty at permanent duty station is extended and the move is required for reasons beyond the SM's control.

3. Mortgage at New Duty Location

There is no provision under the SCRA that would allow a SM to cancel a home purchase (mortgage) obligation entered into at their new duty location - section 3955 pertains to leased, not mortgaged, premises. The SM should check the mortgage agreement to see if it contains any provisions for cancellation due to unforeseen circumstances.

If the mortgage can't be cancelled per the mortgage agreement, the SM should call the lending institution to see if other payment arrangements are possible. Federal loans with Fannie Mae and Freddie Mac are making such arrangements, as well as some state banks and loan institutions. These arrangements are not automatic - they borrower has to call and apprise the institution of the payment issues due to COVID and ask for accommodation.

Have additional general questions on this topic? Message us on our [Fort Benning Legal Assistance Facebook](#) page or call 706-545-3281 for directions on making a telephonic appointment.