ALARACT 033/2020

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UNCLAS/FOUO

SUBJ/URGENT ALARACT 033/2020 - SERVICE MEMBER CIVIL RELIEF ACT GUIDANCE FOR SOLDIERS WITH LEASE OBLIGATIONS IMPACTED BY THE DOD TRAVEL RESTRICTIONS

THIS URGENT ALARACT MESSAGE HAS BEEN TRANSMITTED BY JSP ON BEHALF OF HQDA DCS, G-1

1. REFERENCES.

1.A. SERVICE MEMBER CIVIL RELIEF ACT, 50 USC 3955.


1.C. MEMORANDUM, DEPUTY SECRETARY OF DEFENSE, SUBJECT: STOP MOVEMENT FOR ALL DOMESTIC TRAVEL FOR DOD COMPONENTS IN RESPONSE TO CORONAVIRUS DISEASE 2019, 13 MARCH 2020.

1.D. EXORD 144-20, ARMY WIDE PREPAREDNESS AND RESPONSE TO CORONAVIRUS (COVID-19) OUTBREAK (AND SUBSEQUENT FRAGOS)

1.E. ALARACT 028/2020, PERSONNEL POLICY GUIDANCE IN SUPPORT OF ARMY WIDE PREPAREDNESS AND RESPONSE TO CORONAVIRUS DISEASE (COVID) 19 OUTBREAK, 18 MARCH 2020.

1.F. ALARACT 031/2020, PROCEDURAL GUIDANCE IN SUPPORT OF REQUESTS FOR ON-STATION EXTENSION AND ASSIGNMENT DEFERMENT/DELETION IN RESPONSE TO COVID-19 HARDSHIPS, 30 MARCH 2020.


2. PURPOSE. PROVIDE GUIDANCE TO ARMY COMMANDS (ACOM), ARMY SERVICE COMPONENT COMMANDS (ASCC), AND DIRECT REPORTING UNITS (DRU) FOR SOLDIERS WHO ENTERED INTO A LEASE AGREEMENT FOR A RESIDENTIAL PROPERTY AT A NEW DUTY LOCATION, BUT WERE UNABLE TO OCCUPY THE PROPERTY DUE TO THE STOP MOVEMENT ORDER.

3. SITUATION: DURING A SOLDIER'S PERMANENT CHANGE OF STATION (PCS) MOVE, A SOLDIER MAY HAVE ENTERED INTO A LEASE AGREEMENT FOR A
RESIDENTIAL PROPERTY BEFORE ARRIVING AT THE NEW DUTY LOCATION. THE COVID-19 OUTBREAK AND STOP MOVEMENT ORDER MAY DELAY SOLDIERS AND FAMILY MEMBERS IN REPORTING TO THE NEW DUTY LOCATION AND OCCUPYING THE NEW RESIDENCE. THIS ALARACT PROVIDES GUIDANCE AND TEMPLATES FOR REQUESTING LEASE TERMINATIONS, RENT PAUSES, AND ORDER AMENDMENTS AND REVOCATIONS IN SUCH CASES.

4. EXECUTION.

4.A. SECTION 3955 OF THE SERVICE MEMBER CIVIL RELIEF ACT (SCRA) (REFERENCE 1.A) ALLOWS FOR TERMINATION OF LEASES (AUTO AND DWELLING) UPON RECEIPT OF CERTAIN TYPES OF MILITARY ORDERS, INCLUDING PCS OR DEPLOYMENT ORDERS. THE ORDERS MUST BE FOR A PERIOD NO LESS THAN 90 DAYS.

4.B. SOLDIERS SHOULD NOT TERMINATE CURRENT LEASES AT THE ORIGIN DUTY LOCATION UNTIL THE ARMY LIFTS THE STOP MOVEMENT ORDER OR THE SOLDIER RECEIVES AN EXCEPTION TO POLICY TO PROCEED WITH A MOVE.

4.B.1. FOR SOLDIERS WHO HAVE ALREADY REQUESTED TERMINATION, CONTACT LEASE HOLDERS IMMEDIATELY TO SEE IF THEY WILL AGREE TO A VOLUNTARY LEASE EXTENSION OR TEMPORARY RE-LEASE. IF SOLDIERS CANCEL THEIR LEASE UNDER THE SCRA, THERE IS NO MECHANISM TO REQUIRE A LEASE HOLDER TO RE-LEASE THE PREMISES OR VEHICLE, OR TO ALLOW THE SOLDIERS AND THEIR FAMILIES TO RETAIN THEIR BELONGINGS ON THE PREMISES AFTER THE EFFECTIVE TERMINATION DATE.

4.B.2. SOLDIERS SHOULD CONTACT THEIR SERVICING DEFENSE MANAGEMENT TRAVEL OFFICE (DTMO) TO REQUEST A SHORT-DISTANCE MOVE WHEN VACATING LOCAL PRIVATE-SECTOR HOUSING DUE TO INVOLUNTARY TOUR EXTENSION. A SHORT-DISTANCE HHG MOVE IS AUTHORIZED WHEN THE TOUR OF DUTY AT A PERMANENT DUTY STATION (PDS) IS EXTENDED AND THE MOVE IS REQUIRED FOR REASONS BEYOND THE SOLDIER’S CONTROL. THE MOVE IS AUTHORIZED FROM THE RESIDENCE FROM WHICH THE SOLDIER COMMUTED DAILY TO THE PERMANENT DUTY STATION TO ANOTHER RESIDENCE, OR FROM NON-TEMPORARY STORAGE TO GOVERNMENT OR PRIVATE SECTOR HOUSING.

4.C. ANY SOLDIER WHO SIGNED A RESIDENTIAL LEASE AGREEMENT AT A NEW DUTY LOCATION, BUT IS UNABLE TO OCCUPY THE PROPERTY DUE TO THE STOP MOVEMENT ORDER, SHOULD CONTACT THE PROPERTY OWNER AND ATTEMPT TO TERMINATE THE LEASE OR PAUSE THE RENTAL OBLIGATION UNDER THE LEASE UNTIL THE PROPERTY CAN BE OCCUPIED.

4.D. LANDLORDS ARE NOT REQUIRED BY LAW TO EITHER TERMINATE A LEASE OR SUSPEND RENT PAYMENTS BASED ON THE DEPARTMENT OF DEFENSE...
STOP MOVEMENT ORDER. AS A RESULT, THE ATTACHED LETTERS ARE REQUESTS ONLY.

4.E. IF A LANDLORD WILL NOT VOLUNTARILY AGREE TO A LEASE TERMINATION OR RENT PAUSE FOR PROPERTY THAT CANNOT BE OCCUPIED DUE TO THE STOP MOVEMENT ORDER, SOLDIERS SHOULD CONTACT THEIR INSTALLATION LEGAL ASSISTANCE OFFICE WHO WILL COORDINATE WITH THE MILITARY PERSONNEL DIVISION (MPD) TO DETERMINE IF REVOCATION OF EXISTING ORDERS TO ORDERS WITH A LATER REPORT DATE IS WARRANTED (ONLY RESIDENTIAL LEASES WITH MOVE-IN DATES HINDERED BY THE STOP MOVEMENT ORDER). IN MOST CASES, ARMY HUMAN RESOURCES COMMAND (HRC) HAS ALREADY ADJUSTED REQUESTS FOR ORDERS (RFO) AND ASSIGNMENT INSTRUCTIONS (AI) AFFECTED BY THE STOP LOSS. IF HRC HAS NOT ADJUSTED A SOLDIER’S RFO/AI, THE SOLDIER SHOULD SUBMIT A REQUEST THROUGH HIS OR HER COMMANDER TO THE MPD TO HAVE HIS OR HER REPORT DATE ADJUSTED. THIS ACTION MUST BE COORDINATED WITH HRC. ONCE ORDERS ARE PUBLISHED, PROVIDE THE LEGAL ASSISTANCE OFFICE WITH A COPY OF THE NEW ORDERS FOR FURTHER HELP RESOLVING THE ISSUE WITH THE PROPERTY OWNER. LEGAL ASSISTANCE ATTORNEYS CAN PRESENT THESE LATER ORDERS TO THE LANDLORD TO CANCEL THE LEASE OBLIGATION CONSISTENT WITH THE SCRA.


4.G. SOLDIERS MAY REQUEST AN EXTREME HARDSHIP EXCEPTION TO POLICY FOR MOVEMENT VIA DA FORM 4187 IN ACCORDANCE WITH ALARACT 028-2020 OR ITS SUCCESSORS. ADDITIONALLY, SOLDIERS MAY REQUEST STABILIZATION AT THEIR CURRENT DUTY STATION BY SUBMITTING AN ASSIGNMENT DEFERMENT OR DELETION IN ACCORDANCE WITH ALARACT 031-2020 OR ITS SUCCESSORS.

4.H. ADDITIONAL OPTIONS AND INFORMATION UNDER THE SCRA ARE LISTED IN ATTACHMENT 1. SAMPLE REQUEST LETTERS FOR RENT PAUSE AND LEASE CANCELLATION ARE INCLUDED IN ATTACHMENT 2 AND 3, RESPECTIVELY.

5. REPORTING. NOT USED.

6. SUSTAINMENT. NOT USED.
7. COMMAND AND SIGNAL. NOT USED.

8. THIS ALARACT MESSAGE EXPIRES ON 7 OCTOBER 2020.

ATTACHMENTS:

1 - OPTIONS UNDER THE SCRA

2 - LEASE TERMINATION REQUEST

3 - RENT PAUSE REQUEST
Options under the Servicemembers Civil Relief Act

**Leases at New Duty Location:** Section 3955 of the Servicemembers Civil Relief Act (SCRA) allows for termination of leases (auto and dwelling) upon receipt of certain types of military orders, including PCS or deployment orders. The orders must be for a period of not less than 90 days. The DoD Stop Movement Order alone is not sufficient to trigger automatic cancellation under the SCRA as it is not considered PCS orders.

Servicemembers and Families who seek to either cancel a lease at their new duty station or request a pause to their rent obligations should seek assistance from a Legal Assistance attorney. A Legal Assistance attorney can help you prepare a letter to request that your landlord voluntarily allow you to either terminate your lease, or to request your landlord suspend your rent payments until you can occupy the premises. Landlords are not required by law to either terminate a lease based on the DoD Stop Movement Order, or to suspend rent payments, as a result, these letters are requests only.

If a landlord will not voluntarily agree to allow for lease termination, you should work with your Legal Assistance attorney and your command to obtain a request for new orders. The new orders should order you to your current duty location for a period of not less than 90 days.

Once you have amended/new PCS orders, you should work with your Legal Assistance attorney to provide those orders to your landlord in order to validly terminate your lease under the SCRA. You will need to provide a copy of your orders and a written request to your landlord. Once this is provided, your termination will be effective 30 days after the first date on which the next rental payment is due.

**Leases at Your Present Duty Location:** If you have not yet cancelled your lease at your current duty location, we advise you not to do so. There is no legal requirement for a landlord to re-lease the premises or to allow you to retain your belongings on the premises after ending your lease. For clients who have already requested termination, contact landlords immediately to see if the landlords will agree voluntarily to a lease extension or a temporary re-lease. If you have terminated your lease and your landlord will not agree to let you stay, you may need to execute two moves: one from the terminated residence, and then again when their PCS orders are re-issued.

Chapter 051904, para. B. of the Joint Travel Regulation (JTR), authorizes a short-distance move when vacating local private-sector housing due to involuntary tour extension. A short-distance HHG move is authorized when the tour of duty at a permanent duty station (PDS) is extended and the move is required for reasons beyond the Service member's control. The move is authorized from the residence from which the Soldier commuted daily to the permanent duty station to another residence, or from non-temporary storage to Government or private-sector housing.
**Mortgage at New Duty Location**: There is no provision under the SCRA that would allow a Servicemembers to cancel a home purchase (mortgage) obligation entered into at their new duty location – section 3955 pertains to leased, not mortgaged, premises. Consult with a legal assistance attorney to determine whether your mortgage agreement contains any provisions for cancellation due to unforeseen circumstances.
Dear [Landlord]:

I am writing to you to request that you allow me to terminate the lease agreement for the premises at [address of leased property]. I entered into a lease with you to begin occupying the premises at [lease address] as of [lease start date]. I am unable to occupy these premises for the foreseeable future due to the recent order from the Deputy Under Secretary of Defense (enclosed). This memo orders me to stop movement as of March 13, 2020 through at least May 11, 2020, and possibly longer. As a result, I will not be able to occupy your property on the scheduled lease start date by virtue of my military service. Because of this, I am currently faced with the prospective burden of maintaining two households — one at my current location, and another at your property, which I am currently unable to occupy.

Given these changed circumstances, I do not know when I will be able to occupy the leased property, or if I will be able to occupy it at all. After the stop movement is lifted, my orders may be changed due to military and operational demands in the face of the National emergency. Due to this uncertainty, I respectfully request to terminate my lease agreement with you.

If you agree to this termination, please provide me with written acknowledgement of the termination for my records.

Should you need any additional information from me, please feel free to contact me at (XXX) XXX-XXXX. Thank you for your support.

Sincerely,

[Name]
Dear [Landlord]:

I am writing to you to request that you allow me to pause my rent obligation to you for the leased premises at [address of leased property]. I entered into a lease with you to begin occupying the premises at [lease address] as of [lease start date]. I am unable to occupy these premises for the foreseeable future due to the recent order from the Deputy Under Secretary of Defense (enclosed). This memo orders me to stop movement as of March 13, 2020 through at least May 11, 2020, and possibly longer. As a result, I will not be able to occupy your property on the scheduled lease start date by virtue of my military service. Because of this, I am currently faced with the prospective burden of maintaining two households – one at my current location, and another at your property, which I am unable to occupy.

I would like to maintain my lease agreement with you, and I intend to occupy the property when I have authorization to do so from my chain of command, however, I cannot to maintain two households. I respectfully request you allow me to pause my rent obligation to you during this National emergency while I serve the nation. I will maintain contact with you as this situation progresses and will keep you informed when the stop-movement order is lifted and I can begin paying rent.

If you agree to let me pause my rent obligation to you, please provide me with written acknowledgement of this agreement for my records.

Should you need any additional information from me, please feel free to contact me at (XXX) XXX-XXXX. Thank you for your support.

Sincerely,

[Soldier name]