



FORT SILL LEGAL ASSISTANCE



The DoD's 13MAR "COVID-19 Stop Movement Order" & Its Impact on PCS Moves:

Why Servicemembers with PCS Orders Should Probably Not Terminate Their Leases (For Now)

Background: Since the first confirmed cases of the Coronavirus disease 2019 (COVID-19) in Wuhan, China, the U.S. Department of Defense (DoD) has made increasing efforts to be proactive against the spread of the virus to its personnel. This Information Paper will briefly discuss the DoD's 13MAR "COVID-19 Stop Movement Order" (Deputy Secretary of Defense, Memorandum, "Stop Movement for all Domestic Travel for DoD Components in Response to Coronavirus Disease 2019") and what Servicemembers affected by this order may do in regard to residential and vehicle leases.

On March 13, 2020, the Deputy Secretary of Defense published a memorandum for immediate implementation of travel restrictions for all domestic DoD travel. This decision was made "to preserve force readiness, limit the continuing spread of the virus, and preserve the health and welfare of Service members, DoD civilian employees, their [F]amilies, and the local communities in which we live." The policy became effective March 16, 2020, and it expires May 11, 2020 (pending further guidance). The "Stop Movement Order," in part, applies to all Permanent Change of Station (PCS).

Received PCS Orders and Planning to (or Already Did) Provide Landlord with Notice to Terminate Lease? The DoD's 13MAR "COVID-19 Stop Movement Order" will undoubtedly affect Soldiers and their Families who are already in the process of a PCS move or awaiting PCS orders. Under the Servicemembers Civil Relief Act (SCRA), Servicemembers and their dependents, who have received military PCS orders, may terminate the lease of their apartment, condominium, home, and, in some cases, automobile. They may do so by notifying the landlord or lease-holder in writing of their intent to terminate and presenting their military orders to the landlord or lease-holder within a specific period of time. However, the SCRA does not require a landlord or lease-holder to re-lease those premises or automobiles to those same Servicemembers or their dependents following a valid termination.

Because the DoD's "COVID-19 Stop Movement Order" and other enabling Service-specific directives are currently set to remain in place until at least May 11, 2020, Servicemembers (and their Families) with PCS Orders are advised not to terminate any leases pursuant to the SCRA. If you or your dependent Family members have already notified your landlord or lease-holder of the intent to terminate your lease pursuant to the SCRA and your PCS Orders, you should contact them immediately to request to cancel your termination.

Be advised that there is no requirement under the SCRA for the landlord or lease-holder to allow you to resume or renew your lease following a valid termination. Generally, any resumption or renewal would be voluntary and at the landlord's or lease-holder's discretion. If you have already given notice to terminate your lease in anticipation of a PCS move, you should

immediately speak with your landlord or lease-holder to request a temporary extension of your lease during the DoD Stop-Movement Order.

Household Goods and Other Transportation Issues? If you are impacted by the DoD's "COVID-19 Stop Movement Order" and have a household goods (HHG) move currently scheduled, you should immediately contact your transportation office to cancel or suspend that move until further guidance is given. Currently, funding for moves and temporary lodging is uncertain, so it is advised to take immediate action if you are impacted by this order to prevent out-of-pocket costs to yourself or your Family.

Already Started PCS Movement and Now Halted? ALARACT 028/2020 ("Personnel Policy Guidance in Support of Army Wide Preparedness and Response to Coronavirus Disease (COVID) 19 Outbreak (FOUO), DTG: R 182105Z MAR 20") provides that if you have already begun PCS movement, you may be able to request a "Hardship Exception to Policy" to continue movement. Reasons for such a Hardship Exception to Policy include "shipment of HHG and POV and/or loss of housing due to selling homes or ending leases." Please see the Legal Assistance Office if you need assistance with this request.

Questions? If you are uncertain about your PCS move because your orders have been modified, delayed, or terminated and have legal questions, or if you have any other PCS-related issues due to the DoD's recent "Stop Movement Order," please contact the Fort Sill Legal Assistance Office for an appointment at (580) 442-5058/5059.

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This Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney. Additionally, the current DoD policies regarding COVID-19 are very fluid, so this Information Paper is subject to change. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058 or (580) 442-5059. The Fort Sill Legal Assistance Office is located on the 4th floor of Building 4700, Hartell Hall (Welcome Center) at 4700 Mow-Way Road.