



**U.S. ARMY CYBER CENTER OF EXCELLENCE
AND FORT GORDON
OFFICE OF THE STAFF JUDGE ADVOCATE
Legal Assistance Division**



This Information Paper from the Fort Gordon 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.

**Cyber Advocacy:
Lease Terminations Due to Permanent Change of Station Stop
Movement Order as a Result of COVID-19 Precautions**

Permanent Change of Station (PCS) moves can be stressful and challenging even in the best of circumstances. The situation can be even more stressful amidst precautionary measures taken to limit the spread of the COVID-19 virus. The recent Stop Movement Order raised many issues including legal questions regarding a lease a Servicemember already signed for a residence he or she may not be moving into, either immediately or at all. This paper attempts to answer those questions.

Question 1: Can I cancel my lease for a home in Georgia after the stop movement of my PCS orders?

Answer 1: Generally, yes – if the property you rented is in Georgia. Each situation can have a unique set of facts that could change this answer, but Georgia has a law similar to the federal Servicemembers Civil Relief Act that allows Servicemembers to cancel a residential lease in certain circumstances. The Georgia law (O.C.G.A. § 44-7-22) allows a Servicemember to cancel a lease if the Servicemember has leased property but, prior to taking possession of the rental property, receives a change of station orders to an area that is 35 miles or more from the rental property.

For example, a Soldier currently stationed at Ft. Drum, NY received orders to PCS to Ft. Gordon and signed a lease for a residence in Georgia before the Stop Movement Order. The Stop Movement Order cancelled the Soldier's PCS to Georgia. The Soldier has the right to cancel the lease in Georgia under Georgia law. Additionally, the Servicemember is entitled to a refund of the security deposit or application deposit so long as notice is provided to the landlord 14 days or more prior to taking possession. The law specifically states this right exists regardless of the terms of the lease. The Legal Assistance Division has a sample letter you can use to notify your landlord of the lease termination under Georgia law.

Question 2: I am currently stationed at Ft. Gordon and have leased property in another state. Can I cancel my lease for property in another state?

Answer 2: Property in another state will be governed by the laws of that state and federal law. The Servicemembers Civil Relief Act is a federal law that provides for the

cancellation of a lease by Servicemembers due to PCS or deployment orders. If you are currently stationed at Ft. Gordon and have orders to PCS to Ft. Drum and that PCS order has been cancelled as a result of the Stop Movement Order, then the Servicemembers Civil Relief Act may give you the right to cancel your residential lease in New York. This situation is less clear, because the Servicemembers Civil Relief Act requires permanent change of station orders. Unlike the Georgia law, it is less clear under the federal law if the Stop Movement Order is a permanent change of station order. You can still submit a request to the landlord to allow you terminate the lease under the federal law. The Legal Assistance Division has a sample letter you can use to request the lease termination.

Question 3: I signed a lease at my new duty station and don't want to cancel, because I expect to PCS once the Stop Movement is lifted. Can the rent or lease be temporarily paused until I move into the property?

Answer 3: A temporary delay in rent payments is called a rent abatement. Rent abatement is not required by law or policy. This is simply asking nicely for a landlord to make an accommodation based on these exceptional circumstances. Please know that it may be more difficult to get rent abatement for a house or townhome than for an apartment. Many homes close to military facilities are owned by Servicemembers just who use property management companies to rent their homes. The homeowner/landlord may have a mortgage payment and rely on the monthly rent to cover their mortgage payment; however, they may be willing to grant a short term abatement to retain the rental of a good tenant. The Legal Assistance Division has a sample letter you can use to request a rent abatement.

Question 4: I have recently traveled back CONUS from a CDC Level 3 Travel Health Notice country and have been ordered to restrict movement for self-evaluation at a location that is not my residence nor is it provided by the government. Is there any assistance available with this cost?

Answer 4: Soldiers who have traveled to a CDC Level 3 Travel Health Notice country and are ordered to restrict movement to a location that is neither provided by the government nor is their personal residence may be eligible to receive hardship pay of one hundred dollars (\$100.00) per day, not to exceed one-thousand-five-hundred dollars (\$1,500.00) per month, to defray the costs of lodging related to their restriction of movement for self-evaluation.

Additional Information

For additional information, please contact the Fort Gordon Legal Assistance Division by calling (706) 791-7812 / 7813. At the current time, the Legal Assistance Division's office is closed to the public to comply with social distancing recommendations.