

OFF-POST HOUSING IN TEXAS

WHEN YOU ARE THINKING ABOUT RENTING A LIVING SPACE IN TEXAS



III CORPS OSJA

Fort Hood Consolidated Client Services

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Mon - Fri 0900 - 1600

Notary & POA Services

Tuesdays 1300-1600

Thursdays - 1300-1600

*Subject to Covid-19

CLOSED for Lunch

1200 - 1300

**To schedule an
appointment
contact Legal
Assistance at the
email address
above.**

The following information is not legal advice and is not a substitute for legal representation by an attorney.

Can I end my lease early if I receive orders to deploy for 90+ days or PCS/ETS?

Yes. There are 2 laws that let Soldiers or their dependents end a lease early when the Soldier gets orders to deploy for 90 days or to PCS, specifically the Servicemembers Civil Relief Act (SCRA) and Texas Property Code 92.017 (TPC 92.017). Because these are separate laws Soldiers can end their lease using either law.

What about ETS orders?

ETS orders are a type of PCS order. Soldiers can use ETS or retirement orders to end their lease early.

Must the Soldier be on the lease to use the SCRA or TPC 92.017?

Yes. The lease must be signed by the Soldier or on behalf of the Soldier using a power of attorney.

Can I use orders I received before I signed the lease?

No. Both the SCRA and TPC 92.017 limit the right to end the lease early to situations in which the lease was signed before orders were cut.

Can I waive my right to end the lease early?

Yes and no. SCRA allows tenants to waive their SCRA protections. The waiver must in a document separate from the lease, signed separate in time from the lease, and in 12 pt. font. TPC 92.017 allows for a limited waiver. A TPC 92.017 waiver only applies if agreed in writing, and the tenant or any dependent living with the tenant moves (1) onto base housing, or (2) other housing within 30 miles of the rented residence. A waiver under TPC 92.017 must also comply with the SCRA waiver requirements.

How do I end my lease early if I have orders?

First, give your landlord written notice that you want to end your lease. Second, give your landlord a REDACTED copy of your orders OR a memorandum from your commander



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confirming that you are PCSing or deploying for 90+ days. You can always ask the Legal Assistance Office for a sample memorandum.

How much notice to do I have to give the landlord?

You must give your landlord **30 days notice**. This notice must be in writing. Telling your landlord that you have orders does not meet the legal requirements.

Do I have to pay rent even if I'm not in the home?

It depends on when you give the landlord your notice. Timing is everything! If the 30th day of your notice is after the next time your rent is due, then you owe for that full month even if you move out earlier. For example, if your rent is due on the 1st day of each month and you give your landlord notice and a memorandum from your command on March 12th you will owe rent for March and April. This is because the 30th day is after April 1st when your next rent payment was due.

The property manager does not have to pro-rate the rent if you break your lease early due to military orders.

How far in advance of my orders can I break the lease?

There is no time limit on how early you can break the lease using the SCRA or TPC 92.017 as long as you meet all the other requirements for either law. For example, if a Soldier has orders for NTC in June and will deploy in July the Soldier can end his/her lease in May – even though they do not deploy until July.

Will I get my security deposit back?

Before you move out you should give your landlord your forwarding address. If there is no disagreement about the rent, then once you return the keys AND give the landlord your forwarding address - the landlord has 30 days to (1) refund your security deposit OR; (2) give you an itemization of the security deposit charges along with the balance of your security deposit, if any.

Is the landlord required to do a move-out inspection with me?

No. Off-post landlords are not required to do a move-out inspection or walk through with you. Even if your landlord does a move-out inspection with you the landlord is not held to any statements about the condition of the property.