

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.