



LEGAL ASSISTANCE IMPLICATIONS OF STOP MOVEMENT ORDER

Purpose. This Practice Advisory explains the Landlord-Tenant and Debtor/Creditor issues likely to arise from the Under Secretary of Defense Stop Movement Order (SMO) of 13 March 2020.

Background. The SMO implemented travel restrictions for domestic Department of Defense (DoD) travel to preserve force readiness, limit the continuing spread of COVID-19, and preserve the health and welfare of service members, DoD civilian employees, their families, and the local communities. Unintended consequences are explained below.

Scenarios Most Likely to Affect Service Members.

1. A Marine is on SMO awaiting PCS to the next duty station where he or she has already entered a new rental agreement and he or she still has an existing rental lease. This could leave the Marine owing two rental payments while on SMO.

a. If the Marine has already given a termination notice to the current landlord, the Servicemembers Civil Relief Act (SCRA) does not require the landlord to extend the lease. Consequently, the Marine must negotiate for a lease extension or move to other temporary housing. It has yet to be resolved whether entitlements under the Joint Travel Regulation (JTR), section 051904 (encl. (1)), will be extended to short-distance CONUS moves during the SMO.

b. What about the new residential lease at the intended PCS location? The SCRA allows early lease termination if PCS orders are executed after the lease agreement is entered. Because the Marine executed the new lease after receiving the original PCS orders (before the SMO), the SCRA will not apply and the Marine is left to negotiate early lease termination with the landlord. What if the Marine receives new PCS orders (after he or she entered the new lease) to the same location as the previously intended PCS (e.g., previous PCS orders to Camp Pendleton and new PCS orders to Camp Pendleton) – could the Marine terminate the lease? The Department of Justice (DOJ) has expressed doubt the Marine could terminate pursuant to the SCRA in that situation.

2. Enclosure (2) was prepared by OJAG, Code 16. It reflects more SMO lease and mortgage scenarios.

3. On 30 March 2020, the Assistant Attorney General issued a message encouraging landlords to be flexible with service member tenants during the SMO. See: <https://www.justice.gov/opa/pr/covid-19-servicemembers-civil-rights-message-assistant-attorney-general>.

4. Many Marines are in dual-income families and, during the COVID-19 outbreak, some spouses may have lost their civilian jobs. The resultant loss of income can be devastating. Marines faced with mounting debts should contact their creditors immediately and negotiate late payments and waiver of penalties. A Marine or family member should avoid at all costs going to a payday loan company which will charge an exorbitant interest rate, getting the borrower deeper and deeper into debt. The Navy Marine Corps Relief Society offers emergency loans.

Enclosures: (1) JTR section 051904
(2) SMO lease and mortgage scenarios

Points of Contact: Questions should be directed to Ms. Mary Hostetter, Head, Legal Assistance Branch (JLA), Judge Advocate Division (JAD), at mary.hostetter@usmc.mil or (703) 692-7442.