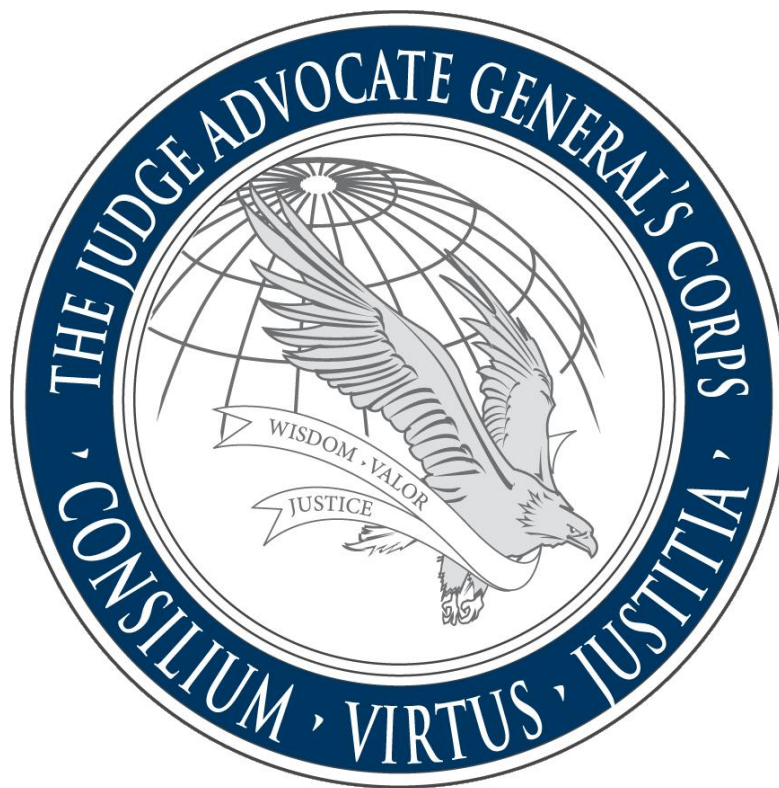


Legal Resources During Covid-19 Pandemic



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Legal Assistance for Covid-19

88 ABW/JA is seeking to serve our legal assistance clients in a safe, professional, and timely manner. Please remember this situation is evolving as we try to assist you. Currently, in-person attorney consultations are limited to emergency situations and deployment-related issues. Please contact the legal office at (937) 257-6142, DSN 787-6142, or 88ABW.JA@us.af.mil to determine whether an email or teleconference consultation with an attorney may be available to meet your needs.

Provided below are some resources that may be helpful to you as you seek information regarding legal issues you and your family may face during this time.

Addressed in this pamphlet:

Leases

Mortgage assistance

Evictions

Taxes

Consumer Protection

Ohio courts

PCS, Stop-Movement, and Your Lease

Your lease in the location you were leaving:

- If you already provided notice of lease termination due to PCS orders:
 - Landlords are not required to allow you to “undo” a lease termination.
 - A good first step is to try to negotiate with your landlord.
Remember:
 - The stop movement applies to all DoD, so the landlord may not get their normal summer influx of new potential tenants at the same time as they are expecting.
 - Service members remain very attractive tenants at this time because their income is stable.

- Any re-negotiation of termination dates or change to a month-by-month lease should be in writing.
- CAUTION: A renegotiation of your lease may hinder your ability to invoke Service Member Civil Relief Act (SCRA), 50 U.S. C. §§ 3901-4043, lease termination provisions when you are able to PCS. SCRA contemplates a lease followed by orders and then notice of termination—not orders in hand prior to the lease.
 - If you re-negotiate with your landlord to stay past your initial termination date, ensure everything is in writing.
 - Confirm what notice they require for you to terminate when you are able to PCS.
 - Consult a legal assistance attorney with specific questions.
- If your landlord won't (or can't) allow you to stay past your initially provided move-out date:
 - Work with the transportation office on your options.
 - Consult your chain of command and the 88th Comptroller Squadron (PAYHELP@us.af.mil) to explore possible entitlements in the Joint Travel Regulation that may help you pay for a move-in-place + a PCS move.
 - Keep all paperwork related to costs you incur as a result because DoD is actively working on how to address this issue.
- If you were anticipating PCS orders, but have NOT yet provided notice to your landlord:
 - Review your lease's military clause (if applicable) and SCRA regarding timing. Notice requirements, including the 30 day notice requirement still remain and, at this time, have not changed due to COVID-19.
 - It may be wise to hold off on providing notice at this time until your departure date is more certain, however ensure that you comply with notice requirements as outlined in your lease and applicable under the SCRA.

Lease in the location you were PCS-ing to:

- If you still want to move to the apartment/home when the stop-movement lifts, you can try to negotiate with the new landlord.
 - They are not legally required to give you a rent abatement (meaning you wouldn't pay rent until you move in) if you already signed a lease.

- They may still be willing to work with you given these unique circumstances.
- A legal assistance attorney can help you draft a polite letter requesting rent abatement.
- If you want to cancel your lease at your future location:
 - Review the lease to determine if there are any provisions that allow cancellation prior to move-in.
 - The stop-movement order likely is not “orders” within the definition of that term in SCRA.
 - Negotiation is likely best option.
 - If polite negotiations aren’t working, or you need help communicating with your landlord, legal assistance attorneys may be able to help you work through individual circumstances.

Mortgage Assistance

SCRA does not provide for cancellation of a mortgage obligation

- There is no law to allow you to cancel a mortgage obligation you entered into anticipating a PCS that has now been delayed.
- Your mortgage contract may have a force majeure clause that could apply, or other provisions to help you exit from a real estate contract, particularly if you have not yet closed on the property.
 - Force majeure refers to unforeseeable circumstances that can make fulfilling the terms of a contract impossible. Sometimes referred to as “acts of god.”

If you entered into a mortgage PRIOR to joining the military

- There may be some protections for you to delay a foreclosure but this does not free you of your obligation to pay the mortgage.
- If your mortgage is backed by Fannie Mae or Freddie Mac, or is guaranteed, directly provided by, or insured by the Department of Veterans Affairs (VA), the Federal Housing Finance Agency (FHFA) is allowing impacted borrowers to delay making mortgage payments. To find out if your mortgage is covered:
 - For Freddie loans: <https://ww3.freddie.com/loanlookup/>
 - For Fannie loans: <https://www.knowyouroptions.com/loanlookup>
 - If backed by Fannie/Freddie/VA, contact your servicer (where you send monthly payments) to discuss your situation.

- If you are accepted, you would not be charged late fees and non-payment would not be reported to credit agencies during the time of delayed payments.
- You will still be responsible for the mortgage payments during those months, you just get more time to pay.

Other mortgage services may have other programs. Call your servicer with individual concerns.

- Obtain written confirmation of any modified terms or due dates arranged with your servicer.

Evictions

Ohio does not have a state-wide moratorium (stop) on evictions at this time (a/o 7 Apr 20)

- Some counties may not be processing new eviction proceedings through the court system, which in effect would pause evictions.
 - E.g., Franklin County has a moratorium on eviction proceedings until 11 May 20. Landlords can file, but the case can't proceed to hearing.
- Some tenants may be protected from eviction under the Coronavirus Aid, Relief, and Economic Security (CARES) Act if your housing:
 - Participates in a housing program under the Violence Against Women Act (VAWA)
 - Participates in rural housing voucher program
 - Has a federally backed mortgage
 - Has a federally backed multi-family mortgage loan
- If covered, this stops eviction for non-payment of rent after 27 Mar 20.

If you have tenants living in your property in another state:

- Determine if there is a state/county moratorium on evictions.
- Determine if your mortgage is one that protects your tenants from eviction at this time.
 - If you are, there may also be mortgage assistance programs to help you if tenants are not paying rent.

Taxes

Federal taxes are now due on July 15, 2020 instead of April 15, 2020.

- Even if you don't have to file your taxes yet, you do not need to wait.
- IRS is still processing refunds.

Ohio state taxes were also extended to July 15, 2020.

- Not every state has moved their filing deadline. Check your (and your spouse's) state!

The Wright-Patterson Air Force Base Tax Center is no longer taking appointments. Another option is MilTax from Military OneSource.

Ohio Court System

State statute of limitations, time limitations and deadlines are tolled (“paused”) retroactively from 9 March 2020 to a date TBD.

- “Statute of limitations” is the time you have to bring a case, usually from a date when you first learned about facts that give rise to the lawsuit.
 - Tolling the statute of limitations hits “pause” on that timing deadline.
- For new cases, this will likely impact the time you have to initiate a lawsuit.
- This does not override local county rules and procedures for timing.
- It does not necessarily change ongoing cases' deadlines—check your individual case.

If you are involved in pending state court litigation:

- Contact your attorney (if you have one).
- Look at the docket online.
- Contact the clerk of courts for the county where litigation is ongoing.

Consumer Protection

Ohio Attorney General's Office and Federal Trade Commission are trying to keep consumers updated on known scams

- FTC has information about latest scams for home test kits, miracle vaccines, etc.: https://www.consumer.ftc.gov/features/coronavirus-scams-what-ftc-doing?utm_source=coronavirus
- Consumer Financial Protection Bureau has information on how to protect your financial health and credit during this time: <https://www.consumerfinance.gov/coronavirus/#consumer>
- Fake charities: If you receive requests for charity, do your research first. You can ensure the charity is a registered non-profit on the IRS website: <https://apps.irs.gov/app/eos/>.

Use best practices online for reviewing links, not responding to robo-calls, etc.

Resources for More Information

Military One Source has financial planning tools and other helpful information:

- <https://www.militaryonesource.mil/coronavirus>

DOJ has published information to assist service members:

- <https://www.justice.gov/opa/pr/covid-19-servicemembers-civil-rights-message-assistant-attorney-general>

Summary of major consumer protection laws/resources:

- <https://library.nclc.org/major-consumer-protections-announced-response-covid-19?eType=EmailBlastContent&eId=6326e6e2-ad84-4b45-a8d9-bff6d03a4520>

Coronavirus-related updates to Divorce and Annulment in Ohio pamphlets also available.

The information contained in this pamphlet is intended to provide you with a general overview of the law. It is not intended to be comprehensive, and should not be considered legal advice. If you have questions you should contact an attorney.

A military legal assistance attorney can provide guidance on these matters free of charge to all active duty personnel and their dependents along with reservists and guardsmen on federal active duty and their dependents. In addition, retired personnel, their dependents, and dependent survivors may also receive legal assistance to the extent personnel and facilities are available.

To schedule an appointment to discuss these or other legal matters you can contact the Wright-Patterson Air Force Base, 88th Air Base Wing Legal Assistance Office at (937) 257-6142, DSN 787-6142, or 88ABW.JA@us.af.mil. Note that due to the declared public health emergency on base, in-person consultations are limited to emergency situations at this time. Please contact the office first to determine whether an email or teleconference consultation with an attorney may be available.

Additional information may be available on the Air Force Legal Assistance Website <https://aflegalassistance.law.af.mil> and the Armed Forces Legal Assistance Website <http://legalassistance.law.af.mil/>.

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