

D17 LEGAL BULLETIN

Advice for Guardians of the Last Frontier



Seventeenth District Legal Assistance
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(907) 487-5474



Legal Assistance Issues and COVID-19

This legal assistance guidance is provided to address various matters arising from the novel coronavirus (COVID-19). For additional information please visit our link at: <https://www.pacificarea.uscg.mil/Our-Organization/District-17/Offices/Legal-office/>. As always, please call the D17 Legal Assistance Office at the number above for an appointment. With social distancing, we're happy to do telephone, FaceTime, or Skype appointments as needed.

Impact on Leases and Military Orders:

For now, we recommend that service members who have not yet provided their landlords the required 30 days' notice of lease termination to postpone providing notice until travel restrictions are lifted and PCS transfers have resumed on a predictable schedule. This should preserve your right under the Service Members Civil Relief Act (SCRA) to break your lease upon the execution of valid military orders.

For service members who have already provided notice of lease termination under the SCRA, there is no specific right to rescind that termination. Those members should contact their landlord immediately and request a voluntary month to month extension of the lease, together with the promise that they will terminate their lease when PCS transfers are again authorized. The extension should be in writing and signed by both the landlord and the service member, and it should contain the language allowing the termination. If you have already extended your lease without assurances from your landlord, have rescinded termination under the SCRA, or have been forced to enter a new lease as a result of the PCS delay, you may need to request a new set of PCS orders to regain the use of SCRA protections. If any of these situations apply to you, please contact our office.

For incoming service members who have entered into leases effective upon arrival in AK, you may be able to request a rent abatement from the landlord. Rent abatement is a forgiveness of rent for a time, with the promise that the member eventually take possession and the landlord will receive rent from a responsible and reliable tenant. Although neither rent abatement nor lease termination under these circumstances are required by law or policy, some landlords may nonetheless choose to grant the relief. Communicate with your landlord to devise a plan that allows flexibility as soon as you recognize that a problem exists. We can help with those negotiations if you run into issues.

Non-PCS travel and other Cancellations:

If you booked personal travel that now requires cancellation due to travel restrictions, the best strategy is to wait until the carrier or hotel cancels the flight or reservation. If canceled by the service provider, it is likely that the fare/cost will be refunded. You may also want to check if your specific carrier or service provider have set up cancellation and rescheduling policies; some of which may be offering refunds or free rescheduling. Your credit card company may also be able to assist you. Call the card company to inquire about any offers they have during this time. Finally, under certain situations, the SCRA provides relief from penalties resulting from the failure to complete a contract which may apply to prepaid charges.

Regarding other personal services or event contracts, it is always more advantageous if the individual merchant, service provider or event contractor cancels due to their inability to provide the service or product as a result of COVID-19. In some cases, the contract may have "force majeure" or "act of God" clauses that may apply. Make sure you look at your contract closely about cancellations or inability for the parties to perform.

Mortgage and Rent payments:

If you are having trouble paying your mortgage or rent due to the loss of a dependent's income, call the bank or landlord prior to defaulting on a payment and let them know your income has been curtailed because of COVID-19. Some financial institutions may grant relief in the form of offsets, waivers, or forbearance. Additionally, certain federal entities, including Fannie Mae, Freddie Mac, the Federal Housing Finance Agency (FHFA), the VA, and FHA have suspended foreclosures of loans they service, including providing for a 60-day moratorium which began on 18 March for FHA-insured loans. In addition, Fannie Mae, Freddie Mac, and FHFA are offering mortgage forbearance for certain landlords impacted by loss of work, decrease in hours, illness, or other factors related to COVID-19, provided they suspend all evictions for renters unable to pay rent due to those factors. The eviction suspensions remain as long as a property owner is in forbearance.

In Alaska, Governor Dunleavy has issued an executive order prohibiting evictions against those who receive rental assistance through the Alaska Housing Finance Corporation (AHFC). Likewise, AHFC has suspended foreclosures and evictions

immediately and has authorized loan servicers to grant forbearance to homeowners suffering financial hardship related to COVID-19.

Banking, Debt, Taxes, and Other Financial Matters:

The Office of Comptroller of Currency (OCC) has granted greater leeway for banks and other financial institutions to consider modifications of loans, recognizing the temporary nature of the crisis. Banks should “prudently” work with “adversely affected customers” by waiving fees; offering repayment accommodations to avoid delinquencies and negative credit reports; increasing ATM daily cash withdrawal limits; easing restrictions on out-of-state and non-customer checks; and increasing credit limits for creditworthy borrowers.

Both the federal income tax filing deadline and tax payment due date have been changed to July 15, 2020 for this year. If you still are not able to make the tax filing deadline, you may be able to request an extension to file by the original tax filing deadline. Through CG SUPRT’s tax program, eligible personnel can easily complete and file a federal tax return and up to three state tax returns electronically at no charge, and check their e-file status with H&R Block Tax Software. To access the free CG SUPRT H&R Block Tax Software, visit www.cgsuprt.com.

If you are unable to make payments on loans, mortgages, credit cards, or other obligations, please contact the creditor directly to make arrangements for revised payments schedules. Some creditors are already providing specific relief or have stated that they will work with their customers to make alternate arrangements for payments. Do not just ignore the scheduled payment schedule and not pay the loan, this will negatively impact your credit. Contact us for advice with your specific concern.

Unemployment:

Alaska has expanded unemployment insurance to cover Alaskan workers who lose their job or substantial hours due to COVID-19 and the resulting economic shutdown. To apply, file a claim at <https://my.alaska.gov/>. But, if the reason you are not working is because your children are at home, you may be considered ineligible, because you are not considered available for full-time work.

Health Care:

If a member’s spouse had health insurance through their employer, the military member should enroll the non-military dependent in Tricare as soon as possible or inquire with the state about the options available through the state. Please monitor the news for updates as States and the Federal government implement various other relief measures.

Family law—Visitation, Custody, and Child Support:

Due to a reduction in court staff as more employees are ordered to shelter-in-place, many Courts have continued or vacated their proceedings for the time being. Generally, the system will not consider divorces, child support, adoption, and changes to child visitation schedules as pressing and will delay those hearings accordingly to manage and mitigate the health concerns related to COVID-19. Parents who have shared custody agreements will need to work together to resolve any issues that may arise. If you have a valid reason why parenting time for a co-parent with shared custody should be suspended or modified for the child’s safety, be prepared to arrange for substitute or make-up parenting time when the need for suspended parenting time has passed. Some things to consider may be the ability of either parent to travel due to any travel disruptions, as well as potential health risks and/or changing work schedules. Any new agreement or modification to a child visitation schedule should be written down, signed, and each parent should retain a copy.

If your income significantly has decreased due to COVID-19 and you expect that it will not change, you may be entitled to a modification of child support in accord with the decrease. However, you **must** obtain court approval for any modification, even if both parents agree; you cannot simply decrease the amount of support you pay. We recommend you contact a legal assistance attorney before making any changes to this obligation. Again, expect delays in the civil and family system which are operating under the same limitations and restrictions on work as other agencies and businesses.

Conclusion:

If you have any questions or concerns stemming from this uncertain time, or you find yourself in a position where you cannot resolve a legal issue on your own, then contact your resident Coast Guard legal assistance attorney, Rich Harris, at (907) 209-6310. Mr. Harris will be available telephonically for consults and you can also contact the D17 legal office in Juneau at (907) 463-2050. Outside Alaska, you can find the most convenient legal assistance attorney at:

https://www.uscg.mil/Resources/Legal/LMA/Legal_Assistance/Find-A-Legal-Assistance-Lawyer/.

Legal Assistance is a free benefit available to active duty service members and their dependents and retirees and their dependents for all civil legal matters. Call the Juneau office at (907) 463-2050 for more information.