



City of Glendale
Community Housing Division
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Glendale AZ 85301
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May, 2009

**NOTICE TO LANDLORDS/MANAGERS/OWNERS/TENANTS
PARTICIPATING IN THE SECTION 8
HOUSING CHOICE VOUCHER (HCV) PROGRAM**

**Protecting Tenants at Foreclosure: Notice of Responsibilities Placed on Immediate
Successors in Interest Pursuant to Foreclosure of Residential Property**

In May, 2009, President Obama signed into law the Protecting Tenants at Foreclosure Act of 2009 (PTFA) (S.896, P.L. 111-22). With the unprecedented number of foreclosures occurring across the country, all too often, tenants were caught unaware that the residential property in which they reside was being foreclosed and were given little notice of the need to vacate the property. The objective of these new tenant protections is to ensure that tenants receive appropriate notice of foreclosure and are not abruptly displaced.

This new federal law requires that a tenant under any bona fide tenancy or bona fide lease entered into before the notice of foreclosure has the right to occupy the premises until the end of the remaining term of the lease. The only exception to preserving the remaining term of the lease is for a purchaser who will occupy the unit as a primary residence. In this situation:

- The foreclosed owner of a home cannot force a Section 8 family to vacate the property prior to a sale of the property.
- The new owner may terminate the tenancy effective on the date of the transfer to the owner if the owner:
 1. Will occupy the unit as a primary residence; and
 2. Has provided the tenant with a notice to vacate at least 90 days before the effective date of such notice.

The law also provides that under the Section 8 program, that the immediate successor owners of foreclosed properties in which section 8 voucher recipients reside become participants in HUD's Section 8 tenant-based voucher programs and assumes the interest in the property subject to the lease and HAP contract in place before the foreclosure.

The protections provided under this new law are minimum protections and do not supersede any greater protections (longer advance notice or additional protections) provided by state or local law.

FREQUENTLY ASKED QUESTIONS

- Q. If the property I am renting has been foreclosed on, can the new owners evict me right away?
- A. No. The new law requires that, in the event of a foreclosure, the new owner must allow tenants with leases to occupy the property until the end of the lease term. The exception to this is if the new owner will occupy the property, the new owner must give you 90 days to vacate, even if there is more than 90 days remaining on your lease.
- Q. What if I am on a month-to-month lease, a tenant at-will without a lease, or my lease will expire in less than 90 days?
- A. The new owner must still provide you with 90 days notice to vacate.
- Q. What do I do if someone sends me an eviction letter or posts an eviction a notice on my door that gives me less than 90 days to move?
- A. Inform the owners of the new law requiring that they provide you with 90 days notice prior to eviction. Inform them of the Protecting Tenants in Foreclosure Act, by sending them the information via certified mail, return receipt requested, and save a copy of the return receipt and a copy of the notification. Then, contact the Glendale Housing office and have all of the pertinent information available, such as the contact information for the new owner, and a copy of the notice.
- Q. What if I am notified of a foreclosure, and want to move before the 90 day period?
- A. Read your lease and be sure to abide by any required notice that you may need to provide to the new owner. You should still advise the new owner of the law to ensure that you are provided enough time to obtain a new voucher and to move.

NOTICE TO LANDLORDS

Upon receipt of notice that your property has been foreclosed on, will be foreclosed upon, or is up for sale or auction, you must provide current documentation that proves that you still own the property. If we become aware that a HAP payment has been made to you after the transfer of ownership, you will be responsible for returning those funds back to the CHD.

If you are a new owner, and there is a Section 8 tenant occupying the property, be aware that under the new law, immediate successor owners of foreclosed properties in which Section 8 voucher recipients reside, by operation of law become participants in HUD's Section 8 tenant-based voucher programs and a party to the HAP contract. In order to continue to receive monthly payments on behalf of the tenant currently occupying the property, you must contact the Glendale Housing Office.