

Sample Letter for Non Section 8 Tenant to Send to New Owner

Date: _____
To: _____

Dear Landlord,

I am a tenant at _____(your address). I am writing this letter in response to the notice of termination dated _____.

The Protecting Tenants at Foreclosure Act, Pub. L. No. 111-22, §§ 701-704 (2009), which became law on May 20, 2009, applies to state eviction proceedings. This law requires a person or entity (bank) that becomes the new owner of a residential rental property through foreclosure, to continue to honor existing leases until the end of the lease term.

The law also requires that no matter what the lease term, the new owner must provide the tenant(s) with at least 90 days' notice before requiring the tenant(s) to vacate the property.

There is an exception in the law for new owners who will live in the unit as their primary residence. Such owners are not required to honor the existing lease until the end of its term, but must still provide at least 90 days' advance notice before requiring a tenant to leave.

Because the notice sent on _____(date of notice received) does not comply with this law, I consider the notice to be void and ineffective.

Sincerely,

Tenant name

(Keep copy of letter)

TO APPLY FOR LEGAL HELP:

1-800-326-9177
or
apply.midpenn.org

For more information about MidPenn Legal Services go to:

www.midpenn.org



This pamphlet contains general legal information and not specific legal advice. Although the information is believed to accurate at the time of preparation, individual situations may require individual analysis, such that it may be advisable to consult with a lawyer. May 2011



MidPenn
LEGAL SERVICES



Renters: Is Your Landlord Being Foreclosed?

ABOUT US

MidPenn Legal Services is a non-profit, public interest law firm that provides high quality free civil legal services to low-income residents and survivors of domestic violence and sexual assault in 18 counties in Central Pennsylvania: Adams, Bedford, Berks, Blair, Centre, Clearfield, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Perry, Mifflin, Schuylkill & York counties.

Introduction

An increasing number of landlords are losing ownership of their properties due to foreclosure. In the past, this left the tenants in a precarious situation. Landlords would not notify tenants of the foreclosure and when the property was sold, tenants were given short notice to move out.

A new federal law, called the Protecting Tenants From Foreclosure Act, of 2009, (PTFA) effective May 20, 2009, requires that new owners acquiring property through foreclosure, honor existing leases. Thus, tenants with term leases with more than 90 days remaining on their leases may not be evicted until the end of their lease terms.

The sole exception is that a new owner who seeks to occupy the unit as their primary residence may terminate the lease with at least 90 days notice. In the case of leases with less than 90 days remaining in the term, month to month leases and leases terminable at will, a minimum of 90 days notice is required.

What Do I Do After I Receive Notice That The Rental Unit I Live In Is In Foreclosure

You should continue to comply with the terms of your lease as long as your landlord owns the property. Your landlord will own the property until the foreclosure process is complete and the home is sold at sheriff sale. In some cases, foreclosures can be prevented and the home may not actually be sold. Be sure to keep records of all payments and get receipts.

The Property Is Sold What Now?

If the home is sold at sheriff sale, the property may be sold to a third party or go back to the bank/lender. Once the home is sold, and the new owner has provided proof to you that they now own the property, you should pay your rent to the new owner.

Who Is A Bona Fide Tenant?

The protections of the new law apply to bona fide tenants. A bona fide tenant is a person who is not related to the previous owner such as his or her siblings, parents, or children and who is not paying substantially less than market value unless receiving a subsidy.

What If I Get Section 8 Rental Assistance?

If the new owner decides to use the property as his/her primary residence they must still comply with the 90 day notice requirement and continue with the lease for that 90 days. If the new owner does not intend to use the property as his/her primary residence the new owner assumes the responsibilities of the lease

agreement between you and the previous owner as well as the housing assistance payment contract between the previous owner and the housing authority for the remainder of the lease term.

The landlord is not obligated to renew the lease at the end of the original lease term.

What Do I Do If My Landlord Is Not Complying With The New Law?

If after buying the property following a foreclosure sale, the new owner sends you a notice to quit or a notice to vacate your rental housing and it appears that they did not follow the requirements of the Protecting Tenants From Foreclosure Act of 2009:

You can send a letter to the new owner, explaining what the new law requires and that they have not followed it. A sample letter appears on the other side of this brochure.

What Do I Do When The Landlord Files To Evict Me?

If the new owner files a Landlord and Tenant Complaint to evict you at the office of the Magisterial District Judge (MDJ) and does not follow the requirements of the PTFA explained above, you may wish to contact MidPenn Legal Services for representation to contest the eviction.

Similarly, a new owner could file an action in Ejectment in the Court of Common Pleas to recover possession of the rental property. The PTFA also applies in these proceedings and you would be wise to seek legal representation.