

Address
Date

Name of Judge
Address

Dear Honorable Judge _____:

I write to bring to your attention recent changes in federal law that apply to state eviction proceedings.

During the foreclosure crisis, renters in good standing have been evicted from their homes, often with little or no notice, because the properties have been foreclosed upon. To address this problem and to stabilize neighborhoods, Congress enacted the Protecting Tenants at Foreclosure Act (PTAFA), Pub. L. No. 111-22 §§ 701-704, which became effective on May 20, 2009. This law requires that new owners (including lenders) who have acquired residential property through foreclosure honor the existing leases of any bona fide tenants for the entire lease term. PTAFA also requires that new owners provide existing tenants with at least ninety (90) days' advance notice before requiring the tenants to leave the property, regardless of the length of time remaining on their lease. There is only one category of new owners who are exempt from the lease continuation requirement – those who will live in the unit at issue as their primary residence. Even these new owners, however, must provide at least 90 days' notice--after they acquire the property--before requiring tenants to vacate the property.

The new law similarly provides protections for tenants whose rent is subsidized through a Section 8 voucher. In cases involving such tenants, pursuant to PTAFA the new owner at foreclosure assumes ownership of the property subject to the existing lease between the Section 8 participant and the previous owner of the property, and also subject to the Section 8 Housing Assistance Payments (HAP) contract between the previous owner and the housing authority or other administrator of the Section 8 program. As in the case of tenancies not subsidized by a Section 8 voucher, the new owner must provide all tenants with 90 days' advance notice before requiring the tenant(s) to vacate the property. If the new owner will occupy the unit as her/his primary residence, s/he may terminate a tenancy prior to the end of the lease term after giving at least 90 days' notice to vacate to the tenant.

Please note that PTAFA explicitly states that it does not preempt state and local laws that provide *additional* protections to tenants.

A copy of the text of the law is enclosed for your reference. If you have any questions, please feel free to contact _____ . Thank you for your attention to this matter.

Sincerely,

(name)

