

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)

If you have specific questions call MidPenn Legal Services:

ALTOONA

171 Lakemont Park Blvd.
Altoona, PA 16602
Phone: 814-943-8139
800-326-9177

BEDFORD

232 East Pitt Street
Bedford, PA 15522
Phone: 814-623-6189
800-326-9177

CARLISLE

401 E. Louther St. Suite 103
Carlisle, PA 17013
Phone: 717-243-9400
800-822-5288

CHAMBERSBURG

230 Lincoln Way E., Ste. A
Chambersburg, PA 17201
Phone: 717-264-5354
800-372-4737

CLEARFIELD

211 E. Locust Street
Clearfield, PA 16830
Phone: 814-765-9646
800-326-9177

GETTYSBURG

128 Breckenridge Street
Gettysburg, PA 17325
Phone: 717-334-7624

HARRISBURG

213-A N. Front Street
Harrisburg, PA 17101
Phone: 717-232-0581
800-932-0356

LANCASTER

38 N. Christian Street, Ste. 200
Lancaster, PA 17602
Phone: 717-299-0971
800-732-0025

LEBANON

513 Chestnut Street
Lebanon, PA 17042
Phone: 717-274-2834

LEWISTOWN

3 W. Monument Sq., Ste. 303
Lewistown, PA 17044
Phone: 717-248-3099
800-326-9177

POTTSVILLE

315 N. Centre St., Ste. 201
Pottsville, PA 17901
Phone: 570-628-3931
866-638-0606

READING

501 Washington Street, #401
Reading, PA 19601
Phone: 610-376-8656
800-299-6599

STATE COLLEGE

3500 E. College Ave., Ste. 1295
State College, PA 16801
Phone: 814-238-4958
800-326-9177

YORK

29 N. Queen Street
York, PA 17403
Phone: 717-848-3605



MidPenn Legal Services

RENTERS: IS YOUR LANDLORD BEING FORECLOSED?



MidPenn Legal Services serves residents of Adams, Bedford, Berks, Blair, Centre, Clearfield, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Perry, Mifflin, Schuylkill & York Counties.



Pennsylvania
LegalAid Network, Inc.

This brochure contains general information and not specific legal advice. Although this information is believed to be accurate at the time of preparation, individual situations may require individual analysis, such that it may be advisable to consult with a lawyer. June 2010

Landlord in Foreclosure?

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. Other sample letters and forms can be found on the website of the National Low Income Housing Coalition <http://www.nlihc.org/template/page.cfm?id=227>.

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.