

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

(Address of Tenant)

(Date)

(Name and address of new owner)

Dear _____ (new owner):

I am a tenant at _____ (address, including apartment number if applicable). I am writing this letter in response to the notice of termination I received from you dated _____ (date of notice received).

The Protecting Tenants at Foreclosure Act (PTFA), P.L. 111-22, §§ 701-704 (May 20, 2009) as amended, applies to state eviction proceedings.¹ This law requires that a person or entity (including a bank) that becomes the new owner of a residential rental property as the result of a foreclosure **honor existing leases with a fixed term until the end of the lease term.** The law also mandates that, **no matter what the lease term, the new owner must provide the tenant(s) in the property 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 still must still provide at least 90 days' advance notice before requiring a tenant to leave.

All bona fide leases entered into before the date on which complete title is transferred to the new owner are covered by the law. The 90 day period cannot start until the date on which complete title is transferred to the new owner and the new owner properly serves the tenant with a 90 day notice to vacate

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

Sincerely,

(name of tenant)

¹ The Dodd-Frank Wall Street Reform and Consumer Protection Act, P.L. 111-203 (July 21, 2010), in § 1484, clarified and amended the PTFA.