

Sample Letter for 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 have a lease that is assisted with a Section 8 voucher. The Housing Assistance Payments (HAP) contract for my unit is managed by _____ (name of housing authority or other entity that administers your voucher).

I am writing this letter in response to the notice of termination dated _____ (date of notice you received) that I received from you.

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 a person or entity (including a bank) who becomes the new owner of residential rental property as a result of a foreclosure to **continue to honor and be bound by both the Section 8 voucher lease and the Housing Assistance Payments (HAP) contract** that existed with the original landlord.

If the Section 8 lease and HAP contract have more than 90 days left, a new owner must give the tenant at least 90 days notice to vacate prior to the end of the lease.

If the Section 8 lease and HAP contract have less than 90 days remaining in their term, or if the new owner plans to live in the property as his or her primary home, the new owner can require a tenant to leave the property **after giving at least 90 days' advance notice**.

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

Because the notice sent on _____ (date of notice you received) gives me less than the 90-day notice required by law, I consider the notice to be void and ineffective.

Sincerely,

(Tenant's name)

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.