

The Protecting Tenants at Foreclosure Act (PTFA), P.L. 111-22
§§ 701-704 (May 20, 2009) as amended

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 terms, 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.

Residents are encouraged to contact Legal Aid at 502-584-1254, and the LMHA at 502-569-6060 if new owners fail to comply with the requirements of the new law.

The following links provide additional information regarding tenant rights in foreclosure actions.

<http://www.nlihc.org/template/page.cfm?id=264>

<http://nhlp.org/node/771>