

June 27, 2009

Housing Authority of the City and County of San Francisco
440 Turk St.
San Francisco, CA 94102



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Gentlepersons:

Re: Pub. L. No. 111-22, §§ 701-704,
Protecting Tenants At Foreclosure Act of 2009

The National Housing Law Project, the Western Center on Law and Poverty and the Housing and Economic Rights Advocates, California-based organizations that, among other things, provide information to California legal services attorneys and advocates for low income housing, wish to bring to your attention recent changes in federal law that apply to California eviction proceedings. The newly enacted Protecting Tenants at Foreclosure Act requires that a new owner who takes possession to property through foreclosure, take subject to an existing Section 8 voucher lease and the Housing Assistance Payments (HAP) contract. During the term of the lease, an owner seeking to vacate the property prior to sale due to foreclosure shall not constitute good cause. The sole exception is that a new owner who seeks to occupy the unit as a primary residence may terminate the lease with at least a 90-day notice.

The new owner may terminate the tenancy at the end of the term of the Section 8 voucher lease, if the new owner provides a 90-day notice. The 90-day notice is applicable when the new owner seeks to terminate the lease or to terminate the HAP.

We hope that you, as the administrator of the Section 8 voucher program, will inform voucher participants current voucher landlords and new owners of units with Section 8 voucher tenants of this new law in writing. Please make these documents available in other languages for limited English proficiency tenants and landlords.

For future HAP contracts and voucher leases, we suggest that the public housing agency prepare an addendum to include the 90-day notice requirement, the modification to the term other good cause to exclude vacating the property prior to sale and reference to the ongoing nature of the lease and HAP contract post foreclosure.

In addition, HUD's New England Regional office has issued a memo providing guidance to its local PHAs in the implementation of the new law's provisions. Significantly, this memo correctly states that the law applies to any foreclosure regardless of whether it occurred before or after the date of the law's enactment. All Section 8 tenants are protected by this Act and we hope that you will follow the lead of HUD New England Regional office.

Enclosed is a copy of the Protecting Tenants at Foreclosure Act, the HUD New England Regional Advisory Memo to PHAs, a sample notice for tenants informing them of the new law and a sample letter to be used by a Section 8 tenant threatened with eviction to notify the landlord of the new law. Please feel

free to contact cbishop@nhlp.org with any questions, or if we can be of any assistance. Please include "P.L. 111-22" in the subject line of the email.



Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Catherine M. Bishop". The signature is written in a cursive, flowing style.

Catherine M. Bishop
Staff Attorney

Enclosures:

Public Law 111-22, §§ 701-704

Sample Letter from §8 Tenant to Landlord

Sample Bullet Point Notice for Section 8 Voucher Holders

HUD New England Regional Advisory Memo to PHAs