

Date _____

Address

Dear Honorable Judge _____:

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, 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. During the foreclosure crisis, renters in good standing have been evicted from properties in foreclosure with little or no notice and in violation of their leases. To address this problem and to stabilize neighborhoods, the Protecting Tenants at Foreclosure Act, signed into law on May 20, 2009, requires that new owners acquiring property through foreclosure honor existing leases. Thus, tenants with term leases may not be evicted until the end of their lease terms and without a 90-day notice. The sole exception is that a new owner who seeks to occupy the unit as a primary residence may terminate the lease with a 90-day notice.

In the case of a tenant without a lease or a lease terminable at will, a minimum of a 90-day notice is also required.

Section 8 voucher tenants have additional protections. The owner who is an immediate successor in interest at foreclosure takes subject to the Section 8 voucher lease and the Section 8 Housing Assistance Payments (HAP) contract. During the term of the lease, vacating the property prior to sale does not constitute good cause for eviction, except that a new owner who seeks to occupy the unit as a primary residence may terminate the Section 8 lease with at least a 90-day notice. The law also provides that during the term of the Section 8 lease, vacating the property prior to sale does not constitute other good cause.

Please note that this law specifically does *not* preempt other state or local law that provides for a longer notice or additional tenant protections.

A copy of the Act is enclosed. Thank you for your attention to this matter. If you have any questions, please feel free to contact _____.

Sincerely,

Staff Attorney

Enclosure: Public Law No. 111-22, §§ 701 -704