***Sample Letter for Tenant to Send to HUD – Occupied Conveyance***

 *(Address of Tenant)*

 *(Date)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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*(Address of HUD Field Office on letter from the Mortgagee)*

To Whom It May Concern at HUD:

My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(insert your name*) and I live at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert your address)*. I am writing in response to a notice I received from the mortgagee of the property I live in. This notice informs me that I have to meet certain guidelines if I wanted to live in the property once HUD becomes the owner. This notice does not comply with the notification requirements of the Protecting Tenants in Foreclosure Act (PTFA).[[1]](#footnote-1)

The PTFA applies to state eviction proceedings. The 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, once the new owner has acquired full title to the property,** **that new owner, or its successor, must provide the tenant(s) in the property with at least 90 days’ notice before requiring the tenant(s) to vacate the property.**

Even though this notice may comply with HUD’s occupied conveyance policy, it does not comply with the PTFA since neither the mortgagee nor HUD acquired full title to the property as of the date of the notice. In addition, the notice does not guarantee that either the mortgagee or HUD will honor my existing lease and give a minimum 90 days notice once they do acquire full title.

Since the notice sent on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(insert date notice received*) does not comply with the PTFA, I do not consider the notification to be a valid notice to vacate as required by the PTFA. In addition, if I submit a request for permission to continue to occupy my home to HUD and the request is denied, I will still assert my rights guaranteed by the PTFA.

 Sincerely,

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Insert name of tenant)*

CC:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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*(Name and address of current owner/landlord)*

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*(Name and address of mortgagee who sent the notice)*

1. Public Law 111-22 (May 20, 2009), tit VII, as clarified and extended by § 1484 of Public Law 111-203 (July 21, 2010). [↑](#footnote-ref-1)