

**NEW LAW PROTECTING SECTION 8 VOUCHER HOLDERS  
90-DAYS OR MORE FOR TERMINATION (EVICTION) NOTICE REQUIREMENT AND  
FORECLOSURE IS NOT GOOD CAUSE TO TERMINATE THE TENANCY**

On May 20, 2009 a new federal law protecting Section 8 Housing Choice Voucher tenant's rights became law, commonly referred to as The **Protecting Tenants at Foreclosure Act**, (Pub. L. No. 111-22, § 702 (2009)). Section 8 Housing Choice Voucher tenants have new rights regarding eviction from units that have been foreclosed upon. **Please note that these rights are *in addition* to rights a tenant may already have if they reside in a unit that is rent regulated. Contact the New York State Division of Housing and Community Renewal at 1-866-275-3427 if you are uncertain about a unit's rent regulation status.**

**If a Section 8 subsidized unit goes into foreclosure, the next owner of the building as a result of the foreclosure, must follow these rules.**

1. If the lease ends in less than 90 days the new owner may not evict the tenant without giving a minimum of 90 days notice.
2. If a tenant has a lease for a fixed term, such as one year, and the lease has not expired, the tenant has a right to remain in the unit and cannot be evicted until the end of the lease term unless the new owner has good cause to do so. (Rent regulated leases do not expire as a result of foreclosure.)
3. If actions or the actions of members of the tenant's family or guests constitute good cause for eviction under the terms of the lease, the new owner can evict the tenant before the lease expires. However, the new owner wanting the property vacant before selling it is not good cause for terminating the tenancy.
4. There is one exception to the rule that a tenant may not be evicted during the term of a lease. If the new owner who acquired the property at foreclosure wants to occupy the unit as his or her primary residence, that owner may give the tenant a 90 day notice to vacate the property even if the lease runs for longer than 90 days.

**STEPS TO TAKE IF YOU ARE A TENANT AND THE NEW OWNER ATTEMPTS TO END YOUR TENANCY:**

If the new owner tells you that you have to move from your unit, offers you money to leave or gives you an eviction notice, you should contact HPD Section 8 at 1-917 286-4300 and discuss your situation with a HPD representative. You should also contact the Legal Aid Society of New York City at **(212) 577-3346** for further questions on your rights and options as a tenant.

If you receive a notice to terminate your lease before your lease term expires, you should give a letter objecting to the termination to your landlord **before the date for termination in the notice you received**, and you should pay your rent. If you do not pay your rent, your landlord has grounds to evict you from your unit.



If the new owner starts an eviction action against you in court attempting to terminate your tenancy, you should inform the court in writing or on the date you appear in court, that the termination notice the new owner provided you with is improper because the new owner should have served you with a 90-day notice or could not evict you until the lease expired under the Protecting Tenants at Foreclosure Act.

You should make a copy of your letter for your records, send your letter to the new owner by certified mail, return receipt requested, at the address the new owner put on his/her notice to you. When you go to court in the eviction case, you should take with you copies of the letter you sent to your landlord, the original and copies of your proof of mailing and green return receipt from the post office, the copy of the new law that is attached to this notice and a copy of your written lease if you have a written lease. The judge may not know about the law because it is so new, but if you tell the judge about the law it is his or her legal responsibility to enforce it, and make sure that you are not forced to move with less than 90 days notice or before the end of your lease term.

Attachments: Ltr from §8 Tenant to LL; §§ 701-704, Public Law 111-22

