



Housing Authority of Thurston County  
1206 12<sup>th</sup> Avenue SE • Olympia, WA. 98501  
Tel: (360) 753-8292 • Fax: (360) 586-0038  
[www.hatc.org](http://www.hatc.org)

---

December 29, 2009

Dear Landlord/Owner:

On May 20, 2009, the President signed into a law a bill containing provisions protectiing tenants living in foreclosed buildings. (The Protecting Tenants at Foreclosure Acts is Title VII of Public Laws 111-22).

These provisions immediately went into effect and are “self-executing”, so no federal agency (such as HUD) is responsible for making them work. As the local public housing authority, it is our obligation to make sure that tenants and landlords are aware of these new rights for tenants.

Should a rental property be foreclosed upon, the person who owns the rental property as a result of the foreclosure must follow these rules:

- If there is a lease for a fixed term, such as one year, and the lease has not expired, the tenant has the right to remain in the unit and cannot be evicted (except for actions by the tenant, members of the tenant’s family or their guests which constitute good cause) until the end of the lease term.
- If the lease ends in less than 90 days the new owner may not evict the tenant without giving them a minimum 90 days notice.
- The new owner wanting the property vacant before they sell it is not good cause for terminating the tenancy or for eviction.
- There is one exception to the rule that a tenant may not be evicted during the term of their lease. If the new owner who acquired the rental property at foreclosure wants to occupy the unit as his or her primary residence, that new owner may give the tenant a 90-day notice to vacate their home even if their lease runs for longer than 90 days.

If you have any general questions regarding this notice, you may contact Antoinette Coffey, at (360) 753-8292, ext. 121, [Ann@hatc.org](mailto:Ann@hatc.org).

**TITLE VII--PROTECTING TENANTS AT FORECLOSURE ACT**

**SEC. 701. SHORT TITLE.**

This title may be cited as the 'Protecting Tenants at Foreclosure Act of 2009'.

**SEC. 702. EFFECT OF FORECLOSURE ON PREEXISTING TENANCY.**

(a) In General- In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to--

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure--

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) Bona Fide Lease or Tenancy- For purposes of this section, a lease or tenancy shall be considered bona fide only if--

(1) the mortgagor or the child, spouse, or parent of the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; and

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy.

(c) Definition- For purposes of this section, the term 'federally-related mortgage loan' has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

**SEC. 703. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.**

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended--

(1) by inserting before the semicolon in subparagraph (C) the following: 'and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner--

(i) will occupy the unit as a primary residence; and

(ii) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice.'; and

(2) by inserting at the end of subparagraph (F) the following: 'In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.'

**SEC. 704. SUNSET.**

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.