

SECTION 8 TENANTS AND LANDLORDS: NEW TENANT RIGHTS UNDER FORECLOSURE LAW

On May 20, 2009 a new federal law protecting Section 8 tenant rights became law. Section 8 housing choice voucher tenants have new rights regarding eviction from units that have been foreclosed upon.

The person, if they now own the home as a result of the foreclosure, must follow these rules. First, if there is 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 (except for actions that they, members of their family or their guests take which constitute good cause) until the end of the lease term.

Second, if the lease ends in less than 90 days the new owner may not evict without giving at a minimum 90 days notice.

Third, the new owner wanting the property vacant before they sell it is not good cause for terminating the tenancy or for eviction.

Fourth, there is one exception to the rule that they may not be evicted during the term of the 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 a 90 day notice to vacate the home even if the lease runs for longer than 90 days.

If the new owner tells you that you have to leave, offers you money to leave or gives you a notice of eviction, you should contact your program specialist at MHA, tell us what is happening and give us a copy of any notice. You may also contact the local legal services office, located at 1-800-666-6899.