



UHA Bulletin

Published By Upland Housing Authority for
Housing Choice Voucher Participants and Owners

SUMMER 2009

Upland Housing Authority

1200 N. Campus Avenue
Upland, CA 91786
Phone: (909) 982-2649
Fax: (909) 982-0237
www.uplandhousing.com

Assisted Housing Supervisor

Vivian Vega - X 102
Office Assistant:
Monica Roque - X 100
Eligibility Workers:

Carole Packer - X 103
Atrina Mojica - X 104
Occupancy Specialist/Inspector
Annette Gonzalez - X 106
Sylvia Magdaleno - X 105

UHA Has New Business Hours!
Monday-Thursday: 7:00 a.m. - 4:30 p.m

In This Issue

- Protecting Section 8 Tenants at Foreclosure
- Landscaping and Irrigation Project at UHA
- Landlords/Owners what to do if your HAP check doesn't arrive on time

UHA Is On The Web!

Visit our website to:

- Learn about HQS inspections
- Get a Change of Status Form, Certified Statement packet, or application form
- Find your worker's e-mail address
- See Utility Allowances, Payment Standards, and Income Limits
- Owners can fill out a listing form for rental properties
- View upcoming events at UHA
- Report suspected fraud
- Find links to other agencies

www.uplandhousing.com

PROTECTING SECTION 8 TENANTS AT FORECLOSURE



On May 20, 2009, President Obama signed into law the Protecting Tenants at Foreclosure Act which requires that new owners, who take possession of property through foreclosure, must take such possession subject to any existing Section 8 leases and Housing Assistance Payment contracts attached to that property. Simply put, this means that Section 8 Housing Choice Voucher holders have new rights regarding eviction from units that have been foreclosed upon.

The new person or corporation, who owns residential property as a result of foreclosure, must follow these rules:

- ◆ Section 8 tenant who have a lease for a fixed term, such as one year, and the lease has not yet expired, have a right to remain in the unit and cannot be evicted (except for good cause actions that apply to any lease) until the end of the lease term.
- ◆ If a tenant's lease ends in less than 90 days the new owner may not terminate tenancy the tenant without giving a minimum of 90 days notice.
- ◆ Because the new owner wants the property vacant is not a good cause (legal reason) for terminating tenancy or evicting.

(continued on page 2)

UPCOMING EVENTS AT UHA

Date	Event
August 7, 21, 2009 September 4, 11, 18, 25, 2009	UHA Office Closed (Friday)
August 10, 2009 September 14, 2009	UHA Board Meetings held at Upland City Hall, Counsel Chambers at 5:30 pm
September 7, 2009	UHA Office Closed in observance of Labor Day Holiday

PROTECTING SECTION 8 TENANTS AT FORECLOSURE, CONTINUED

(Continued from page 1)

The Act specifically amended Section 8 (o)(7) of the United States Housing Act of 1937 (42 U.S.C. Section 1437F(o)(7)). Pursuant to the changes, the “immediate successor in interest” generally the bank or other lending institution) shall assume both the existing Section 8 lease and the existing Housing Assistance Payments Contract. Foreclosure does not constitute “other good cause” for termination of an existing Section 8 lease with one exception; if the unit will be owner-occupied as a primary residence, the owner must provide the tenant with a minimum 90 day notice to vacate.

The Act provides that these protections are the minimum to which Section 8 tenants are entitled. The Act specifically does not affect any state or local laws that provide additional protections for tenants, including longer time limits. These changes are effective for all Section 8 tenants, even those living in units that have already been foreclosed. Under the laws, the immediate successor in interest to a foreclosed property must assume responsibility for a current Section 8 tenancy even if the foreclosure occurred prior to May 20th. As such, if a Housing Authority administers Section 8 assistance on behalf of a tenant residing in a foreclosed property or a property in the process of foreclosure, the Owner/landlord must identify and work with the successor in interest to insure that the rights and obligations under the Housing Assistance Payments Contract are understood and complied with by the successor in interest.

*If you happen to be in this situation and a new owner tells you that you must leave, offers you money to leave, or gives you a notice of eviction, you should contact the Housing Authority as soon as possible to tell us what is happening and give us a copy of any notice. Above all...please remember that you must pay your rent to the new owner the same as you would to the previous owner. Nonpayment of rent is a surefire way for you to be evicted.

SAMPLE LETTER FOR SECTION 8 VOUCHER TENANT TO SEND TO THE LANDLORD **IF UNIT IS IN PROCESS OF FORECLOSURE**

Dear Landlord:

I am writing this letter in response to the notice of termination dated _____.

The Protecting Tenants at Foreclosure Act, Pub. L. No. 111—22, § 702—703 (2009), that became law on May 20, 2009, applies to state eviction proceedings. This laws requires a person or entity who acquires ownership of residential property through foreclosure to take subject to (be legally bound by) the Section 8 voucher lease and Housing Assistance Payments (HAP) contract. A new owner can only terminate the lease and HAP contract by giving the tenant at least 90 days notice of termination prior to the end of the lease. If the Section 8 lease and HAP contract have less than 90 days remaining in their term, or if the new owner who takes title at foreclosure wants to occupy the premises as his or her personal residence, the new owner may terminate the lease only after giving the tenant at least 90 days notice of such termination.

Because the notice sent on _____ falls short of the 90-day notice required by law, I ask that you rescind (withdraw) the notice.

Sincerely,

Tenant name

cc: Housing Authority

FREQUENTLY ASKED QUESTIONS

SECTION 8 ASSISTED UNIT IN FORECLOSURE

Q: Can the person who buys the building at foreclosure make me leave right away?

A: No. The new owner needs to end your tenancy by giving you a 90-day notice to leave. If you have an unexpired lease, you may be able to stay until the end of the lease.

Q: What if I am a Section 8 voucher tenant?

- A:**
- You have all of the rights listed above regarding your lease and the requirement that the owner give you a 90-day notice to leave.
 - The Section 8 Housing Assistance Payment contract continues.
 - The foreclosure is not a lawful reason to terminate

What if I have additional questions about my rights under the new law?

If you have any questions, please call the local Legal Services Office at (800)669-9777.

Q: What can I do if the new owner say I have to leave in less than 90 days?

A: You can send a letter telling the new owner about the law.

- Keep a copy of the letter you send.
- It may help to go to the post office and pay for a return receipts to make a new owner sign to prove they got your letter.
- If you get in the mail a green receipt signed by the new owner, save that receipt.
- You must also offer to pay the new owner your rent.

Q: What happens if I don't pay the new owner rent?

A: The new owner can send you a letter giving you a 3-day notice to pay rent or move.

Q: What if I have a one-year lease that has more than 90 days left?

A: • In most cases, the new owner cannot terminate the tenancy you until the end of the lease.

There are two exceptions.

1. If the new owner want's to use your home as a primary residence, the new owner only has to give you a 90-day notice to leave after becoming the owner.
2. If you do not pay your rent, the new owner only has to give you a 3-day notice to pay rent or move.

Q: What if the new owner files an unreasonable eviction due to foreclosure?

A: • You can file an answer with the court that says the new owner failed to give the notice required by Protecting Tenants at Foreclosure Act, Pub. L. No. 111-22, § 702 (2009). Go to court on the date the court sets for a trial.

Take with you to court:

1. A copy of your letter to the new owner
2. The green return receipt, if you received one.
3. A copy of the new law .
4. A copy of your lease.

UHA Bulletin

List Your Property With the Upland Housing Authority: You may do this by filling out the **Section 8 Housing Listing Form** online at www.uplandhousing.com, or by visiting or calling the UHA office. You will be asked for information about the property, including the address, date of availability, size, and rent amount requested. Your listing information will be made available to all voucher holders who are looking for a unit. You may also choose to list your property in local newspapers or classified ads and include the phrase "Section 8 OK" in your listing.

\$\$ Landlords/Owners What to do if your HAP check Doesn't arrive on time \$\$

Housing Assistance Payment checks are occasionally received late for reasons outside of UHA's control (such as misdirection by mail service). If your Housing Assistance Payment check is late, please contact UHA at (909) 982-2649. In accordance with the (HAP) Housing Assistance Payment contract and annual contract amendments, a tenant is only liable for their share of rent. Please remember that a tenant cannot be evicted or issued a notice to pay or quit if the HAP payment does not arrive on time.

Landscaping and Irrigation Project underway at the UHA offices to be completed in late summer 2009

UHA's office and Public housing complex, Los Olivos, is undergoing a major landscaping makeover. Using computer-controlled "smart" irrigation and California-native plantings, we expect to reduce our water consumption by 50%. Check out our "Los Olivos Water Conservation Project" on our website at www.uplandhousing.com for progress photos, sample plantings, and more information about the project.



HOUSING AUTHORITY of the CITY of UPLAND

1200 N. Campus Avenue • Upland, CA 91786
Phone: (909) 982-2649 • FAX: (909) 982-0237
www.uplandhousing.com

