

ARE YOU A TENANT WHOSE HOUSE IS BEING FORECLOSED?

If you are a tenant and the home you have been renting is being or has been foreclosed, you need to know what your rights are. There is a new federal law that offers protection to tenants in foreclosed properties.

PROTECTING TENANTS AT FORCLOSURE ACT

HOW DO YOU QUALIFY?

You must be a renter, not a former owner or child, spouse or parent of former owner

The rent paid must be close to fair market value (around what most people would pay to rent the property).

If rent is much less than fair market value, you must have reduced rent due to Federal, State, or local subsidy.

The property has been foreclosed on or after May 20, 2009.

WHAT DOES THE NEW FEDERAL LAW MEAN?

If the new buyer of the house plans to live in the house, they must give you 90 days to move out.

If the new buyer does not plan to live in the house, they must allow you to live out the rest of your lease in the house.

If you do not have a lease or you are a month-to-month tenant, the new buyer must give you 90 days to move out.

WHAT DOES THIS MEAN FOR SECTION 8 TENANTS?

If the new buyer plans to live in the house, they must give you 90 days to move out. You are only required to continue to pay the rent you were paying to your landlord prior to the foreclosure. The new landlord should contact the Public Housing Authority to receive the housing assistance payments from the Housing Authority.

If the new buyer does not plan to move in the house, then they are required to accept the lease between you and the former owner, and they are required to accept the housing assistance payments from the Public Housing Authority.

IMPORTANT THINGS TO KNOW:

Try to find out who has bought the property as soon as possible (call the County Deed Recording Office).

Attempt contact the lender of the mortgage (if possible) or the property management company in order to get some information.

Until you find the new buyer, continue to save the money you would be paying for rent.

The new landlord is not responsible for the security deposit you paid to your old landlord. You

will have to get it from your old landlord.

The new landlord cannot give you 90 days notice to move out before the date of the foreclosure sale.

If you cannot find a copy of your lease, you will be treated as a month-to-month tenant.

Moving out or abandoning property will forfeit any rights you have under this law.

If you are planning to accept a “cash for keys” arrangement, be sure to get it in writing and have an attorney review it before signing.

WHO DO I CONTACT WITH QUESTIONS OR CONCERNS?

Atlanta Legal Aid Society:

Downtown Office: (404) 524-5811
Decatur Office: (404) 377-0701
Cobb County Office: (770) 528-2565
South Side Office: (404) 669-0233
Gwinnett Office: (678) 376-4545

Atlanta Volunteer Lawyers Foundation
(404) 521-0790

Georgia Law Center for the Homeless
(404) 681-0680

Founded in 1924, Atlanta Legal Aid Society, Inc. provides free civil legal services to low-income citizens in Clayton, Cobb, DeKalb, Fulton and Gwinnett counties. The program consists of staff of more than 100 people. Each year, thousands of clients are given advice or legal representation at the downtown central office or at one of the neighborhood offices.

Atlanta Legal Aid handles individual case representation and matters of broad impact. The great majority of cases are matters in which Legal Aid attorneys or paralegals help individual clients settle housing matters, negotiate consumer duties, resolve family law matters, or receive public benefits.

Contact Us

DeKalb County
246 Sycamore Street
Suite 120
Decatur, GA 30030
(404) 377-0701

Clayton County Pro Bono Project
1000 Main Street
Forest Park, GA 30050
(404) 366-0586

Cobb County
30 S. Park Square
Marietta, GA 30090
(770) 528-2565

Fulton County
151 Spring Street, N.W.
Atlanta, GA 30303
(404) 524-5811

**South Fulton &
Clayton Counties**
1514 East Cleveland Avenue
Suite 100
East Point, GA 30344
(404) 669-0233
(Wagon Works Building)

Gwinnett County
180 Camden Hill Road
Suite A
Lawrenceville, GA 30045
(678)376-4545

For TTD/TTY users, call the Georgia
Relay
Center at (800) 255-0135.

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September 30, 2010



TENANTS AT FORECLOSURE ACT

**KNOW YOUR RIGHTS UNDER
THE NEW FEDERAL LAW**