

**SELLER'S OCCUPANCY CERTIFICATION UNDER
THE PROTECTING TENANTS AT FORECLOSURE ACT**

(FOR VACANT PROPERTY ONLY)

*[To be completed and signed by the **seller** of the property.]*

Address of Property ("Property")

City, State

Zip

The undersigned, Seller of the Property certifies to _____ (Buyer) that

1. Seller has complied with the provisions of the *Protecting Tenants at Foreclosure Act*, Title VII of the *Helping Families Save Their Homes Act of 2009* ("PTFA") in connection with the Property, including any requirements of the giving of notice to vacate ("Notice") as required pursuant to PTFA to any bona fide tenant of the Property if any such tenant was in possession of the Property prior to Seller's notice of foreclosure; and

2. At the time of the acquisition of the Property by the buyer/grantee, the Property will be delivered vacant, unoccupied and without any party in possession or with a right to possession to the Property.

Further, if the Property is not occupied at this time, the Seller also certifies and agrees that it has not now and will not after the date hereof allow any person, including the former owner, to occupy the Property under a lease or any other agreement for possession of the Property either oral or written.

Signature of Seller

Date: _____

By: _____

Its: _____

TEXT BELOW SHOWN FOR REFERENCE BUT SHOULD BE DELETED FOR THE FINAL CERTIFICATION FORM

NOTES TO SELLER'S OCCUPANCY CERTIFICATION UNDER THE PROTECTING TENANTS AT FORECLOSURE ACT

1. A bona fide tenant is a tenant under a bona fide lease. A “bona fide” lease is considered a bona fide lease only if:
 - a) the mortgagor (or the child, spouse, or parent of the mortgagor) under the contract (lease) is not the tenant;
 - b) the lease or tenancy was the result of an arms-length transaction; and
 - c) 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. PTFA Section 702(b) (Note the Bridge Notice provides for a slightly different definition at 1 (a)).
2. Generally, the PTFA requires that the initial successor in interest (typically the Seller) provide a 90-day notice to vacate to a bona fide tenant of the foreclosed property acquired by the successor in interest. If the tenant has an existing bona fide lease, the tenant may occupy the premises until the remaining term of the lease or 90 days after receipt of the 90-day notice, whichever is longer. However, the successor in interest may terminate the tenant’s lease (even a lease for a greater remaining term than 90 days) if the successor in interest sells the unit to a purchaser who will occupy the unit as a primary residence, and the successor in interest provides 90-day notice to the tenant. PTFA Section 702 (a) (2).
3. Notice given under the PTFA is notice given as required by state law.
4. The effective date of the requirements of PTFA are May 20, 2009, however the original requirements for protection of tenants was found in the so called Stimulus Bill (“ARRA”) which had an effective date of February 17, 2009.