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# Can the owner of a rented home sell it during the lease?

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It is possible to put up for sale a dwelling inhabited by a tenant. But the conditions for doing so are different depending on whether it is a rented dwelling with an empty residential lease (either *empty housing*), or a rental unit with a furnished dwelling lease or a mobility lease (either *furnished accommodation*):

## Empty housing

1. The owner of an empty rented dwelling may offer that dwelling for sale, even if it is inhabited by a tenant.

### FYI

The tenant can buy the accommodation, but it is not a priority to do so. He has no right of pre-emption, except in certain situations (for example, in the case of the sale of the immovable).

2. Where the dwelling is sold to a new owner:

- The new owner must inform the tenant of his contact details
- The tenant stays in the premises and sees his lease continue under the same conditions with this new owner. In particular, it is the new owner who will have to return the security deposit when he left the apartment.
- The commitment of the bail of the tenant remains, unless a clause of the act of surety (<https://www.service-public.gouv.fr/particuliers/vosdroits/F31267?lang=en>) provides otherwise.

3. If the new owner wants to inhabit the dwelling or sell it in turn, it must respect a specific deadline before giving its notice (*leave*) to the incumbent tenant:

## Leave to live

It all depends on the end date of the lease that is in effect on the date of purchase of the dwelling, that is to say on the date of signature of the authentic instrument by the new owner:

### The lease ends less than 2 years after purchase

The new owner can give notice (*leave*) (<https://www.service-public.gouv.fr/particuliers/vosdroits/F929?lang=en>) for the end of the current lease. However, the leave will only take effect at the end of a period of 2 years after the date of signature of the authentic instrument.

### The lease ends more than 2 years later

The new owner can give notice (*leave*) (<https://www.service-public.gouv.fr/particuliers/vosdroits/F929?lang=en>) to the tenant at the end of the lease.

## Leave to sell

It all depends on the end date of the lease that is in effect on the date of purchase of the dwelling, that is to say on the date of signature of the authentic instrument by the new owner:

### The lease ends less than 3 years after purchase

The new owner can give notice (*leave*) (<https://www.service-public.gouv.fr/particuliers/vosdroits/F929?lang=en>) at the end of 1<sup>re</sup> tacit renewal of the lease or at the end of 1<sup>er</sup> lease renewal.

For example, if the landlord bought the unit on 1<sup>er</sup> march 2026 and that the lease ends on may 31, 2028, it may give the tenant leave to vacate the premises no later than the end date of the 1<sup>re</sup> renewal, which takes place on 31 May 2031.

#### FYI

If the original owner had to request a *prior authorization for rental* at the town hall of the municipality or the EPCI of the dwelling, the new owner must declare the transfer (<https://www.service-public.gouv.fr/particuliers/vosdroits/F34210?lang=en>) .

## The lease ends more than 3 years later

The new owner can give notice (leave) (<https://www.service-public.gouv.fr/particuliers/vosdroits/F929?lang=en>) at the end of the lease.

#### FYI

If the original owner had to request a *prior authorization for rental* to the EPCI or the town hall of the municipality where the dwelling is located, the new owner must declare the transfer (<https://www.service-public.gouv.fr/particuliers/vosdroits/F34210?lang=en>) .

## Furnished accommodation

The owner of a furnished rental unit may sell the unit, even if it is inhabited by a tenant.

But the rules are different depending on whether the accommodation is rented with a residential lease or with a mobility lease:

### Furnished apartment lease

The landlord can sell the dwelling or give it away for free, while the furnished dwelling lease is in progress.

#### FYI

The tenant can buy the housing he lives in, but he is not a priority to do so. He has no right of pre-emption, except in certain situations (e.g. sale of the immovable).

When the dwelling is sold to a new owner:

- The new owner must inform the tenant of his contact details
- The tenant stays in the premises and sees his lease continue under the same conditions with this new owner. In particular, it is the new owner who will have to return the security deposit to him, if the rental ends.
- The undertaking of the surety shall remain, unless a clause of the act of surety provides otherwise.

### Mobility lease

The owner can sell the property, or give it away for free, while the *mobility lease* is in progress.

The new owner must provide the tenant with the following information:

- Its name or denomination
- Its domicile or registered office
- Name and address of the real estate agency (if necessary)

The tenant stays in the premises and sees his lease continue under the same conditions with this new owner.

## Who can help me?

Find who can answer your questions in your region

## Statute and miscellaneous references

Civil Code: article 1743 ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000020616195?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000020616195?lang=en))

Law No. 89-462 of 6 July 1989 on rental relationships: Article 3

([https://www.legifrance.gouv.fr/loda/article\\_lc/LEGIARTI000039369598/?lang=en](https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000039369598/?lang=en))



Empty and furnished accommodation: the new owner must inform the tenant

Law No. 89-462 of 6 July 1989 on rental relationships: article 15

([https://www.legifrance.gouv.fr/loda/article\\_lc/LEGIARTI000042193498/?lang=en](https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000042193498/?lang=en))

Empty housing: time limits for the leave to sell or live in the new owner

Order of 13 December 2017 on the information notice relating to the obligations of the lessor and the remedies and compensation of the lessee (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000036236664/?lang=en>)

Empty housing (leave to live: 2-1, leave to sell: 2-2)

Law No. 89-462 of 6 July 1989 on rental relationships: article 25-13

([https://www.legifrance.gouv.fr/loda/article\\_lc/LEGIARTI000037649090/?lang=en](https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000037649090/?lang=en))

Mobility lease

## FAQ

Can a dwelling be rented out in an area of degraded or undignified housing?

(<https://www.service-public.gouv.fr/particuliers/vosdroits/F34210?lang=en>)

Selling a rental property: what are the rules? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F35784?lang=en>)