



## Q & A FOR TENANTS IN LIVING IN PROPERTIES SOLD AT FORECLOSURE

### Can the person (or bank) who buys the building at the foreclosure sale make me leave right away?

- No. If the new owner wants you to move out, the new owner needs to serve a written notice telling you to move out.
- The new owner has to give you a 90-day termination notice (limited exceptions apply).
- If you have a lease, you may be able to stay until the end of the lease term.

### A real estate agent is pressuring me to move. What should I do?

- If someone is telling you to move out but doesn't serve a written notice, you don't have to do anything.
- You are under no obligation to accept so called "cash for keys" offers. Get help before signing any agreement.
- Tell the real estate agent (or other bank representative) to put any communications about your tenancy in writing.

### What if the new owner serves me a notice to move in less than 90 days?

- Get help to discuss your options. You will probably want to do one of the following:
  - Send a letter (by certified mail if possible and keep a copy) telling the owner that the notice is defective and demanding that the owner withdraw the notice; or
  - Disregard the invalid notice -- if the owner tries to enforce the notice in court in an eviction action, you can defend against the action on ground that the notice was invalid and did not terminate your tenancy.

### What about paying rent after foreclosure?

- Stop paying rent to the prior owner. The landlord who lost the property isn't entitled to keep collecting rent.
- The new owner is supposed to serve you a notice telling you where you should send your rent. Until you get this notice, set aside your rent so that you have it available if it is demanded. Banks often refuse to accept rent after foreclosure.
- If the new owner notifies you where to send rental payments and you don't pay, the owner may serve a 3-Day Notice to Pay or Quit. If you don't pay the rent within 3 days and you don't move, the owner can file an eviction lawsuit against you.

### What if I have a long-term lease and it hasn't expired yet?

- In most cases, the new owner cannot evict you until the end of the lease. There is an exception if the new owner intends to use your home as his or her primary residence, but a 90-day notice would still be required to evict you.

### What if the new owner files an eviction action in court against me?

- You will need to respond quickly. Consider hiring a lawyer or contacting your local legal aid agency.
- You may have a defense if the new owner failed to give the notice required by the state or federal law.

### What if I am a section 8 tenant?

- You have the same right to 90-day notice, and to stay until your lease expires, as described above (some exceptions).
- You have some additional protections.
- Call your section 8 worker and get help immediately.

### What if I live in a city with local tenant protection laws?

- You may be protected from foreclosure eviction. Call our hotline to find out which cities have local eviction protections.

Call Tenants Together for more information. **Our Toll Free Tenant Foreclosure Hotline is 888-495-8020.** If you need legal assistance, please contact your local legal aid office.