



**The law protects your right to STAY in your home.**

### **Find out if your landlord is in foreclosure**

Call or visit the clerk's office of your nearest Superior Court. Ask the clerk if your

landlord still owns the property or if there is a new owner. During a foreclosure your landlord still owns the property. After a foreclosure there is a new owner. If the foreclosure is over, read our article *Was Your Landlord Foreclosed?*

### **During a foreclosure...**

Your landlord still owns the property and is responsible for it.

### **You don't have to move out**

The bank can't make you move out while the foreclosure is still going on. Only a judge can order you to move out. In most cases you'll have at least 90 days after the foreclosure is over before an eviction can start.

### **Paying rent**

Keep paying rent to your landlord unless the court tells you to pay someone else. If you stop paying your rent, your landlord can evict you. If you have Section 8 or a rent subsidy, tell your Housing Authority about the foreclosure.

### **If you get court papers don't ignore them**

The court papers must list your name, not "John Doe" or "Jane Doe". If your name isn't on the papers, the bank can't evict you until AFTER the foreclosure is over.

**If your name is listed on the court papers:**

#### **1. Fill out and file court forms.**

- **File an Appearance form within 2 days after the return date.** Get the form at the court clerk's office or online at <http://www.jud.ct.gov/webforms/forms/cl012.pdf> If you miss the **2** day deadline, file your *Appearance* anyway. It's better to file it late than not at all. Once you file the *Appearance* you will get notice of everything that happens in court.
- **File an Answer form within 15 days after the return date.** Get the form at the court clerk's office or online at <http://www.jud.ct.gov/webforms/forms/hm005.pdf> <http://www.jud.ct.gov/webforms/forms/hm005.pdf>. If you miss the 15 day deadline, file your *Answer* anyway. It is better to file it late than not at all.
- Use the *Special Defenses* section in the Answer form to tell the court if you have
  - ▶ a lease
  - ▶ Section 8 or live in subsidized housing
  - ▶ a mental or physical disability, are 62 or older and live in a building with at least 5 units or a mobile home park
  - ▶ a household member who has a disability or is 62 or older and you live in a building with at least 5 units or a mobile home park

#### **2. Go to the court hearings**

Tell the judge if you want to stay or if you need more than 90 days after the foreclosure to move. Explain special circumstances, for example you have children who need to finish the school year or someone in your family is ill.

**3. The judge will tell you when you have to move out.**

If you don't move out, the new owner can have a marshal move your things out. The marshal may only give you 24 hours notice. If you were not named in the foreclosure with your own name, a marshal can't move your things out.

*Most courthouses have a court service center that can help you with court forms.*

**After a foreclosure...**

*The new owner owns the property and is responsible for it.*

*Sometimes the bank will offer you money to move out earlier than you have to. The offer must be the HIGHEST of:*

- 1) two month's rent,
- 2) two times the security deposit, or
- 3) \$2,000. If the offer is less than this amount, call the Attorney General's office at 860-808-5318.

**Paying rent**

Pay rent to the new owner with a check or money order. If you can't find the new owner, or he refuses your rent, keep a record of how you tried to pay and keep the rent money in a safe place. If the new owner tries to evict you, show the court your records.

**Repairs and utilities**

The new owner must provide the same repairs, maintenance and utilities as your old landlord. If the new owner stops paying heat or utilities, call the utility company right away and tell them the situation. If the new owner doesn't make repairs, call your town housing or building code agency and make a complaint. See our article *Tenants' Rights: Repairs*

**Your security deposit**

Whoever owns the property when you move out has to return your security deposit. It doesn't matter if your old landlord never gave the deposit to the new owner. When you move out, **write a letter** to the new owner with your new address and a copy of the security deposit receipt if you have it. Mail your letter by regular mail and certified mail with return receipt requested. Keep a copy. If you're not sure who the owner is, mail the letter to the bank's attorney, realtor, or anyone else who has contacted you.

The owner has 30 days after you move to return your deposit plus interest. If you have problems getting your deposit back call the State Banking Department at 860-246-8154 or 1-800-831-7225 ext. 8154. See our article *Tenants' Rights: Security Deposits*.

*This flyer was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.*

*This information is based on laws in Connecticut as of 7/2014. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer. © 7/2014*

**NEED HELP?**

*Call us for help*



**Statewide Legal Services**

**1-800-453-3320**

**860-344-0380**

*Search our website for help*



**www.ctlawhelp.org**