Renters' Rights During and After

Foreclosure



May 2025

Do you have a legal problem?
Call our hotline:

Statewide Legal Services
1-800-559-1565

You cannot be forced out of your apartment by a bank or other foreclosing party while your landlord is in foreclosure. The law protects your right to stay in your home.

After a foreclosure is over, you should usually get at least 90 days' notice to move out.

During and after the foreclosure process, it's important that you **keep paying your rent and keep following the terms of your lease**. Your landlord can start eviction against you even while a foreclosure is going on.

However, only a judge can order you to move out of your apartment.

What should I do if I think my landlord is in foreclosure?

First, find out if your landlord is or was in foreclosure. You can look up your address on the Judicial Branch website by going to www.CTLaw.help/jud-lookup. (Make sure to choose *All Cases* in the menu next to *Case Status*.)

Or you can call or visit the clerk's office at your nearest courthouse. Ask the clerk if there is or was a foreclosure against your landlord and if your landlord still owns the property.

If your building was foreclosed and it has a new owner, the new owner (a person or bank) will become your new landlord. The new owner might ask you to move out or try to evict you, but you don't have to leave right away. You have rights.

Things you should know during a foreclosure:

- During a foreclosure, your landlord still owns the property and is responsible for it. You have the right to stay in your home during a foreclosure and for a period of time after, but your landlord could still evict you if you fail to pay rent or you break the rules in your lease. It is important to keep paying your rent to the landlord unless the court tells you to pay someone else, and continue to follow the rules in your lease if you have one.
- If you have Section 8 or a rent subsidy, tell your housing authority about the foreclosure action against your landlord.

What if I get foreclosure papers with my name on them?

It is unlikely that your landlord's bank will include you as part of a foreclosure action. However, if you get legal papers in the mail or from a judicial marshal, contact an attorney. If you have low income and you need legal help or information, call Statewide Legal Services (SLS) at 1-800-453-3320.

Things you should know after a foreclosure:

- **If you have a written lease**, the new owner must let you stay until the end of your lease or give you 90 days' written notice to move out – whichever is longer. If you haven't moved out after the deadline in the notice has passed, the new owner can start an eviction against you.
- **If you don't have a written lease**, the new owner must give you 90 days' written notice to move out. If you haven't moved out after the deadline in the notice has passed, the new owner can start an eviction.
- **If the new owner is Fannie Mae or Freddie Mac** (Federal National Mortgage Association or Federal Home Loan Corporation), these agencies have policies that might allow you to remain in your home following a foreclosure. You might get information in the mail after the foreclosure, or you can check their websites for details.
- **If you are at least 62 years old or you have a mental or physical disability** that is expected to last at least 12 months and you live in a building with five or more units (or a mobile home park), you can only be evicted if there is ***good cause*** (in other words, a good reason for the eviction). An example of good cause would be that you didn't pay your rent or you didn't follow your landlord's rules for the building. A foreclosure is not considered good cause. You also qualify for the good cause rule if a close family member (spouse, brother or sister, parent, grandparent, or child) lives with you and is at least 62 years old or disabled. Learn more about good cause at www.CTLaw.help/eviction.

Cash for keys

Sometimes the bank will offer you money to move out early. This is often called *cash for keys*. The bank doesn't have to make this offer—it can wait until your time to move expires. If the bank offers cash for keys, the offer must be **at least the highest** of

- two months' rent;
- two times the security deposit; or
- $2,000.

A bank can offer you more than this, and you can try to bargain for more. If the offer is for less, call the Attorney General's office at 860-808-5318.

Paying rent

Pay your rent to the new owner with a check or money order. Always write on the memo line: "Rent in full for the month of _____." If you can't find the new owner or the new owner won't take your rent, keep a record of when and how you tried to pay, and put the rent money aside in a safe place. If the new owner tries to evict you for not paying rent, show the court your records.

Your Section 8 voucher

If you have a Section 8 voucher, the new owner has to take over your lease and honor your contract with the housing authority for the minimum 90-day period required by the Protecting Tenants in Foreclosure law. Make sure you tell your housing authority about the foreclosure. If you have Section 8, you may be able to renew your lease. Talk to your worker.

Repairs and utilities

The new owner must provide the same repairs, maintenance, and utilities that your old landlord provided.

If the new owner doesn't make repairs, you can make a complaint with your town housing or building code agency. Get more information at www.CTLaw.help/repairs.

If the new owner stops paying heat or utilities that were part of your rental agreement with the old owner, call the utility company and tell them. If they won't turn your utilities back on, call your local code enforcement office (dial 2-1-1 for that phone number). Get more information at www.CTLaw.help/utilityprobs.

Your security deposit

Whoever owns the property when you move out must return your security deposit. It doesn't matter if your old landlord didn't give your deposit to the new owner.

When you move out, write a letter to the new owner with your new address and include a copy of the security deposit receipt, if you have it. Mail your letter both by regular mail and by certified mail with a return receipt requested. Keep a copy of the letter.

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 21 days after you move to return your deposit plus interest. If you have problems getting your deposit back, you can

- file a claim in small claims court, or
- call the Connecticut Department of Banking Security Deposit Investigator (860-246-8154).

Get more information on security deposits at www.CTLaw.help/security-deposits.

What if the new owner starts an eviction against me?

For complete information on defending yourself in an eviction, see www.CTLaw.help/eviction.

After a foreclosure, the new owner must let you stay until the end of your lease (if you have one) or give you 90 days' written notice to move out – whichever is **longer**. You can be evicted if you don't move out after that deadline has passed, but there must be a court judgment first. **Only a judge can order you to move out.**

If you or a household resident are at least 62 years old or disabled, you cannot be evicted at all unless there is *good cause*. If new owners threaten to evict you, tell them that you are protected against eviction.

After a foreclosure, you should get a notice telling you who the new owner is and how long you have to move out. The notice must give

you at least 90 days to move out. Next, you will get a *Notice to Quit*, which is a court form that asks you to leave by a certain date. The notice to quit may be given to you or left at your apartment. **Important:** You **do not** have to leave on the date listed on the Notice to Quit.

If you get a Notice to Quit:

- ► Try to work out an agreement with the new owner.
- ► Talk to a lawyer. Call Statewide Legal Services at 1-800-453-3320.

If you can't work out an agreement and the new owner wants you to vacate the property, a marshal will serve you with a *Summons* and *Complaint*. These papers may be given to you or left at your apartment. If you get a *Summons* and *Complaint*, **don't ignore them**.

If you have very low income, call Statewide Legal Services at 800-453-3320 to see if legal aid can help you. If you can't get a lawyer to help you, you must follow these steps:

1. Fill out the following court forms:

Appearance:
www.jud.ct.gov/webforms/forms/cl012.pdf

File this form within 2 days after the return date. The return date will be on the court papers. You do NOT have to go to court on the return date. If you miss the deadline, file this form anyway. Once you file an *Appearance*, you will get notice of everything that happens in court.

Answer:
www.jud.ct.gov/webforms/forms/hm005.pdf

File an *Answer* form within 2 days after the return date. If you miss the 2-day deadline, file your *Answer* anyway.

If the new owner didn't give you 90 days' notice to move out before starting the eviction, check the box on the *Answer* form or write in the Special Defenses section: "I live on the premises and I have a right under state and federal law to stay in my home until at least 90 days after the new owner takes title and gives me notice to leave."

If you have a lease that doesn't expire until more than 90 days after the new owner took title, check the box on the *Answer* form or write in the *Special Defenses* section: "I have a right to stay more than 90 days because my lease does not expire until more than 90 days after the new owner takes title. My lease expires on _____."

If you qualify for *good cause* (see page 3), you can't be evicted just because the property was foreclosed. Check the box on the *Answer* form or write in the *Special Defenses* section: "I do not have to move because I live in a building with at least 5 units or a mobile home park and I (or someone in my household) am at least 62 years old or have a long-term mental or physical disability."

2. Make two copies of each of the completed forms.

- Take the original forms to the court clerk.
- Give or mail copies of the forms to the new owner or their lawyer, if they have one.

After you give your forms to the court:

The court will mail you a letter with the time and date of your trial. At the trial, you will be able to tell the judge why you should not be evicted. If you don't go to court for your trial, the new owner will win automatically and will be able to evict you. If this happens, a marshal can make you move out with as few as 24 hours' notice.

Going to court

You and the new owner will talk to a housing mediator. The housing mediator will try to help you make an agreement instead of having a trial. If you can come to an agreement, it will be put in writing and you, the new owner , and the judge will sign it. You will each get a signed copy of the agreement.

You can also make an agreement on your own with the new owner , but don't sign anything until you talk to the housing mediator.

Important! Only sign an agreement if you can do what it says. Don't let yourself be talked into signing an agreement that you won't be able to keep. If you sign an agreement and then break it, you can be evicted very quickly.

If you can't make an agreement, you will have a trial.

At the trial, a judge will decide your case. When the judge calls your case:

1. The new owner will speak first and explain why they want you to move out. They may show the judge papers or other evidence. If the new owner has any witnesses, they will testify next.

2. The judge will then ask you to tell your side of the case. You should explain why you should not be evicted. You can also show the judge papers, photos, and other evidence. You can also call your own witnesses if you want.

3. The judge may ask questions of you, the new owner, or any witnesses. You can also ask questions when it's your turn.

4. Often the judge will make a decision at the end of the trial and tell you and the new owner the decision right away. But sometimes the judge will decide later and the court will send the decision to you and the new owner by mail.

If you win at your trial, you get to stay in your apartment.

What happens if I lose?

If you lose your case, you will have to move out. The law gives you five days, not counting Sundays, to remove yourself and your belongings. The five days start on the day the judge's decision is filed with the clerk, *not* on the day you get the notice. You can ask the judge for more time at the hearing or you can go to the clerk's office within five days of the decision to fill out a form asking for more time Call the clerk if you are unsure of when you need to move out.

If you haven't moved out after the five days have passed, the new owner can get permission from the court to have a marshal carry out the eviction. A marshal must give you at least 24 hours' notice before removing you and your things from the apartment. The new owner *cannot* remove you. **Only a marshal can remove you from the apartment.**

If you don't move out before the marshal comes, the marshal will take your belongings from the apartment, even if you are not there, and have them stored by the town. Once your things have been removed, the new owner can change the locks and legally prevent you from coming back in.

Warning: You can be evicted even if you have small children, you get Section 8, or it is winter. Pack your things as fast as you can before the marshal comes back. Take the most important things first, starting with your medications and important legal documents, like birth certificates and ID cards. It can be very difficult to get your things back after an eviction has taken place.

If you have nowhere to store your belongings or you lose them in an eviction:

- **Call 2-1-1** and ask for help finding a place to live or to store your belongings.
- **Contact your DSS worker** if you have one. DSS sometimes helps with housing and moving costs, or it may pay for the security deposit for your next apartment.
- You can get your belongings back from your town if you ask for them within 15 days. The town will charge you moving and storing costs, but you can ask them to lower or waive these costs. After 15 days, the town will sell your things at a public auction. You can try to buy your belongings back at the auction. Ask the town when and where the auction will be. If the town doesn't hold the auction right after the 15th day, you might be able to get your property back even after the 15 days.

Can I ask for more time to move?

You can ask the new owner for more time, but they don't have to agree. The best way to get extra time (more than the five days required by law) is by bargaining for it when you are in court in mediation—before the judge makes a decision about your case. If you agree in mediation that you will move out, be honest about how much time you need. Don't make promises that you can't keep.

You can come back to the court to ask for more time to move, but this is very hard to get. Ask the clerk or someone in the Court Service Center about filing a motion asking for more time. You can ask for up to six months (or up to three months if you are evicted because you didn't pay rent), but you are not likely to get it. You will need to have a good reason, and you may have to pay the back rent. Be prepared to pay rent for each month you stay.

How to Get Help from Legal Aid

Contact Statewide Legal Services

www.slsct.org
1-800-453-3320 or 860-344-0380

SLS provides free advice to low-income people who have legal problems in Connecticut. For some legal problems, they may send you to another legal aid program or to a volunteer attorney.

Statewide Legal Services of CT

eviction HELP CT

Need help with a housing problem?

If you are facing eviction or losing your housing subsidy, you may have the right to a free lawyer. Call 1-800-559-1565 or go to www.EvictionHelpCT.org.

Contact your local legal aid office:

Connecticut Legal Services

www.ctlegal.org

Bridgeport
203-336-3851
1000 Lafayette Blvd.

New Britain
860-225-8678
16 Main St.

New London
860-447-0323
125 Eugene O'Neill Dr.

Stamford
203-348-9216
1177 Summer St.

Waterbury
203-756-8074
85 Central Ave.

Willimantic
860-456-1761
1125 Main St.

Greater Hartford Legal Aid

www.ghla.org
999 Asylum Ave., Hartford
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org
205 Orange St., New Haven
203-946-4811

Consumer Law Project for Elders

1-800-296-1467
Help with money and debt problems for people 60+.

Do you know your rights?
Go to **www.CTLawHelp.org** for free legal information.

For more information, go to www.CTLaw.Help/landlord-foreclosure

This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut. The information in this booklet is based on laws in Connecticut as of 5/2025. This information is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.