

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

HOUSING

LEGAL SERVICES

SELF-HELP SERIES

A Renter's Rights During and After Foreclosure

December 2018



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- SNAP (food stamps),
- divorce,
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- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

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If you're under 60, call us for help:



Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd 203-336-3851
Suite 950

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr.
Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

205 Orange Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.
1-800-296-1467

A Renter's Rights During and After Foreclosure

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This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services. The information in this booklet is based on laws in Connecticut as of December 2018. 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.

Introduction

You cannot be forced out of your apartment 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**. An eviction can be started against you even while a foreclosure is going on.

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:
<http://civilinquiry.jud.ct.gov/PropertyAddressSearch.aspx>.
(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 your landlord still owns the property or if there is a new owner.

If your apartment was foreclosed and the building has a new owner, that 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.

If your landlord is in foreclosure right now, keep reading. If the foreclosure already happened, skip to page ____.

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 you could still be evicted for other reasons. It's 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.
- ▶ **Don't ignore court papers.** The bank can try to use the foreclosure as a way to force you out of your home. If you get foreclosure papers with your name on them, there are things you can do to protect your rights. Keep reading to learn more.
- ▶ If you have Section 8 or a rent subsidy, tell your housing authority about the foreclosure.

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

If you have low income and you need legal help or information, call Statewide Legal Services (SLS) at 1-800-453-3320.

If you get papers from the court, don't ignore them, even if they say "John Doe" or "Jane Doe" instead of your real name. It's important that you respond to the court papers so you can protect your right to stay in the apartment until after the foreclosure is over.

1. Fill out and file the following court forms:

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

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.

Can I ask for more time to move?

You can ask your landlord 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.

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. Call the clerk if you are unsure of the date.

If you haven't moved out after the five days have passed, your landlord 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 landlord 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 landlord 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.

File this form within 2 days after the return date. You can find the return date 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: <http://www.jud.ct.gov/webforms/forms/hm005.pdf>

File an *Answer* form within 15 days after the return date. If you miss the 15-day deadline, file your Answer anyway.

Write in *Special Defenses* section in the *Answer* form: "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."

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

If any of these are true for you, also 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 _____."
- "I do not have to move because I live in a mobile home park or in a building with at least 5 units and I (or someone in my household) am at least 62 years old or have a long-term mental or physical disability."

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 any special circumstances: for example, if 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 when the judge tells you to, 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. If a marshal threatens to move you anyway, contact the court clerk or call Statewide Legal Services 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 landlord 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 landlord can start an eviction.
- ▶ **If the new owner is Fannie Mae or Freddie Mac** (Federal National Mortgage Association or Federal Home Loan Corporation), you must be offered a new month-to-month lease at least until the property is sold to the next owner.
- ▶ **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, 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.

Going to court

You and the landlord 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 landlord, 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 landlord, 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 landlord will speak first and explain why you should be evicted. The landlord may show the judge papers or other evidence. If the landlord 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 landlord, 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 landlord the decision right away. But sometimes the judge will decide later and the court will send the decision to you and your landlord by mail.

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

File an *Answer* form within 15 days after the return date. If you miss the 15-day deadline, file your *Answer* anyway.

If the new owner didn't give you 90 days' notice to move out before starting the eviction, write in *Special Defenses* section in the *Answer* form: "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."

If you have a lease that doesn't expire until more than 90 days after the new owner took title, write in *Special Defenses* section in the *Answer* form: "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 6), you can't be evicted just because the property was foreclosed. Write in the *Special Defenses* section on the *Answer* form: "I do not have to move because I live in a mobile home park or in a building with at least 5 units 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 your landlord or the landlord's lawyer.

After you give your forms to the court:

The court will mail you a letter with the time and date of your trial. If you don't go to court for your trial, the landlord will probably 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.

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—they 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. 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. See the legal aid booklet, *Tenants' Rights: 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. Call 2-1-1 for help getting that phone number. Also see the legal aid booklet, *Utility Problems with Landlords*.

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 30 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).

For more information, see the legal aid article, *Security Deposits and Rent Increases*.

What if the new owner starts an eviction against me?

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.**

An eviction starts with 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 landlord.
- Call Statewide Legal Services at 1-800-453-3320.

If you can't work out an agreement and the landlord still wants to evict you, 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 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: <http://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.