

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

Was Your Landlord Foreclosed?

What a Tenant Needs to Know

September 2017



We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- 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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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

426 State 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

Was Your Landlord Foreclosed?

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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 September 2017. 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.

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

- 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 reduce or eliminate 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 he or she does not have to give it to you. 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, 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 your apartment was foreclosed, you **do not** have to move out right away. You have rights.

First, find out for sure if your apartment was foreclosed.

You can look up the address online 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*.)

You can also call or visit the clerk's office at your nearest Superior Court. Ask the clerk if your landlord still owns the property or if there is a new owner.

If your landlord still owns the property but the apartment is currently in foreclosure, keep paying your rent to your landlord and read the legal aid article, *Is Your Landlord in Foreclosure?*

If your landlord was foreclosed

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.

The new owner must give you at least 90 days' written notice to move.

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 refuse to move after that, the landlord can start an eviction against you.

If you don't have a written lease, the new landlord must give you at least 90 days' written notice if he or she wants you to move out. If you haven't moved out after the deadline in the notice has passed, the landlord can start an eviction against you.

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.

Cash for keys

Sometimes the bank will offer you money to move out earlier than you have to. This is often called cash for keys. The bank is not required to make this offer and can instead wait until your time to move has expired. But if the bank does offer 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 these amounts, and you can try to bargain for more. If the offer is less than these amounts, call the Attorney General's office at 860-808-5318.

Good cause

If you are at least 62 years old or you have a disability (mental or physical) 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 a good reason (also called *good cause*). 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 (a spouse, brother or sister, parent, grandparent, or child) lives with you in the apartment and is at least 62 years old or disabled.

Paying rent

Pay rent to the new owner with a check or money order. Always write on the memo line of the check or money order, "Rent in full for month of _____." If you can't find the new owner or the new owner won't accept your rent, keep a record of when and how you tried to pay, and put the rent money aside

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 coming to remove you and your belongings from the apartment. The landlord *cannot* remove you. **Only a marshal can remove you and your possessions.**

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 can 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 the middle of the winter. Pack your things as fast as you can before the marshal comes back, and take the most important things. Start with your medications and important legal documents, like birth certificates and ID cards. It can be very difficult to get your property 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 immediately** and ask for help finding a place to live or to store your belongings.
- Contact your DSS worker right away, if you have one. DSS sometimes helps with housing and moving costs, or it may pay for the security deposit for your next apartment.

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, then 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 talk to the housing mediator before you sign it.

Important! Only sign an agreement if you can do what it says. Don't let yourself be talked into signing an agreement that 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 at that time. Sometimes the judge will decide later and the court will send the decision to you and your landlord. If you win, you get to stay in your apartment.

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 the 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 as your old landlord.

If the new owner doesn't make repairs, call your town housing or building code agency and make a complaint. 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 right away and tell them about the situation. If the utility company won't turn your utilities back on, call your local code enforcement office. Call 2-1-1 if you need 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 a copy of the security deposit receipt (if you have it). Mail your letter 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, along with interest. If you have problems getting your deposit back, you can file a claim in small claims court. You can also call the State Banking Department at 860-246-8154 or 1-800-831-7225 ext. 8154. For more information, see the legal aid article, *Security Deposits and Rent Increases*.

If the new owner starts an eviction against you

As explained on page 3, 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 refuse to 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 directly 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.
- Talk to a lawyer. 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 a *Complaint*. The *Summons* and *Complaint* may be given directly to you or left at your apartment.

If you get a Summons and Complaint, don't ignore it.

If you have very low income, call Statewide Legal Services at 800-453-3320 and find out if you qualify for legal aid.

If you can't get a lawyer to help you, you must follow these steps:

1. Fill out these court forms: *Appearance* (#JD-CL-12) and *Answer* (#JD-HM-5). Most courthouses have a Court Service Center with staff who can help you with court forms.

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

- If the new owner didn't give you 90 days' notice to move out before starting the eviction or didn't let you stay until the end of your lease, tell the court in the *Special Defenses* section of the *Answer* form.
- If you qualify for *Good Cause* (see page 4), you can't be evicted just because the property was foreclosed. Tell the court in the *Special Defenses* section of the *Answer* form.

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

3. Take the original forms to the court clerk within two business days of the Return Date on the Summons.

4. Give or mail copies of the forms to your landlord or the landlord's lawyer.

Warning! If you don't fill your forms out completely, correctly, and file them with the court on time, you could lose your case.

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.