

ARE YOU A TENANT IN A BUILDING BEING FORECLOSED? YOU HAVE RIGHTS!

Do I have to move out as soon as my building is foreclosed?

NO! ONLY A COURT CAN TELL YOU TO MOVE OUT. Whether your old landlord or a new owner (usually a bank), they have to take you to court to evict you; you are still a tenant with rights. **If you have a Section 8 voucher, you have more rights; call the agency that administers your Section 8 immediately.**

Should I take a cash-for-keys offer to move out quickly?

NOT USUALLY. You do NOT have to agree to an offer to move for money. Usually, “Cash for keys” offers are not enough money to move, and if you take it, you give up your legal rights. The court may give you more time to move and/or money

After foreclosure, can the new owner evict me without going to court?

NO! No one can force you to move without a court order. Plus, you can fight an eviction in court. If you get papers telling you to go to court, **read them carefully – do not ignore them!** You have the right to file an “answer” and other paperwork before the court date. Check all dates and be sure you make them. You can defend yourself, ask the judge to let you stay, and maybe win some money. Even if you lose, in some cases courts give tenants up to six months or a year to leave.

Do I need a lawyer if the new owner tries to evict me in court?

NO, but a lawyer can help. It can help to contact a lawyer as soon as you find out about the foreclosure. Call the numbers at the bottom of this handout to try to get a referral to Legal Assistance. Even without a lawyer, you must still go to court on the date of your hearing. If your case is in Worcester Housing Court, you can ask to see the Lawyer for the Day.

After foreclosure, is the new owner responsible for repairs and utilities?

YES. the new owner must provide repairs, maintenance and pay utilities that your previous landlord paid. For repairs or questions about the property, contact anyone who gave you papers about the foreclosure (a broker, a real estate agent, or a lawyer for the new owner). Demand that repairs be made and utilities kept on. Also send the new owner, or their agent, a letter listing all problems in the unit. Keep a copy of your letter. It can help to call your local Board of Health to request a free inspection. If the new owner does not fix **serious** problems in your apartment or building, or if the utilities are shut-off, you can go to Housing Court and ask the court to order the new owner to make repairs and supply utilities.

Should I pay rent after foreclosure?

YES, but don't pay the old landlord, find out who the new owner is. If the new owner doesn't accept your rent, save the money and do not spend it. Offer to pay your rent in a letter to the new owner, or their agent, and keep your own copy.

Helpful Resources:

Central Mass. Housing Alliance: To get help with housing search, call 508-791-7265.

Mass. Justice Project: To get a referral to a Legal Services lawyer, call 508-831-9888.

City of Worcester Dept. of Public Health: To get a free inspection for conditions in your unit, call 508-799-8531.

RCAP Solutions: If you have a Section 8 voucher from RCAP, call 1-800-488-1969.

Worcester Housing Authority (WHA): If you have a Section 8 voucher from WHA, call 508-635-3000.