

This brochure was published in partnership with the Baltimore Homeownership and Preservation Coalition and the Rental Housing Coalition.

## Renters Have Rights when their Landlord is Facing Foreclosure



**What You Need to Know about Foreclosure**

# What You Need to Know when your Landlord is Facing Foreclosure

If your landlord has not paid the mortgage and the bank wants to foreclose on the property, you may have the right to stay for the rest of your lease. If your lease is month-to-month, you still have 90 days to move after the new owner gives you notice to leave. Here is some information to help you figure out what is going on, what you can do, and where to find referrals for legal advice and other assistance.

**Q: How will I know if my landlord is in trouble?**

**A: Open all mail addressed to “occupant,” “current resident,” or “tenant,” especially if it is from a court, law firm, bank, or finance company.**



Keep your eyes open. Renters should receive separate notices when

- A foreclosure action is filed in court
- The foreclosure sale is scheduled
- The sale has occurred
- The new owner asks the judge to evict the occupants

**Q: What about my rent payments?**

**A: You must pay your old landlord until new buyer takes title to the property.** You should be notified by the buyer when they purchase the house. The new owner will be your new landlord.



**Q: What should I do to protect myself?**

**A: First, get legal advice.** (See back cover for a list of referrals.)

**Second, make sure the bank, the court, and the new owner know that you are renting the property.** The notices you receive by mail will have contact information. You must let the court know in writing that you are a renter who wishes to stay in the property. An attorney can help you file the necessary paperwork.

**Q: What happens to my security deposit?**

**A: Your new landlord is responsible for holding your security deposit,** and must return it to you minus deductions for unpaid rent or damages beyond normal wear and tear.

**Get legal advice.** You may need to go to small claims court if the landlord does not return the security deposit.

## **Q: Do I have any right to stay in the property after a foreclosure?**

**A: You do have rights, but you need to get legal advice and take action. Contact a lawyer to see what rights you have.**

Under federal law, most renters will be able to stay in the property even after the foreclosure. If you have a lease, you will probably be able to stay for the rest of the lease term. The new owner will become your landlord. Month-to-month renters will usually be able to stay in the property for 90 days after title to the property transfers to the new owner, and you receive written notice from the new owner.

## **Q: Can I still be evicted?**

**A: The court may order the Sheriff to evict you if:**

- The court does not know there is a renter still living in the property.
- The court decides you are not eligible to continue living in the property after foreclosure because your situation falls under an exception in the law. Get legal advice to find out about these exceptions.
- You do not pay rent or you break your lease.

## **Q: How will I know that I am going to be evicted?**

**A: You should receive notices** in the mail telling you the court has ordered the eviction. Different counties require different notices.

In Baltimore City, you will receive a notice by mail 14 days before the eviction is scheduled, and a notice will be posted on your door 7 days before the eviction date. If you do not receive the proper notices, you are being evicted illegally.

## **Q: If I have to move, can I get any assistance?**



**A: The Homeless Emergency Environmental Services Unit/Eviction Prevention Program of the Baltimore City Department of Social Services** may be able to help you find other housing. They may also be able to offer financial assistance for a security deposit or first month's rent on a new place. Call 443-423-6000 for more information.

Disclaimer: This brochure offers consumer information only and is not intended to provide legal advice. Every effort has been made to ensure the accuracy of this information. To understand how the law applies to your individual circumstances, you should consult an attorney.

# Where to Find Assistance in Baltimore City

## General Information and Referrals

### **Baltimore Neighborhoods , Inc. Tenant-Landlord Hot line**

(410) 243-6007 (Baltimore Region)  
1-800-487-6007 (Maryland Only)

### **Clerk of the Circuit Court for Baltimore City**

Courthouse East, Room 426E  
111 N. Calvert Street  
410-333-3722  
[www.baltocts.state.md.us](http://www.baltocts.state.md.us)

## Legal Assistance

### **Public Justice Center**

410-625-9409  
1-877-625-9409  
[www.publicjustice.org](http://www.publicjustice.org)

### **Maryland Legal Aid Bureau**

500 E. Lexington St.  
410-951-7777  
1-800-999-8904



### **Homeless Persons Representation Project** (for Section 8 and other

subsidized housing renters only)  
1800 N. Charles Street, Suite 206  
410-685-6589  
1-800-773-4340  
[www.hprplaw.org](http://www.hprplaw.org)

### **Civil Justice Inc.**

410-706-0174  
[www.civiljusticenetwork.org](http://www.civiljusticenetwork.org)

## Housing Relocation Assistance

### **DHCD's Housing Locator Service**

1-877-428-8844  
[www.mdhousingsearch.org](http://www.mdhousingsearch.org)

### **First Call for Help**

410-685-0525  
1-800-492-0618

### **Maryland Department of Human Resources**

[www.dhr.state.md.us/transit/](http://www.dhr.state.md.us/transit/)

### **Homeless Emergency Environmental Services Unit**

443-423-6000