

Tenant Rights When Your Landlord Has Been Foreclosed On

This pamphlet explains your rights and obligations as a tenant when your landlord is foreclosed on and a new owner buys the rental property at a sheriff's sale.

What is foreclosure?

Foreclosure is the legal process a bank uses to repossess property. The bank sues the landlord, gets a court decision that allows it to sell the property and use the money from the sale to pay off the mortgage. This process usually takes several months.

Before the Property Has been Sold

How will I know if my landlord is in foreclosure?

You may get mail addressed to “John Doe, Tenant” when the foreclosure is filed. But you also may not know anything about the foreclosure until the new owner notifies you that the property has been sold.

Do I still owe rent while the foreclosure case is going on?

Yes. Nothing changes until after the property has been sold. Your landlord is still responsible for maintaining the property, and you are responsible for paying rent. And until the property has been sold, the landlord can evict you for nonpayment of rent.

If the landlord has disappeared, hold onto your rent.

After the Property Has been Sold Do I have to move when the building is sold at sheriff's sale?

Maybe. But generally, not right away.

What kind of notice should I get from the new owner?

The new owner—which is often a bank—should give you a written notice that tells you who the owner is and where to send your rent.

How soon will I have to move? If the new owner wants you to move, the owner must give you a notice telling you that you will have to move no sooner than 90 days from the date of the notice.

How do I qualify for a 90-day notice? You must have been a “bona fide” (genuine) tenant, either with a lease or as a month-to-month tenant.

- You can't be the former owner, a member of the owner's family, or someone who is just squatting in the home.
- You must have been paying a reasonable rent for the home—or your rent is subsidized.
- You continued paying rent to the former owner until the property was sold.

I had a written lease with the old owner that won't be up for another 6 months. Will I still have to move in 90 days?

Probably not. You have the right to stay at least 90 days or until your lease expires, whichever is longer.

The new owner says she bought the house to live in. Does she still have to give me a 90 day notice?

Yes. But she does have the right to break your lease and force you to move with a 90-day notice.

I have a Section 8 voucher. Does the Sheriff's sale cancel my Section 8 lease?

No. The new owner must enter into a Section 8 contract with the housing authority. You should call your housing specialist as soon as you learn that the property has been sold.

The new owner has offered to pay me to move out sooner than 90 days. Can I do that? Yes, but only if you want to. That's between you and the owner.

I understand that a bank bought the property, how do I find the right person at the bank to take care of problems with the property? That can be hard.

- Call the bank and ask for the "property preservation" department.
- Look up the foreclosure case on the Clerk of Court's website and call the attorney who represented the bank.

My old landlord was supposed to pay for utilities. The bills haven't been paid since the sheriff's sale, and I have shut off notices. Who is responsible for paying these bills?

The new owner.

What can I do if the new owner doesn't pay utility bills?

- If the bills are less than your rent, pay the bills and deduct that payment from your rent.
- If gas or electric are from Duke, call Duke, explain you are a tenant, and ask for the amount of the landlord's current bill.
- If there are other tenants in the building, you can keep the Duke services on by paying the current bill. You do not have to pay any old charges, just the bill for the latest month's service.

The new owner did not give me a 90-day notice and is trying to evict me. What can I do? • Call Legal Aid—513-241-9400

- If you are not eligible for Legal Aid, try to get another attorney.
- If you have to represent yourself in eviction court, make sure you tell the judge that you have been a tenant in a foreclosed building. You should take evidence to court with you. That includes:
 - Rent receipts or other proof that you paid the old owner;
 - Lease or rental agreement (if you had one);
 - Any notices you received from the new owner.

How can I find out if my landlord is in foreclosure?

If you have internet access, you can look up your landlord on the Clerk of Courts website for your county. Each website allows you to search for Common Pleas cases by the homeowner's name.

- **Hamilton County:**
www.courtclerk.org
- **Brown County:**
www.browncountyclerkofcourts.org
- **Butler County:** www.butlercountyclerk.org
- **Clermont County:**
www.clermontclerk.org
- **Highland County:**
www.co.highland.oh.us
- **Clinton County:** www.clintoncountycourts.org
- **Warren County:**
www.co.warren.oh.us/clerkofcourt

*Not Legal Advice. Legal Aid provides this information to help you understand Ohio laws and procedures.
This is not legal advice concerning your case. Lawyer Referral Service 513-381-8359*