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Renters Have Rights!

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LANDLORD FORECLOSED?

**BALTIMORE
HOMEOWNERSHIP
PRESERVATION
COALITION**

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

WHAT YOU NEED TO KNOW WHEN YOUR LANDLORD FACES FORECLOSURE

If your landlord has not paid the mortgage and the bank forecloses on the property, you may have the right to stay for the rest of your lease. If your lease is month-to-month, the new owner may still be required to give you a valid 90-day notice to vacate after the foreclosure is complete. 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” or “current resident,” especially if it is from a court, law firm, bank, or real estate agent.

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

A: Most renters have this right. You should seek legal advice to determine your rights and to take any action needed to protect your rights. Under new federal and state 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. Month-to-month renters will usually be able to stay in the property until the foreclosure is complete and the new owner gives you a written 90-day notice to leave. While most renters have these rights, some do not. You should seek legal advice to determine your rights.

Q: Should I accept “cash for keys”?

A: After many foreclosure sales, an agent for the bank may offer you a cash payment to move out quickly. Many times these offers are not a good deal for tenants. You should seek legal advice before accepting a “deal.”

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Q: What should I do to protect myself?

A: First, get free, nonprofit legal advice. (See next page for referrals.)

Second, consider writing a letter to the new owner and/or court informing them that you rent the property and listing any problems on the property that you want the new owner to fix. One of the organizations on the back may be able to help you send this letter. Contact the Public Justice Center for more information on regular FREE workshops for renters in foreclosure.

Third, if you receive a “Motion for Judgment Awarding Possession,” you must respond in court soon to preserve your rights.

Q: Can I still be evicted?

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

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

Q: What happens to my security deposit?

A: If you move out after the foreclosure is complete, your new landlord is responsible for returning your security deposit, minus deductions for unpaid rent or damages beyond normal wear and tear. You may need to get legal assistance or go to small claims court to obtain the return of your deposit.

Q: How will I know that an eviction is coming?

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.

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 provide financial assistance and help you find other housing. Call 443-423-6000 for more information.

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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 Hotline

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

Clerk of the Circuit Court for Baltimore City

Courthouse East, Room 460
111 N. Calvert Street
410-333-3722
www.baltocts.state.md.us

FREE LEGAL ASSISTANCE

Public Justice Center

410-625-9409
1-877-625-9409
www.publicjustice.org

Homeless Persons Representation Project

(for Section 8 and other subsidized
housing renters only)
410-685-6589
1-800-733-4340
www.hprplaw.org

Maryland Legal Aid Bureau

500 E. Lexington Street
410-951-7777

Maryland Attorney General

Consumer Protection Division
410-528-8662

HOUSING RELOCATION ASSISTANCE

DHCD's Housing Locator Service

1-877-428-8844
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

Homeless Emergency Environmental Services Unit

443-423-6000