

If you are renting an apartment, house or condo that is in foreclosure, you have the right to:

- ✓ Know if your building is in foreclosure.
- ✓ Live in a safe apartment with utilities.
- ✓ Stay until your lease ends.
- ✓ 90 days' notice if you are asked to move.
- ✓ Be notified if your landlord or building's management changes.
- ✓ Get your eviction court record sealed (made confidential).
- ✓ Recover your security deposit.

WHICH LAWS PROTECT TENANTS?

Tenants are covered by the federal Protecting Tenants at Foreclosure Act of 2009 along with state and city laws as well. In Chicago, the Residential Landlord Tenant Ordinance covers many tenants and offers special protections. Other towns, like Evanston or Oak Park, have special ordinances and resources for tenants. Check with your City or Village to learn if it has a local landlord tenant ordinance or has passed any special laws to protect tenants in foreclosure.

This brochure is intended to give only basic information about tenant's rights and responsibilities. To learn more go to www.regionalhopi.org/help.



This brochure is a summary of general issues facing tenants in foreclosure and may not address your specific situation. This brochure does not replace the advice or representation of an attorney. Because of this and because of unanticipated changes in the law, Lawyers' Committee for Better Housing or the person, institution or agency who gave you this brochure makes no claims as to whether the use of this brochure will achieve the results you desire and disclaims any responsibility for the consequences of any action taken in reliance upon the information in this brochure.

GET HELP

Contact your county's courthouse or local bar association for help finding an attorney. A number of law schools, bar associations and nonprofit organizations across Illinois offer *pro bono* legal advice and representation for those who are unable to afford legal services. You can also find legal information and help for Illinois residents at www.illinoislegalaonline.org.

In Chicago and Cook County, a number of organizations work to protect tenant's rights and provide resources:

LEGAL ASSISTANCE IN CHICAGO AND COOK COUNTY SUBURBS:

Lawyers' Committee for Better Housing
(312) 784-3507
www.lcbh.org

Legal Assistance Foundation of Metropolitan Chicago
(312) 341-1070
www.lafchicago.org

OTHER COOK COUNTY RESOURCES:

Metropolitan Tenants Organization
(773) 292-4988
www.tenants-rights.org

Regional Home Ownership Preservation Initiative
www.regionalhopi.org/help

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Foreclosure doesn't mean
"Get out now."

YOU HAVE RIGHTS.



WHAT IS FORECLOSURE?

If you are renting an apartment, house or condo that is in foreclosure, this means a Court has sent a legal notice to the owner of your unit. The notice says that the owner has not paid the mortgage, and must appear in Court to resolve the issue with his or her lender (bank). The process to resolve this can take several months to a year or more. Sometimes, the bank and the owner reach an agreement and your landlord continues to own the property. In other cases, the Court appoints a Receiver (a new manager) or allows the bank to sell the property.

During this process your responsibilities do not change. For instance: **YOU MUST CONTINUE PAYING RENT**, as failure to pay rent may be grounds for eviction. But you also have additional rights, and resources to help you understand what is happening to your apartment and what your options are.

STEPS TO FIND OUT IF YOUR BUILDING IS IN FORECLOSURE

If you have questions or concerns about your apartment being in foreclosure, talk to your landlord. You can also do research on your own to find out about the status of your apartment.

You can confirm if your building is in foreclosure at your county's Recorder of Deeds office (or in some cases on the Recorder's website). If a foreclosure *lis pendens* (suit pending) notice is recorded on the property, it will show the court case number.

Once you know the foreclosure case number, you can look up the case at your county's Circuit Court (or in some cases on the Court's website).

In Cook County if you know the foreclosure case number:

- Go to www.cookcountyclerkofcourt.org.
- Follow the Link for "Online Case Info" and click "Full Electronic Docket Search".
- Select "Chancery" division and enter the foreclosure case number.

DURING THE FORECLOSURE PROCESS...

YOU HAVE A RIGHT TO LIVE IN A SAFE APARTMENT WITH UTILITIES

During the foreclosure process, your landlord is responsible for the maintenance of your apartment. If a new owner buys your apartment or the Court appoints a Receiver (a new manager), the new landlord will be responsible for maintenance and any other terms of the lease, including utilities.

If your building is not maintained and becomes unsafe, or the building's utilities are shut off, talk with your landlord. If that is not possible or doesn't fix the problem, call the Building Department of your city or village. In Chicago you can call 311.

YOU CAN STAY UNTIL YOUR LEASE ENDS

Protect yourself against illegal lockouts. If anyone other than a sheriff orders you to move out, or if your building is boarded up or utilities (heat, electricity, or water) are turned off without a court order, call 911 and file a police report.

YOU MUST BE GIVEN 90 DAYS' NOTICE IF YOU ARE ASKED TO MOVE

Beware of letters and notices posted on your building saying that you must move out immediately. After the foreclosure ends, a new landlord or owner who wants you to move must give you a 90-day notice. All tenants have this right, including month-to-month tenants. Tenants with leases should be able stay until the end of their lease.

A new owner (sometimes a bank) may offer to pay you to leave early. You are free to accept that offer BUT beware of offers that ask you to:

- Leave your home too quickly.
- Move out and hand over your keys (cash for keys) before you are paid.
- Wait until every tenant moves out of the building before you are paid.

YOUR RESPONSIBILITY: PAYING RENT

During foreclosure, you must continue to pay rent to your landlord. If a new owner buys your apartment or management changes, you are supposed to be notified of these changes in writing. If an eviction was filed against you for not paying rent, but you were never notified that there was a new landlord to pay, you may have a defense against the eviction.

AFTER FORECLOSURE...

YOU MUST BE NOTIFIED IF YOUR LANDLORD CHANGES

You have a right to be notified in writing if your landlord changes. In some cases, a new owner will buy the building or your apartment, becoming your new landlord. In other cases, a Receiver (a court-appointed manager) will be put in charge of the building.

If an eviction was filed against you for not paying rent, but you were never notified that there was a new landlord to pay, you may have a defense against the eviction.

YOU HAVE A RIGHT TO SEAL YOUR RECORD

If the court orders you to be evicted because the building is being foreclosed—not because you did anything wrong—the court record can be sealed (made confidential) to protect your credit rating and your ability to rent in the future.

YOU HAVE A RIGHT TO RECOVER YOUR SECURITY DEPOSIT

Your old landlord should return your security deposit if the foreclosure makes you move or after they lose the building. The foreclosure court may also order the landlord to transfer your security deposit to a new owner. If the deposit is transferred, the new owner, including a bank, becomes responsible for the security deposit and should notify you within 21 days that they now have it. In Chicago, the new owner of the property, such as a bank, is always responsible for your security deposit.