

If Your Building is Being Foreclosed

Information for Tenants

HAPHousing –The Region’s Housing Partnership

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

NO! Don’t panic. No one can force you to move out without a court order. If your landlord loses the building through a foreclosure, you become a tenant of the new owner. The new owner must go through a court eviction process to make you move out. If you need legal assistance call the Massachusetts Justice Project at (413) 533-2660.

2. What happens to my lease after foreclosure?

Under a new Massachusetts law, leases are generally ended by the foreclosure, and you then become a “tenant-at-will”. That means you are not a trespasser, and you do not have to leave immediately. If the new owner wants you to move, the new owner must give you a notice to quit. If you do not leave by the end of the notice period, the new owner must go to court to request the court’s permission to evict you.

3. Does it make a difference if I receive assistance through the Section 8 or MRVP program?

YES! Under the new Massachusetts law, leases of tenants whose rent is subsidized under either a state or federal program are not ended by the foreclosure. The new owner will have to follow the lease terms in order to make you move.

4. What if I don’t have a lease?

The new Massachusetts law makes clear that your tenancy is not automatically ended by the foreclosure. You are still a tenant. The new owner will have to follow the usual procedures (i.e. provide a notice to quit, go to housing court, etc.) to make you leave.

5. Should I take an offer of money to move out quickly?

Generally, no. Take a hard look at what you are being offered. You may do much better by waiting and going to court Offers of “cash for keys” are not official programs, and you do not have to agree. Is the money being offered you enough to move (first and last month’s rent, security deposit, moving costs, utility hook-ups etc.)? Do you have a decent and affordable place to move to? If not, going through court will usually give you more time to find another place. You may have claims against the new owner, or be able to negotiate for more money.

6. Can I ask the court for more time to move?

Yes! You can ask the court for up to six months to leave, or up to a year if you are at least 60 years old or disabled – provided you are not being evicted for non-payment of rent or for other misconduct, and you have been unable to find another place to live.

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

YES. After a foreclosure, the new owner is responsible for the same things as the old owner. If the old owner was responsible for certain utilities, then the new owner is too. If repairs are needed, notify the new owner in writing, and keep a copy for yourself. If you don’t know who the new owner is, get in touch with anyone who may have given you papers about the foreclosure. It might be a real estate agent or a lawyer for the new owner. It’s also a good idea to call your local code enforcement agency.

8. Should I pay rent after foreclosure?

YES. That will preserve your right to ask the court for more time to move. 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 a copy for your records. Don’t pay rent to the old landlord once there has been a foreclosure sale.

Call HAP’s Housing Consumer Education Center with questions (413) 233-1600