

AS A TENANT, YOU HAVE IMPORTANT RIGHTS YOU MAY NOT KNOW ABOUT

If your landlord is foreclosed upon, the lender who holds the mortgage or a new owner who buys the property at a foreclosure sale or auction may seek to evict you even if you have paid your rent on time and have not violated any terms of the lease.

As a tenant living in a foreclosed property, you have certain rights. Recent changes to Massachusetts law provide special new protections for tenants in foreclosed properties. While the foreclosing lender still holds the property, the lender must notify you within 30 days of the foreclosure where to send your rent payment, along with contact information for the lender and whoever is managing the building.

The foreclosing lender can only evict you for “just cause”, and even then, only if you failed to “cure” the reason for which the lender seeks to evict you. You cannot be evicted, even for just cause, until 30 days after the notice of ownership is posted and delivered, and the lender has informed you that you have the right to a court hearing prior to eviction.

If the property is sold at a foreclosure sale or auction, your lease will not be immediately terminated by the sale.

Whether you have a lease or not, you are also entitled to at least 30 days written notice if the buyer wants you to vacate your home.

Someone may ask you to move out very quickly in exchange for money. This is called “cash for keys.” No matter what you are told, you do not have to take the deal. If you do, you may be giving up your legal rights and moving much sooner than necessary.

If you do not want to leave your home after the new owner gives you the proper 30 day notice, you do not have to leave immediately. The new owner cannot evict you and force you to leave your home against your wishes without court approval.

Only a judge can evict you. You have the right to stay in your apartment until that happens, and to raise defenses and claims in court against the new homeowner.

At the hearing, the court will determine how much time you will be allowed before you have to leave your home. If you lose the eviction case, you can request up to six months (or up to 12 months if someone in your household is 60 years of age or older or has a disability) from a judge before you have to move.

Under state and federal law, tenants with rental subsidies have additional eviction rights because of the subsidies.

If you have a rental subsidy, let the subsidy agency know about the change in ownership, so that they stop paying the old owner. The terms of your rental agreement will not be affected by a foreclosure sale.

Being in a foreclosed building does not, by itself, entitle you to withhold rent. If a new owner takes over and does not want to accept your rent, keep a record of your offer to pay.



YOU HAVE THE RIGHT TO A PROPERLY MAINTAINED HOME

The new owners of the property are legally required to post their names and addresses on the property.

Even if a lender takes over the building, they are still legally responsible for maintaining it. If you're having problems with repairs or services that the owner is supposed to provide (like utilities), you should contact the lender. If possible, do this in writing. If you believe your building is in disrepair, you should also call your city or town's housing inspector and ask to have your property inspected for violations of the State Sanitary Code.

If utilities that the owner was supposed to provide (like water, common area lights, heat or hot water) have been shut off or are threatened with shut off, let the lender know, and also call the state's Consumer Hotline at 617-973-8787 or 888-283-3757. You may be able to keep service on by paying enough of the bill to continue service, and can deduct these payments from any rent due.

IMPORTANT RESOURCES FOR TENANTS

Mass Housing Consumer Education Centers
800-224-5124

Massachusetts Bar Association Lawyer
Referral Program
617-654-0400

Greater Boston Legal Services
800-323-3205

Harvard Legal Aid
617-495-4408

Legal Services Center
617-522-3003

Legal Assistance Corporation of Central MA
508-752-3718

Massachusetts Justice Project:
Holyoke: 413-533-2660
Worcester: 508-831-9888

Merrimack Valley Legal Services
800-336-2262

Western MA Legal Services
Greenfield: 413-774-3747
Northampton: 413-584-4034
Pittsfield: 413-499-1950
Springfield: 413-781-7814

Homelessness Prevention and Mediation for
Low-Income Tenants and Their Landlords
617-573-1100



Deval L. Patrick, Governor
Timothy P. Murray, Lt. Governor
Gregory Bialecki, Secretary, Executive Office of
Housing and Economic Development
Barbara Anthony, Undersecretary, Office of
Consumer Affairs and Business Regulation

Consumer Hotline: 888-283-3757
www.mass.gov/foreclosure

TENANTS' RIGHTS: WHAT TENANTS IN FORECLOSED PROPERTIES NEED TO KNOW



**IF YOU ARE A TENANT IN A
FORECLOSED BUILDING,
YOU HAVE CERTAIN RIGHTS.
JUST BECAUSE YOUR LAND-
LORD IS IN FORECLOSURE,
YOU DO NOT NEED TO
START PACKING YOUR BAGS.**