



**THE HOME YOU ARE RENTING  
IS FACING FORECLOSURE....**

**WHAT HAPPENS NOW?**

This information is provided by the  
Regional Human Rights/Fair Housing Commission  
1112 I Street, #250  
Sacramento, CA 95814  
(916) 444 - 6903  
Tenant/Landlord Hotline  
(916) 444-0178  
[www.hrfh.org](http://www.hrfh.org)

## **What are your rights, as a renter, when the owner of your home is facing foreclosure?**

### **Q: How will you know if it is in foreclosure?**

A: Your owner may tell you, or the bank may send notices to the owner at your address, or you may notice real estate agents or appraisers coming to the property.

### **Q: Do you still have to pay rent to the owner?**

A: Yes. As long as the owner has title to the home, you are required to pay rent to the owner pursuant to your rental agreement. If the property is sold, or in the hands of the bank, hold your rent until notified where and how to pay it.

### **Q: Can the owner force you to move prior to the home being sold at auction?**

A: Yes. If you are a month-to-month tenant, the owner can ask you to move with proper written notice of 30-days if you've lived at the property for less than a year, 60-days if you've lived there at least one year, and 90-days if you participate in the Housing Choice Voucher Program (Section 8). If you are on a lease, the owner cannot terminate your tenancy during the term of the lease.

### **Q. If you or the owner terminates your tenancy, can you stop paying rent and instead allow it to be deducted from your security deposit?**

A. Only if the owner agrees. If you withhold your rent, the owner has the discretion to decide whether to pursue their right to collect the rent or to deduct what is owed from the security deposit. If the owner decides to collect the rent, he may serve you a 3-day pay or quit notice followed by an eviction.

### **Q: After the foreclosure, can the bank or buyer at auction force you to move?**

A: Yes. If the bank takes possession of the home, you may be offered cash in exchange for a promise to move. However, if you do not move voluntarily, either the bank or the buyer must give you 60-days written notice in

order to terminate your tenancy. Except in rare cases, a lease may also be terminated with 60-days notice.

**Q: Can you be locked out of your home?**

A: Only the Sheriff can lock you out. If you do not move out by the end of the notice period, whoever served you the notice (owner, bank, or buyer) must file an unlawful detainer (eviction) with the court in order to regain possession of the property. For information on the eviction process, please contact the Unlawful Detainer Advisory Clinic, located at the Carol Miller Justice Center, 301 Bicentennial Circle Rm.330, Sacramento, CA 95826.

**Q: What happens to your belongings that are left in the home after the Sheriff locks you out?**

A: You will have to make arrangements with the owner/manager to remove everything within 15 days. Unless otherwise agreed, reclaiming of your personal property should take place during normal business hours. You may be required to pay storage fees before your property is released to you.

**Q: What about your security deposit?**

A: When the owner loses his home in foreclosure, he must either return the security deposit to you or transfer it to the bank or buyer. The bank or buyer cannot collect another deposit from you unless the original owner has returned your deposit.

You are entitled to the return of your deposit within 21 days after vacating the property, minus any lawful deductions. If you do not receive your deposit, you may sue jointly both the original owner and the bank or new owner. For assistance, contact the Small Claims Advisory Clinic at (916) 875-7846.

**Q: What do you do if you have pets and cannot take them with you?**

A: Abandoning pets is not only irresponsible; it is a misdemeanor under CA Penal Code 597.1. To find an animal shelter or rescue group go to <http://www.pets911.com/organiations/organizations.php> and enter your zip code.

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Regional Human/Rights & Fair Housing Commission  
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Sacramento, CA 95814  
(916) 444 - 6903

Program Services Include:  
Fair Housing Investigation, Mediation, Testing  
Education & Outreach  
Tenant/Landlord Hot Line  
(916) 444 - 0178  
8:00 a.m. - noon  
1:00 p.m. - 5:00 p.m.

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Court Programs available at the  
Carol Miller Justice Center  
301 Bicentennial Circle, Rm. 330  
Sacramento, CA 95826  
8:30 a.m. - noon  
1:00 p.m. - 4:30 p.m.

Unlawful Detainer Advisory Clinic (walk-in only)  
Unlawful Detainer Mediation Program  
(916) 875-7843  
Small Claims Advisory Clinic  
(916) 875-7846

A free Fair Housing Handbook is  
Available at the Commission's offices and all  
Sacramento County Libraries

***Please note: This brochure contains general  
information and is not intended to be legal  
advice.***

(January 2009)