

Renter's Rights Information for Renters Impacted by Foreclosure

What to do when your landlord is foreclosed on

- Ask your landlord to allow you to end the lease early and move out.
- Give reasonable notice.
- Give your landlord contact information so he/she can send you your security deposit.
- Make sure you put any agreements in writing so you can consult the documents later if any misunderstandings arise.
- As a tenant, you are required to comply with the lease agreement until it ends or has been lawfully terminated. However, the foreclosure process may impact your rights as a tenant. Therefore, if you have received a notice that your landlord is facing a foreclosure of the property you are renting, contact a Legal Assistance provider or a private attorney who handles landlord-tenant matters, immediately.

Contact a Virginia based Legal Assistance provider:

1. If you receive court papers or are concerned about your legal rights
2. Have a complaint about your landlord or need advice about recovering a security deposit.
3. Have questions about the rights and obligations of landlords and tenants

Legal assistance providers are listed at

<http://www.virginiaforeclosureprevention.com/legal.asp>

After Foreclosure

- If you have to move before your lease expires, you may be able to sue your landlord for monetary damages. However, this can be costly, time consuming, and it may be difficult to collect money from a landlord who is in foreclosure.
- You can try to recover your security deposit from your landlord once you move out of the home if they do not return it. Again, it may be difficult to collect the money from a landlord who was foreclosed on.
- If the bank or new owners contact you directly, negotiate with them for a move out date that suits both of your needs.
- The new owner may also offer you “cash for keys” if you leave the property voluntarily without going to court.
- Do not pay rent to the new owner unless you have reached a written agreement concerning your right to remain in the property.
- Even if you cannot reach an agreement with the new property owner, only a court can order you to vacate the property. The new owner does not have the right to change your locks or force you to leave without a court order.

- If you do not have an agreement with the new owner, and you do not vacate, he/she may file a suit called an “Unlawful Detainer,” asking the court to evict you.
- The new owner may also ask the court to award damages if he/she has lost money because you have not vacated the property. However, between foreclosure and court-ordered eviction, you have the right to remain in the property.
- Use the time between foreclosure and the court order to find new housing and move.
- The entire process of foreclosure and eviction of the house’s occupants usually takes 2-3 months.