

If Your Building is Being Foreclosed, Don't Fall for "Cash-for-Keys" Schemes

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 quickly. If your landlord loses the building to foreclosure and now there is a new owner (usually a bank), you are still a tenant and can't be forced out quickly. **If you have a Section 8 voucher, call MBHP or BHA immediately if you think the building is being foreclosed.**

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

NO! "Cash for keys" offers are almost never a good deal: These offers are not official programs and you don't have to agree. Remember, the money isn't enough to move, you will be giving up your legal rights, and you should be able to do much better in court. It will do you no good to accept an offer if you don't have a new place to move to. Going through court will usually take the new owner more time than they are offering you in the "cash for keys" deal.

3. After foreclosure can the new owner evict me out without going to court?

NO! After a foreclosure, the new landlord can't put you out without court permission. Plus, you can fight an eviction in court. You only have to move out if a court orders you to. If you get papers and go to court, you can defend yourself, ask the judge to let you stay, and win some money. Even if you lose, the court can give you up to six months or a year to leave.

4. Do I need a lawyer if after foreclosure the new owner tries to evict me in court?

NO. You are not required to have a lawyer. It is however a good idea to contact a lawyer as soon as you find out about the foreclosure. You should request legal representation by calling the number listed at the bottom of this handout. Even if you can't get a lawyer, you can still obtain legal advice on the day of court through the Attorney for the Day Table located outside the courtrooms in Boston Housing Court.

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

YES. After a foreclosure the new owner is responsible for repairs, maintenance and payment of utilities that your previous landlord supplied. If you don't know who to contact for repairs or questions about the property, get in touch with anyone who may have given you papers about the foreclosure. It might be a broker, a real estate agent, or a lawyer for the new owner. Demand that repairs be made and utilities kept on. You should also send the new owner, or their agent, a letter complaining about the conditions of disrepair. Make sure to keep a copy of the letter for your records. It is also a good idea to call the Inspectional Services Department (617-635-5322) to request a free inspection. If the new owner does not address the problems in your apartment or building, go to the Boston Housing Court, tell the clerk about your situation and ask the court to order the new owner to make repairs and supply utilities.

6. Should I pay rent after foreclosure?

YES – but be careful. Being in a foreclosed building does not, by itself, entitle you to withhold rent. If the new owner doesn't accept your rent, save the money and try not to spend it. Offer to pay your rent in a letter to the new owner, or their agent, and keep a copy for your records. If there has been a foreclosure, don't pay rent to the old landlord. Rather, try to find out who now owns the building.

Helpful Resources:

Legal Services Center of Harvard Law School: To request legal assistance call 617-390-2564.

Inspectional Services Department (ISD): To get a free inspection call 617-635-5322.

Metropolitan Boston Housing Partnership (MBHP): If you have a Sec. 8 voucher from MBHP call 617-859-0400.

Boston Housing Authority (BHA): If you have a Sec. 8 voucher from BHA call 617-988-4400.