

## *Legal Services Offices*

**Statewide Legal Services:** (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

### *Other Legal Services Programs:*

#### **Hartford, Hartford County:**

##### **Greater Hartford Legal Aid**

999 Asylum Avenue  
Hartford, CT 06105  
(860) 541-5000  
FAX: (860) 541-5050

#### **Greater New Haven Area:**

##### **New Haven Legal Assistance Association, Inc.**

426 State Street  
New Haven, CT 06510  
(203) 946-4811  
TDD: (203) 946-4811  
FAX: (203) 498-9271

#### **Visit us on the internet:**

[www.slsct.org](http://www.slsct.org)  
[www.ghla.org](http://www.ghla.org)  
[www.nhlegal.org](http://www.nhlegal.org)  
[www.connlegalservices.org](http://www.connlegalservices.org)  
[www.larcc.org](http://www.larcc.org)



This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with CT Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on laws in CT as of June 2007. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.  
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#### **Throughout Connecticut:**

##### **Connecticut Legal Services:**

*Administrative Office:* (860) 344-0447

##### *Offices:*

211 State Street  
**Bridgeport, CT** 06604  
(203) 336-3851

587 Main Street  
**New Britain, CT** 06051  
(860) 225-8678

153 Williams Street  
**New London, CT** 06320  
(860) 447-0323

20 Summer Street  
**Stamford, CT** 06901  
(203) 348-9216

85 Central Avenue  
**Waterbury, CT** 06722  
(203) 756-8074

872 Main St., P.O. Box 258  
**Willimantic, CT** 06226  
(860) 456-1761

##### **CLS Satellite Offices:**

**Danbury** (203) 348-9216  
**Meriden** (860) 225-8678  
**Middletown** (860) 225-8678  
**Norwalk** (203) 899-2451  
**Norwich** (860) 447-0323  
**Rockville** 1-800-413-7796  
**Torrington** 1-800-413-7797

##### **AIDS Legal Network for CT**

999 Asylum Avenue  
Hartford, CT 06105  
(860) 541-5027 or 1-888-380-3646

# IS YOUR LANDLORD GOING THROUGH FORECLOSURE?

## *What a Tenant Needs to Know*



**Foreclosure  
in  
Progress**

## ***A bank wants to foreclose on my landlord's property. What is foreclosure?***

Foreclosure is a court process where a bank or a mortgage company sues a property owner to take away that property.



Sometimes a city or town will bring a foreclosure action against a property owner. Your landlord probably owes money to the bank and did not pay on the debt. Now the bank is trying to take your landlord's property by foreclosure. If the bank wins the foreclosure, it will get title to the property, and your landlord will lose whatever rights he or she had in the property.

The foreclosure may happen one of two ways -- *strict foreclosure* or *foreclosure by sale*. In **strict foreclosure**, a judge will set a "law date." On the law date, the landlord loses his or her rights to the property. The bank or mortgage company then becomes owner of the property.

In **foreclosure by sale**, a judge will set a "sale date." On the sale date the property is auctioned off to the highest bidder.

Up until the sale becomes final, or the law day, your landlord may sell the property to pay off what he or she owes, or can come up with the money he or she needs to pay off what is owed.

### ***Will the foreclosure affect me?***

Yes. Tenants may be named as defendants in foreclosure lawsuits. While you may have done nothing wrong, the bank could use the foreclosure to evict you. In the meantime, you can take steps to protect your rights:

**1** If you hear that a lender is trying to foreclose on your landlord's property, or if you got papers naming you as a defendant, **KEEP PAYING YOUR RENT!**

Until the bank wins the foreclosure and gets title to your landlord's property, your landlord still owns the property. You

should deal with all matters relating to your apartment with your landlord. **If you stop paying your rent, your landlord will have the right to evict you.**

**2** Unless you are named in the foreclosure, the bank cannot throw you out of your apartment. If you are not yet named as a defendant in the foreclosure, try not to call attention to yourself to the bank. At some point, the bank will probably figure out who you are, and name you as a defendant in the foreclosure. **Once you receive papers naming you in the foreclosure, you should file an appearance form** (*see next page*).

**3** The bank may get a court order appointing a "receiver of rents." You must then pay your rent to the receiver instead of to your landlord. If you do not pay the rent to the receiver, you could be evicted for nonpayment of rent.

### ***What if I am named as a defendant?***

Do not ignore the foreclosure! In addition to paying your rent to the landlord or the receiver, pay attention to the court deadlines, and file your papers on time. The steps in foreclosure and what you must do follow a certain order.

#### ***Summons and Complaint:***

When you are named as a defendant in a foreclosure, a marshal will serve you a summons and complaint. **The first thing you must do is find the return date in the upper right hand corner of your summons.**



The return date is **not** a hearing date. It has to do with when papers must be filed with the court. You must **know the return date to figure out the deadlines for filing court papers.**

The complaint will give the bank's side of the case. For example, it may say that the bank is asking for foreclosure because your landlord owes money. The bank will try to take your landlord's property and evict you.

## ***The Appearance Form***

The next thing you should do is file an appearance form. An appearance is an important form that tells the court you are not ignoring the foreclosure. Once you fill out and file the appearance, you will get a notice of everything that happens in court.



**The appearance form should be filed within 2 days after the return date.** As long as a judgment has not been entered (or a hearing scheduled), you may still file an Appearance and receive notice of all future hearings.

**To file an appearance**, go to the court listed on the top of your summons and ask the court clerk for an appearance form (form #JD-CL-12) or you can get it on the State of CT Judicial website: [www.jud.ct.gov](http://www.jud.ct.gov). If you need help, ask the court clerk to help you fill it out. It's a good idea to call the court clerk first to find out what hours the court will be open.

**Be sure to see the section, "How can I defend myself?" on page 5.**

## ***Judgment***

At some point, the court may enter a judgment. The judgment will either stop the foreclosure, or allow it to happen.

If the court finds that the foreclosure should happen, the judge will order either strict foreclosure or foreclosure by sale. A "law day" or a sale date will be set. The law day or sale date could be as soon as three weeks after the judgment, or it could be several months or longer. **The judgment does not cut off your rights or your landlord's rights to the property. The law day or final sale of the property ends your rights.**



If you have not been named in the foreclosure action, a marshal should not be able to eject you. If the marshal tells you he or she plans to put you out, even though you have not been named as a party in the case, contact an attorney right away.

## ***Ejectment***

Ejectment is the final step in a foreclosure. If you have not left the property after the law date or sale of the property, the court will allow the bank to have a marshal move you out. An ejectment involves two steps:



**F**irst, a marshal will give you a copy of the court order, called an "execution for ejectment." You may get as little as 24 hours before you have to move. The "execution for ejectment" will tell you the time and date the marshal will move you out.

**S**econd, on the day and time in the notice, the marshal will come with movers. The movers will take your things and place them in storage. The movers may not be gentle with your belongings, and things may be lost or broken. You will have 15 days to claim your things. If you do not claim them within 15 days, the town has the right to auction off whatever is left in storage. The town has the right to charge you for storage and removal costs.

## ***How can I defend myself?***

Only in very rare cases does a tenant have any defenses in a foreclosure. But, there are things you can do that may help.

- If you are physically disabled, blind or elderly (62 years or older), or if your spouse, brother, sister, parent or grandparent is elderly and permanently lives with you, AND
  - you live in a building with 5 or more units OR
  - you live in a mobile home,

**...you may have a defense. Contact an attorney right away.**

- If you have a Section 8 voucher or you live in subsidized housing, you may have a defense. **Contact an attorney right away.**
- Usually, the best thing to do once you are a defendant is to contact the attorney for the bank. Try to negotiate either to stay on as a tenant after the foreclosure or to get as much time as you can before you must move.
- If you have filed an appearance, you should get a notice of everything that is happening with the foreclosure. If you don't receive a notice of the hearing date, you can call the court clerk's office to get the date. At the court hearing where the judge sets the law date or sale date, you may also show up and ask the judge for extra time to find a place to move.

You can explain to the judge your unique or special circumstances. *For example*, you have children and would like to have them complete the school year in the school they attend; or you or someone in your family is very ill and needs more time to find a new apartment. It is up to the judge to give you more time to move.

- If you receive state welfare, you may be eligible for emergency housing benefits. To get emergency housing benefits, a judgment must have been entered in the case, and the law date or final sale of the property must have passed. If you filed your appearance, you will get notice in the mail of the date of judgment and the law date or sale date. Take this notice to your worker to arrange for emergency housing benefits. Remember, you may get emergency housing benefits only after the law date or sale date.