

## What if the New Owner Tries to Evict Me?

If the new owner (landlord) files an eviction complaint against you based upon the termination, you should put in your answer that the termination is improper because the landlord should have served you with a 90 day notice or could not evict you until the lease expired under the Protecting Tenants at Foreclosure Act, Pub. L. No. 111-22 § 702 (2009). When you go to Court in the eviction case, you should take copies of the letter you sent to your landlord, the original and green copies of your proof of mailing and green return receipt from the Post Office and a copy of your written lease if you have one.

## About Community Legal Services of Mid-Florida (CLSMF)

The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income persons.

Community Legal Services of Mid-Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).

CLSMF offers free educational seminars and informational brochures regarding the areas of law we practice. Call your local office (listed on the back of this brochure) for further information.



The Florida Bar Foundation, with Interest on Trust Accounts program funding, provides support for this service.



This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney. CLSMF offices are listed on the back of this brochure.

## Community Legal Services of Mid-Florida Offices:

\*BREVARD: 1-866-469-7444

CITRUS & SUMTER  
106 N. Osceola Ave., Inverness, FL 34450  
(352) 726-6592 — CITRUS  
1-800-984-2918— SUMTER

FLAGLER: 1-800-405-1417

HERNANDO: 1-866-801-5566

LAKE— (352) 343-6351  
226 West Main St., Tavares, FL 32778

MARION— (352) 629-6257  
1610 SE 36th Ave.  
Ocala, FL 34471

\*ORANGE — (407) 841-7777  
122 E. Colonial Drive, Suite 200  
Orlando, FL 32801

OSCEOLA — (407) 933-1791  
800 North Main St., Kissimmee, FL 34744

PUTNAM: (386) 385-0928  
216 S. 6th Street, Palatka, FL 32177

\*SEMINOLE: (407) 322-6673  
315 Magnolia Ave, Sanford, FL 32771

VOLUSIA — (386) 258-5600  
128 Orange Ave., Suite 100,  
Daytona Beach, FL 32114  
Client toll-free number: 1-855-523-9150

ADMINISTRATIVE OFFICE: (386) 523-9181

[info@clsmf.org](mailto:info@clsmf.org)  
Apply for help online at [www.clsmf.org](http://www.clsmf.org)

\*Offices with limited Family Law Services



# Foreclosure For Renters

## What is a Foreclosure?

A foreclosure is a lawsuit filed by the mortgage company when the owner does not pay the mortgage payment. In the foreclosure, the mortgage company asks the court to sell the property to pay off the mortgage.

## I Am Only A Tenant, Why Am I Being Served?

If a foreclosure is filed against your landlord, as a tenant living in the property, you must receive notice because the foreclosure may affect your ability to continue living in your residence. As a tenant, you may be served with a complaint that refers to you as the “unknown tenant” or “John/Jane Doe.”

## What Should I Do If I Am Served With Notice of A Foreclosure Against My Landlord?

Any time you receive any Court Documents, you should read them. Next, you should talk with an attorney to get advice if possible. Call the local CLSMF Legal Advice Helpline near you to see if you are eligible for free legal assistance. Even though you do not own the property, you should file an answer to the foreclosure. For more information about how to do this, please read CLSMF’s “How to File an Answer to a Lawsuit” brochure.

In the answer, explain the following:

- You live in the property.
- You rent the property and are a bona fide tenant.
- If you have a lease, say so in the answer (and attach a copy of the lease to the answer.)
- List the date your lease expires.

While the foreclosure is ongoing, you must continue paying your rent to your landlord. Otherwise, you can be evicted for non-payment of rent.

## Do I Have Any Special Rights If I Once Owned The Property Where I Am living if I don't Have a Lease?

If you are living in a residence that you used to own and you have the option of repurchasing the property, it is important that you consult with an attorney before submitting your answer. If you are unable to talk to an attorney before submitting your answer, explain your situation in your answer and then speak to an attorney because the law in this situation is very complicated.

## What Should I Do If My Landlord Tells Me He/She Plans to Stop The Foreclosure OR Tells Me That He/She Cannot Stop Foreclosure?

Regardless of what your Landlord tells you, you should file an answer to the Foreclosure.

Sometimes, after a foreclosure is filed, the owner pays the mortgage company enough money to stop the foreclosure. If the landlord does this, the foreclosure should be dismissed. Even if your landlord does this, you should still file an answer in the foreclosure lawsuit.

## What Happens if the Mortgage is Foreclosed?

If your Landlord does not stop the foreclosure, the Court will enter judgment against the landlord. The Court will schedule a foreclosure sale. Once the property is sold at the foreclosure sale there will be a new owner of the property.

As long as the residence was foreclosed upon after May 20, 2009, the new owner may not terminate your tenancy if you have a lease which has not expired for the reason that there has been a foreclosure on the residence. The new owner must let you continue living there for the remainder of your lease. However, you must be current on your rent and act in accordance with any other rules and regulations governing your tenancy.

There are only a few exceptions to the rule such as the owner moving in to the leased premises or that you don't have a valid lease. In such cases, the new owner must give you a 90 day notice of termination of tenancy.

You must be current on your rent and act in accordance with any other rules and regulations governing your tenancy to avoid standard evictions.

## What If The New Owner Tries To Make Me Leave?

If the new owner gives you anything less than 90 days to terminate your tenancy (without stating a reason or giving as the reason: foreclosure), you should send the new owner (landlord) a letter telling him/her that the law requires a 90 day notice of termination of tenancy. Send your letter to the landlord before the date for termination in the notice you received, and continue paying your rent. You should make a copy of the letter for your records, send your letter to the new owner by certified mail, return receipt requested, at the address the new owner put on his/her notice to you. If you receive notice concerning a Writ of Possession, contact a lawyer immediately.

## What Should I Do If the New Owner Asks Me If I Want To Stay?

Sometimes, the new owner will ask if you want to still live in the property. If this happens, you must make sure that the person who contacts you is really the new owner. You should ask for proof that he/she is the new owner before you pay him/her any rent. If you reach an agreement with the owner, the protections of the Landlord Tenant Act apply and the new owner will have to apply to the court to evict you.