

I am a Tenant Living in a Foreclosed Property. What are My Rights?

Introduction

If you rent your home, and your home was sold at a foreclosure sale, the new owner must give you 60 days' written notice to vacate before starting an eviction action against you.

◆ The state law we talk about here only applies to buildings with four units or less. RCW 61.24.005(13).

How much notice will I get before eviction?

Under Washington state law, you must get written notice giving you at least sixty days between the date of the notice to vacate and the date you need to move out. RCW 61.24.146(1).

What if I am renting month-to-month?

If you are renting month-to-month, or if your tenancy began with a lease that has expired and you are now renting month-to-month, the new owner must still give you at least 60 days' notice before evicting you.

What if I am on Section 8?

You have the same protections of 60 days' written notice before eviction. The new owner must also honor the terms of the Housing Assistance Payments (HAP) contract that accompanied your Section 8 tenancy. The new owner may not use the "other good cause" clause of your HAP contract to end your lease

if their "other good cause" is that evicting you will make the property easier to sell.

I am not on Section 8. My rent is reduced or subsidized by another program. Am I protected?

Yes. You have the same protections as any other renter, including the right to a 60-day notice.

I live in Seattle. Does the Just Cause Eviction Ordinance protect me?

In Seattle, a landlord can only evict a tenant for the reasons listed in the Ordinance. Buying property at a foreclosure sale is not a listed reason in the Ordinance. The Ordinance may protect you. If you are a tenant living in Seattle and your property is in foreclosure, **get immediate legal advice.**

After the foreclosure sale, to whom do I pay rent?

Under Washington state law, a tenant living in a foreclosed property may get either

- a new rental agreement, OR
- a 60-day notice to vacate.

If you enter into a new rental agreement with the new owner, you will pay rent to the new owner.

I got a 60-day notice. Do I have to keep paying rent?

It is unclear. State law provides for a 60-day notice to vacate. During that period, a new

owner may only evict you if you commit waste or nuisance —NOT for non-payment of rent.

You may decide to enter into a new rental agreement with the new owner of the foreclosed property. In that case, you would have to keep paying rent.

If you get a notice to vacate and you choose not to pay rent during the notice period, but do not move at the end of the 60 days, the new owner could sue you and force your eviction through the unlawful detainer process. If you are in this situation, get legal advice right away.

Is the person claiming to be the new owner of my home actually entitled to collect rent?

Scammers review publicly available foreclosure information and may contact tenants living in foreclosed properties and demand rent. Before you pay rent to someone claiming to be the new owner, make sure the person who contacted you is home's actual legal owner and entitled to the rent. Ask the new owner for a copy of the Trustee's Deed as proof of ownership. Contact the County Auditor. Make sure the Trustee's Deed is legitimate (not a forgery). Contact information for County Auditors in Washington State is at <http://publicrecords.onlinesearches.com/Washington-Land-Records-and-Deeds.htm>. A local title insurance company may also be able to give you the information.

I paid my old landlord a deposit and/or last month's rent. What happens to that money after foreclosure?

If your old landlord did not refund your deposit or transfer it to a new owner after the sale, the old landlord is liable to you for up to twice the amount of your deposit, plus attorneys' fees. You can file a case in small claims court against the former owner to get your deposit back.

Northwest Justice Project (NJP)'s video called [Where is My Security Deposit](#) and publication called [Can I Get My Security Deposit Back](#), available at www.washingtonlawhelp.org, have more information. (You can also call the CLEAR hotline at 1-888-201-1014 to ask for the publication.)

◆ Even if the old landlord has wrongfully kept your deposit, you may still have to pay the new owner a new deposit anyway.

Before the foreclosure, I paid rent to a property management company that worked for my old landlord. If I keep paying them, will they send the rent to the new owner?

No. The property management company had a contract with your old landlord. That contract ended when the home was foreclosed.

Your old property manager may have contacted the new owner and gotten a new contract to continue managing your home. Verify this before paying your old property manager rent after a foreclosure.

My home needs repairs, or my utilities were shut off because the old landlord did not pay the bill. Whom do I contact?

The new owner becomes the landlord for all purposes after the foreclosure sale. Problems with maintenance, repair, or utility service (assuming the landlord was obligated to pay utilities) are the new owner's responsibility. Our publication called [Tenants: What to do if Your Unit Needs Repairs](#) has more information.

You may be able to keep your utilities on by contacting the utility company and directly paying them something to avoid shut-off, even if the utilities are in the old owner's name.

◆ **WARNING:** If the utilities are not in your name, be cautious about agreeing to put them in your own name. Find out from the utility company whether it could make you liable for any balance or amount that may accrue after you move out.

The new owner or foreclosing lender has offered me a one-time cash payment to move out immediately. Should I take it?

This is up to you. Be aware of your right to 60 days in the home before eviction.

Example 1: A new owner tells you that you can either take the cash and leave now, or be evicted with less than 60 days' notice. This is untrue. You may have legal remedies against the new owner.

Example 2: If taking a cash payment and leaving your home is in your best interest, you

may wish to bargain for an acceptable amount of time and cash to move.

The foreclosure sale happened. I got a notice to vacate in 20 days, not 60 days. What are my rights?

No matter what that notice says, you have an absolute right to 60 days' notice. If you want to stay in your home for the full 60 days, let the new owner know you have this right and you plan to exercise it. If the new owner refuses to follow the law, get legal help.

The new owner may want to enter into a new rental agreement with you. The new owner does not have to do so. You should only enter into a new agreement if it is in your best interest to do so.

Can I just move out?

Yes. You do not have to stay in the property after the foreclosure sale. You should remove all your belongings and valuables when you move, so the new owner does not take or destroy them.

Only tenants, not former homeowners, are protected by this law.

These protections are only available to tenants, and NOT the previous owner of the property (whose interest was foreclosed). A former owner must vacate the property 20 days after the foreclosure sale or can be evicted. A former owner is not entitled to post-sale notice of the eviction before an unlawful detainer action (eviction court case). Additionally, these protections are not available if the former owner remains on the

property as a tenant, subtenant, or occupant.
RCW 61.24.146(3).

What if my landlord changes my locks or gets rid of my belongings?

The landlord cannot simply change the locks or remove your things. The landlord must ask for and get a writ of restitution from a judge. The sheriff must conduct the eviction. Call the police if your landlord changes your locks or removes your things. You can also call the CLEAR hotline at 1-888-201-1014 to get legal help.

Where can I read the law?

The state law is at [RCW 61.24.146](#). ([RCW](#) stands for [Revised Code of Washington](#), our state law.)

Can I get help moving?

Some agencies in Washington may be able to provide relocation assistance. Call 211 or go to <http://win211.org/> for more information about what is available in your area.

This publication was a joint effort of the Northwest Justice Project and Columbia Legal Services.

This publication provides general information concerning your rights and duties. It is not intended to replace specific legal advice.

This information is correct as of January 2015.

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