

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

Intro

If you rent your home, and it 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.

-
- ❖ This only applies to buildings with four units or fewer. [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 must move out. [RCW 61.24.146\(1\)](#).

What if I am renting month-to-month?

If you are renting month-to-month, or your tenancy started with a lease that has expired and you now rent 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 is part of your Section 8 tenancy. The new owner cannot 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. Another program reduces or subsidizes my rent. 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 the Ordinance lists. Buying property at a foreclosure sale is not one of those reasons. 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 one of these:

- a new rental agreement
- a 60-day notice to vacate

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

I got a 60-day notice. Do I 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 rent non-payment.

You may decide to enter into a new rental agreement with the new owner of the property. In that case, you would 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 this is your situation, get legal advice right away.

Is the person claiming to be the new owner entitled to collect rent?

Scammers review publicly available foreclosure information and may contact tenants living in foreclosed properties and demand rent. Before paying rent to someone claiming to be the new owner, make sure they are the 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 real. Contact info 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 info.

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

If the 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 sue the old landlord in small claims court 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 info. (You can 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 new owner the rent?

No. The property management company had a contract with your old landlord. That contract ended with the foreclosure.

Your old property manager might 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 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 (if the utilities were the landlord's responsibility) are the new owner's responsibility. [Tenants: What to do if Your Unit Needs Repairs](#) has more info.

You may be able to keep your utilities on by contacting the utility company and directly paying 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 putting them in your name. Ask the utility company if it could make you liable for any balance or amount that may accrue after you move out.

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

It is your choice. 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: Taking a cash payment and moving is in your best interest. You may want 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. 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 plan to exercise it. If the new owner refuses to follow the law, get legal help.

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

Can I just move out?

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

Does this law also protect former homeowners?

No. These protections are only for tenants, and NOT the owner who lost the home in foreclosure. These protections are not available even if the former owner remains on the property as a tenant, subtenant, or occupant. [RCW 61.24.146\(3\)](#).

A former owner

- Must move 20 days after the foreclosure sale or face eviction.
- Is not entitled to post-sale notice of the eviction before an unlawful detainer action (eviction court case).

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 first 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 for 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 info.

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 February 2018.

© 2018 Columbia Legal Services — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)