



Action Guide for California Tenants in Foreclosure Situations

Each year, banks and private investors acquiring foreclosed properties displace hundreds of thousands of California tenants. As a tenant, you have done nothing to create the foreclosure crisis. Yet a growing number of tenants in foreclosure situations are struggling to keep their utilities on, protect their security deposits, and stay in their homes.

This guide will help California tenants learn how to assert their rights and fight for what is fair. It is not comprehensive and should be used only as a supplement to the information you will receive by calling our 'Tenant Foreclosure Hotline,' studying our website's 'Laws and Resources' section, or contacting tenant organizations in your community. If you need legal advice, you should contact a legal services organization or hire an attorney to represent you. This Action Guide outlines four steps California tenants in foreclosure situations can take to protect and expand their rights:

Step 1: Find out the 'Foreclosure Status' of Your Home

Step 2: Learn and Assert your Rights

Step 3: Pressure the Bad Actors by Shining a Public Spotlight on Them

Step 4: Work to Protect and Expand Tenant Rights in Your Community

For complete access to the Action Guide's sample letters and factsheets, check out the web-based version at www.tenantstogether.org/ActionGuide



Step 1: Find out the 'Foreclosure Status' of Your Home

It is crucial that you learn as soon as possible what stage in the foreclosure process your landlord is in. Your rights may be different if you are in a 'pre-foreclosure' or a 'post-foreclosure' situation.

The table below charts the fastest possible timeline for a foreclosure in California. However, the process can be significantly longer. In some cases, lenders may be required to wait more than 90 days before filing a Notice of Trustee Sale and Trustee Sales are frequently delayed.

Fastest Possible Timeline for a California Foreclosure

Redemption Period	Publication	Trustee Sale
Day 1 to Day 90	Day 91	Day 111 or after
Notice of Default is filed by lender, giving loan holder one last chance (typically 90 days) to cure problem	Notice of Trustee Sale is served to occupant (including tenant) stating that the foreclosure sale will occur in 20 days	A Public Auction held at which the property is either acquired by a private investor or goes back the bank

Tenants are generally not notified of the filing of the Notice of Default, however this is public information. You can file a request with your county's Recorder's Office to be notified when your landlord's lender files a Notice of Default. For more info see CA civil code section 2924(b).

You can also find out the status of your home by calling your county Recorder's Office to learn if the Notice of Default, Notice of Trustee Sale, or a Deed documenting a change in ownership has been filed.



Step 2: Learn and Assert Your Rights

Tenants in foreclosure situations are protected by federal, state, and local-level laws. To find out what rights you are entitled to:

- Review our website's 'Laws and Resources' section
- Contact our Tenant Foreclosure Hotline by calling 1-888-495-8020 or fill out an online intake form
- Call a local legal services organization immediately if you have received an eviction lawsuit (also called an Unlawful Detainer) or need legal advice. [Click here to visit our directory](#)

At a minimum, you have the following rights:

- The right to continued maintenance, repairs, and utility services during and after foreclosure
- The right to the return of your security deposit after you vacate your home, [click here to learn more](#)
- The right to be free from harassment, retaliation, discrimination, and improper entries into your home
- The right to stay in your home until the legal termination of your tenancy by written notice. After foreclosure:
 - Tenants with long-term leases have the right to stay through the term of their lease (with some exceptions)
 - Tenants with month-to-month leases have the right to a 90-day notice to vacate (with some exceptions)
 - Some tenants in cities with 'just-cause' ordinances may be able to stay in their home indefinitely after foreclosure
- The right to contest an eviction in court
- The right to not be locked out except by a sheriff after a court proceeding

Learning your rights is just the first step. Your rights are not worth much unless you are willing to assert them. If you believe your rights are being violated, you should:

- Demand that all communication from your landlord be in writing
- Document all the harassment in writing
- Report non-compliance of tenant protection laws to federal, state, and local agencies
- Call the police if landlord refuses to comply with CA Civil Code section 1954 before entering your home
- Consider suing a landlord who violates your rights
- Consider contesting an eviction in court



Step 3: Pressure the Bad Actors by Shining a Public Spotlight on Them

Banks and private investors acquiring tenant-occupied foreclosed properties rely on you quietly disappearing into the night. The last thing they want is for you to publicize your situation and expose their immoral, irrational, and often illegal eviction practices. Here are some ways you can do this:

1. Take action at the foreclosure sale. Visit the web-based Action Guide to learn more
2. Send a letter to the bank demanding that they let you stay on as a tenant. Make the letter 'public' by sending a copy to your local, elected officials. Visit the web-based Action Guide for help drafting this letter
3. Send a letter to the editor of your local newspapers criticizing banks for displacing innocent tenants and destabilizing your community. Visit the web-based Action Guide for help drafting this letter
4. Contact your local newspaper and TV stations to have your story told
5. Picket and/or distribute literature outside the branch or corporate office of the bank evicting you
6. Let your money do the talking by closing your account with banks that are unfairly displacing tenants after foreclosure

Step 4: Work to Protect and Expand Tenant Rights in Your Community

You can help stop the abuse of tenants in foreclosure situations in your community by:

1. **Changing the Law**- 15 cities in California have 'just cause for eviction' laws. These laws regulate grounds for eviction and make it illegal to use foreclosure as a basis for eviction. Your city council can enact this kind of law and stop the evictions of tenants after foreclosure, but they won't do it unless you ask them to. You can:
 - a. Send a letter to your city council urging them to pass a 'just cause for eviction' law to stop foreclosure eviction of tenants. Visit the web-based Action Guide for a sample letter and a factsheet about just cause for eviction laws
 - b. Attend a city council meeting and speak up for the law
 - c. Contact Tenants Together at 415-495-8100 to learn more
2. **Joining a Tenants Together, Tenant Action Group**-There are many ways you can protect and expand tenants rights in your community. To get started, join a Tenants Together, Tenant Action Group. For more information call 1-888-495-8100 or email TAG@tenantstogether.org.