

HOUSING CONTRACT

Mansfield-Richland County Fair Housing Commission
30 North Diamond Street
Mansfield, Ohio 44902
(419) 755-9796

Catholic Charities
Certified Housing Counseling Agency
2 Smith Avenue
Mansfield, Ohio 44902
(419) 524-0733

ESOP Non-Profit Organization
Foreclosure Workout Agency
(419) 989-6949

Richland County Regional Planning
35 N. Park Street
Mansfield, Ohio
419-774-6202



1. What happens if I am renting a house or apartment that is in foreclosure?

In Ohio, foreclosure is a legal process, A complaint (lawsuit) must be filed in order for any lender to legally take the house or apartment away from an owner. The filing of a complaint is only the beginning of the legal process. Your landlord still owns the house or apartment until a court grants a judgment I foreclosure and the property has been sold at sheriff sale.

2. How will I know if a foreclosure has been filed or a judgment in foreclosure has been granted?

Although there is no guarantee, the plaintiff should name you as the tenant in the foreclosure complaint. Often this is done generically, such as "Jane or John Doe, unknown tenant or occupant at..." Legally this may not be adequate notice to you. If you get mail addressed this way, you should save it so that you have the information later, seek information on the progress of the case, or seek legal advice. It is possible that you will also receive a copy of the foreclosure judgment, but if is highly unlikely.

3. Can I find out what is happening in the foreclosure case?

YES, You will go to Richland County Clerk of Courts Office located at located at 50 Park Avenue East.

4. Do I need to keep paying my rent once the foreclosure is filed?

YES, Your landlord still owns the property until there is a judgment and sale. If you stop paying your rent, your landlord could file an eviction action in court for nonpayment of rent. However, each person's situation is different, and there are many practical issues you may want to consider in making a decision to stop paying rent or to move. You may be in the best position to decide whether your landlord will take legal action against you.

5. Can I move-out and terminate or break the lease after the foreclosure is filed?

In most situations the answer will be NO and depends on the terms of your lease agreement. The foreclosure filing does not allow you to break your lease to move. If you unlawfully break your lease, your landlord could sue you for money damages for leaving early. If you decide that you want to move, you may want to negotiate with our landlord to terminate your lease early. If you do negotiate something, make sure to get the agreement in writing and have everyone agreement.

6. Will I be able to remain in the house or apartment once the foreclosure is completed?

PROBABLE NOT. The answer depends on whether the new owner, who purchased the property at the foreclosure sale, wants to keep you as a tenant. Typically the lender (the plaintiff) buys the property back at the sheriff's sale. Most lenders have no interest in becoming a landlord and currently the law does not require them to become your new landlord.

7. HOW MUCH TIME WILL I HAVE TO MOVE?

This question is much more complex than it would appear. It depends on many factors that can vary from county to county. There is no timeline set out in the law. Your local sheriff's department may be able to give you some general timelines, but will probably not be able to give you a specific date. Likewise, if the new owner is now required to file an eviction action in court, the time varies from county to county.

8. Is my landlord still required to perform his/her obligations while the property goes through the foreclosure process?

YES. Until the court approves the sale, your landlord must still fulfill all of his/her obligations under the lease and law, just like you must continue to pay rent. Therefore, your landlord is still responsible for making repairs, paying any utilities he/she agreed to pay, etc. The fact that a foreclosure was filed is NOT an excuse for the landlord to stop performing his/her obligations. If you are having difficulty getting your landlord to fulfill his/her obligations, you may want to seek legal advice by contacting your local legal aid program. To find the legal aid that serves your county, go to <http://www.ohiolegalservices.org/programs> or call 1-866-LAW-OHIO

9. Must I keep paying rent to my landlord once the foreclosure judgment is granted and the sale of the property has been approved by the court?

NO. At this point your landlord no longer owns the property and is not entitled to collect rent. Of course, as stated above, you may not know when this occurs, so you may want to check the progress of the case with your local county clerk. The key issue is whether a "Confirmation of Sale" has been filed with the court, because this document is what cuts off all the owner/landlord's rights. Do not take your landlord's word that all has been worked out and there is nothing to worry about.

10. Can the Court evict me in the foreclosure action?

IT DEPENDS. If you have been personally named (by your name, NOT as a "Jane /John Doe, Unknown Tenant") and received a copy of the complaint, the answer is "yes." If you have not been properly personally named (for instance only as "Jane/John Doe, Unknown Tenant") and served, the answer is "no." However, the new owner only needs to serve you with a three-day notice and after the three days file a separate eviction action in court in order to force you to leave, so you still may not have much time to move. If a separate eviction action is filed, a hearing must be scheduled on the eviction. You should go to court and try to negotiate a date for you to move. If not, and you are evicted, a time would be set by the court for you to move.

11. Is there any place I can get more information or legal assistance?

YES. Your local legal aid program should be able to provide you with more specific information based on your location and the particular facts of your case.