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Call us at (315) 793-7083
or (877) 777-6152.



Get Help. Apply Online.

*See our Foreclosure Delay and Prevention
pamphlet for more information.*

This brochure is intended to give general information, not legal advice. The information in this brochure may not apply to your particular situation. The law could change in the future. Whenever possible, please speak to a lawyer for advice and representation.

OUR LOCATIONS

Main Office - Utica
120 Bleecker Street
Utica, New York 13501

Syracuse
221 South Warren Street
Suite 310
Syracuse, NY 13202

Binghamton
105 Court Street, 3rd Fl.
Binghamton, NY 13901

Watertown
215 Washington Street
Suite 202
Watertown, NY 13601

Oswego
335 West First Street
Suite 2
Oswego, NY 13126

Oneonta
189 Main Street, #3
Oneonta, NY 13820-3510

Farmworker Law Project (statewide)
P.O. Box 282
Wappingers Falls, NY 12590



Making Justice Accessible

Foreclosure Evictions

Legal Aid Society of Mid-New York, Inc.

Housing Preservation Line: (315) 793-7083
HelpLine: (877) 777-6152
www.lasmny.org

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WHEN YOU OWN THE PROPERTY

YOUR HOUSE HAS BEEN FORECLOSED ON;
CAN YOU BE EVICTED?

Yes, if you are the former owner (not a tenant), you may be evicted with a 10-day written notice under RPAPL 713.

WHAT ABOUT THE PEOPLE LIVING WITH
ME, WHO ARE NOT ON THE MORTGAGE?

Any occupant who is not a tenant (tenants are someone who pays rent) may also be evicted with only a 10-day written notice after the home has been foreclosed on under RPAPL 713(5).

YOU'VE GOTTEN A 10-DAY NOTICE. DO
YOU HAVE TO BE OUT AT THE END OF THE
10 DAYS?

No, after the 10 days has elapsed, the new owner must file an eviction action, called a summary proceeding, against you in court. The new owner must give you notice of this action. *See our Holdover Evictions pamphlet for more.*

The new owner may be willing to negotiate with you if you need more time to move out if you ask.

WHEN YOU RENT THE PROPERTY: BEFORE THE PROPERTY IS SOLD

YOU FOUND OUT THE PROPERTY YOU'VE
BEEN RENTING HAS BEEN FORECLOSED
ON. NOW WHAT?

The new owners must provide you, as the tenant, with at least 90-days' written notice. After the 90 days have elapsed, they can commence holdover proceedings. *See our Holdover Evictions pamphlet for more information.*

WHAT IF YOU HAVE A WRITTEN LEASE?

A tenant with a written lease is entitled to remain in possession of the foreclosed property for either the 90-day notice period or the remainder of the lease, whichever is longer.

BUT this rule doesn't apply when the new owner intends to occupy a single unit as the owner's primary residence. If the new owner will use the premises as a primary residence, a 90-day notice will suffice. RPAPL 1305(2)(b).

CAN YOU DO ANYTHING TO KEEP THE
HOUSE ONCE AN AUCTION DATE HAS
BEEN SET?

If the house hasn't yet been sold at the foreclosure auction, and you have the means, you may be able to attend the auction and bid to purchase the house.

WHEN YOU RENT THE PROPERTY: AFTER THE PROPERTY IS SOLD

ONCE THE HOUSE IS SOLD AT AUCTION,
DOES THE NEW OWNER HAVE TO GIVE ME
PROOF OF OWNERSHIP?

Yes, per RPAPL 713(5), a certified copy of the deed must be given to you, the tenant, before filing to evict you. Attaching a copy of the deed to the 90-days' written notice is sufficient.

IF THE PROPERTY IS SOLD AT A
FORECLOSURE AUCTION, DO YOU STILL HAVE
TO PAY THE LANDLORD RENT?

No, after the house is sold the landlord-tenant relationship ends.

IS THERE ANY WAY YOU CAN KEEP RENTING
THE PROPERTY AFTER IT'S BEEN SOLD IN A
FORECLOSURE AUCTION?

Maybe. You have a couple options.

FIRST: You can contact the new owner and ask if they'd be willing to rent to you. They may be willing to give you a lease.

SECOND: You can offer rent to the new owner without asking for a lease. If the new owner accepts rent, it creates a month-to-month tenancy for that month, and for every month they accept rent after that.

NOTE: Both of these options create a landlord-tenant relationship between you and the new owner. If the new owner wants to evict you after this, he or she has to follow the rules for a regular landlord/tenant eviction.