

MONITOR YOUR BUILDING'S FORECLOSURE

-ONLINE INSTRUCTIONS- IF YOU HAVE THE CASE NUMBER:

- o Clerk of Circuit Court's Website:
www.cookcountyclerkofcourt.org
- o Follow the Link for "Online Case Info" and click "Full Electronic Docket Search"
- o Select "Chancery" division and enter the case number

IF YOU DON'T HAVE THE CASE NUMBER:

- o Visit the LCBH online at www.lcbh.org to view detailed instructions

-IN PERSON OR BY PHONE- CONTACT THESE AGENCIES:

- o To obtain building PIN contact the Cook County Assessor's Office:
118 N. Clark St, Room #320
Chicago, IL
312-603-7550
- o Check building's foreclosure status at the Cook County Recorder of Deeds Office (you will need the PIN number):
118 N. Clark St, Room #120
Chicago, IL
312-603-5050
 - If there is a **foreclosure Lis Pendens**, ask for the foreclosure case number
- o Look at the case file by going to the Circuit Court of Cook County, Chancery Division (you will need the foreclosure case number):
50 W. Washington St, Room #802
Chicago, IL
312-603-5133

This brochure is a summary of general issues facing tenants in foreclosure and may not address your specific situation. The information contained in this brochure does not replace the advice or representation of an attorney licensed to practice in the State of Illinois. Because of this, and because of unanticipated changes in the law, *Lawyers' Committee for Better Housing or the person, institution, or agency who gave you this brochure makes no claim as to whether the use of this brochure will achieve the result you desire and disclaim any responsibility for the consequences of any form prepared or action taken in reliance upon the information in this brochure.*

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Tenants in Foreclosure Intervention Project

FORECLOSURE DOESN'T
MEAN "GET OUT NOW":

EVERYONE HAS TO VACATE
THE BUILDING WITHIN ONE
WEEK OR YOU WILL BE
EVICTED!

YOU HAVE THE RIGHT TO:

- **Know** if your building is in foreclosure
- **Live** in a safe and properly maintained unit
- **Uninterrupted** utility service
- **Notice** of management and ownership changes
- **Stay** until lease end
- **90 Days' Notice** before you have to move
- **Seal** foreclosure-related court records

FORECLOSURE TIMELINE & LANDLORD/TENANT DUTIES

Foreclosures sometimes last a year or more:

- After the landlord is served with a foreclosure *complaint*, at least 7 months may pass before the *judicial sale*

Some Foreclosures are **much** shorter:

- If the landlord and the bank work out an agreement or the building is sold, the case may end sooner or be dismissed

LANDLORDS' RESPONSIBILITIES

The owner remains the landlord of the property until the court enters either:

- An *Order Appointing a Receiver*; or
- An *Order Confirming the Judicial Sale*

The landlord (or court appointed receiver) is responsible for maintaining the building.

TENANTS' RESPONSIBILITIES

During foreclosure, you should continue to pay rent. If the court appoints a receiver, you may be required to pay the receiver-- **failure to pay rent may be grounds for eviction.**

Tenants should be notified when a receiver is appointed or ownership of the building changes —**tenants who have not received notice may have a defense against an eviction for non-payment of rent.**

BUILDING MAINTENANCE

Call the City of Chicago Building Department at 311 to report building code violations/utility shutoffs.

CHICAGO RESIDENTIAL LANDLORD TENANT ORDINANCE

In Chicago, the Residential Landlord Tenant Ordinance ("**RLTO**") covers all non-owner occupied buildings and all buildings with more than 6 units. The RLTO also covers rental condos.

BUILDING MAINTENANCE:

If covered by the RLTO, you may write a **14-Day Letter** to the landlord listing bad conditions and the amount of rent you will reduce if problems are not fixed. Save copies and proof of delivery

- If the landlord fails to fix the problem within 14 days of receiving letter, you may reduce the amount of rent stated in the letter. Make sure your reduction amount is reasonable.

FORECLOSURE NOTICE FOR TENANTS:

If covered by RLTO, your landlord must notify you in writing within 7 days of being served a foreclosure complaint

- A Landlord must also tell prospective tenants in writing that s/he is in foreclosure
- If a landlord violates this section, you may break your lease, with written notice, and may sue for \$200.00 in damages

SECURITY DEPOSITS DURING FORECLOSURE:

Landlords remain responsible for returning tenants' security deposits

- Under the RLTO, you may sue for double your security deposit if your landlord does not return your deposit
- New owners—including foreclosing banks—are also jointly responsible for returning security deposits

TENANTS RIGHTS: AFTER FORECLOSURE

The Protecting Tenants at Foreclosure Act of 2009 ("**PTFA**") is a federal law

After the Order Confirming Sale all tenants—including month-to-month tenants—must be given at least 90 days' written notice to vacate

- If you have a **bona fide** (valid) lease a new purchaser must honor the lease
- Exception: if a new purchaser will occupy the unit as a primary residence, the lease may be terminated, but you must be given 90 days' written notice

Illinois Law also entitles tenants to 90 days notice before an eviction can be filed.

ILLEGAL LOCKOUTS

If anyone other than a sheriff asks you to move, boards up the building, or turns off essential services (heat, electricity, or water) without court order, **call 911 and file a police report.**

"CASH FOR KEYS" OFFERS

Banks will often pay tenants to leave early. Tenants should know their rights before negotiating with banks or new purchasers.

- Beware of offers with unreasonably short timeframes, deals where cash and keys are not exchanged at the same time, or cash is not given until *all* tenants vacate the building

SEALING COURT RECORDS

If the court orders you to be evicted due to foreclosure (not non-payment of rent), the court record can be sealed to protect your credit rating and housing eligibility.