



PREVENTIVE LAW SERIES  
**FORECLOSURE RELIEF  
FOR TENANTS**



Prepared by:  
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## TENANTS OF PROPERTIES IN FORECLOSURE

Tenants of properties where the landlord is going through foreclosure of the property have several options.

1. **THE NAVY WILL PAY FOR YOUR MOVE.** The Navy will pay for tenants to move out of a property through a government household goods move where the landlord is going through foreclosure. This would be a move similar to a paid government PCS move. You should coordinate this move through your housing office. If you encounter any difficulties please contact a Legal Assistance attorney, preferably well before your anticipated move date. Please reference the Joint Travel Regulations, Chapter 5(JTR), effective 1 August, 2015.
2. There is a new Tenant Foreclosure Hotline for the public at (415) 495-8012 operated by Tenants Together.
3. In California, a trustee is required to post and mail a notice of trustee sale at least 20 days before the foreclosure sale. The notice must inform the tenant that the new property owner may either give the tenant a new lease or rental agreement or provide the tenant with a 90-day eviction notice if the tenant is under a month-to-month lease or periodic tenancy and not on a fixed-term lease. If you are able to move sooner, you can try to negotiate with the bank for some payment to you for not waiting the full time you are allowed by law.
4. In California, tenants or subtenants holding possession of a rental housing unit under a fixed-term residential lease entered into before transfer of title at the foreclosure sale have the right to possess the property until the end of the lease term, and all rights and obligations under the lease shall survive foreclosure. There is an exception, however, if any of the following conditions apply:
  - a. The purchaser or successor in interest will occupy the housing unit as a primary residence;
  - b. The lessee is the mortgagor or the child, spouse, or parent of the mortgagor;
  - c. The lease was not the result of an arms' length transaction; OR
  - d. The lease requires the receipt of rent that is substantially less than fair market rent for the property, except when rent is reduced or subsidized due to a federal, state, or local subsidy or law.
5. Also, in some cases and in some cities with a "just cause for eviction" law, you may not have to move at all.

You can check to see the foreclosure status of your landlord's property at the San Diego County Recorder: 1600 Pacific Highway, Room 260, San Diego, CA 92101. Mail to: P.O. Box 12150, San Diego, CA 92112-4750, or go to [www.sdarcc.com](http://www.sdarcc.com) or call (619) 237-0502.

## FORECLOSURE SCAMS

Beware of foreclosure rescue scam companies. California law prohibits upfront fees from foreclosure rescue companies. See Legal Assistance Preventative Law Handout #83 or talk to an attorney for more information.

WARNING: PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND NOT INTENDED TO BE TAKEN AS SPECIFIC LEGAL ADVICE.  
FOR LEGAL ADVICE IN A PARTICULAR SITUATION, ALWAYS CONSULT WITH AN ATTORNEY.

## **LEGAL ASSISTANCE SERVICES**

The Legal Assistance Department, as part of Region Legal Service Office Southwest, is separate from DSO West. A legal assistance attorney is available by appointment Monday from 0800 - 1100 and 1300 - 1500, Tuesday through Thursday from 0900 - 1100 and 1300 - 1500, and Friday from 0900 - 1045. Powers of attorney and notaries are available Monday through Friday at the same times. For more information, please contact the Legal Assistance Office, located in Building 56, 32nd Street Naval Station, San Diego, CA, by telephone at (619) 556-2211, or our office at Naval Air Station North Island – Coronado, Building 318 – Second Deck, above the Fleet and Family Support Center, Saufley Road, by telephone at (619) 545-6437.

## **REFERENCES**

**Department of Veterans Affairs** Home Loans: <http://www.benefits.va.gov/homeloans/>

**Legal Aid Society of San Diego**, 110 S. Euclid Ave., San Diego, CA 92114; (877) 534-2524; <http://www.lasds.org/>

**Tenants Together** Tenant Foreclosure Hotline: (415) 495-8012.

California Code of Civil Procedure §§ 580b, 1161b, 2924.8 (2015).

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