

City Life Bank Tenant Association Welcomes You To The Resistance!

SHIELD QUIZ

*City Life urges a “shield and sword” strategy. The shield is knowing your legal rights and defending yourself legally. Take this quiz to find out if you know your rights. These rights should be used **together** with the sword. The sword is public protest and public pressure on the banks.*

Pre-foreclosure questions

1. Can you be evicted for not paying your mortgage? Yes ___ No ___
 2. The final step in the foreclosure process is
(a) the auction sale ___ (b) the eviction ___ (c) cash for keys
 3. You should pay *anything* necessary to avoid foreclosure. True ___ False ___
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Eviction procedure questions

4. I got offered “cash for keys” in the amount of \$2000? Is that enough? Yes ___ No ___
 5. I got a “notice to quit”. Will the bank send the truck to evict me after it expires? Yes ___ No ___
 6. I got a summons to go to court? Why is the bank evicting me? No reason is given.
(a) I’m a bad person ___ (b) the mortgage wasn’t paid ___ (c) it’s a “no fault” eviction ___
 7. On the court date, what should I do?
(a) Ignore it ___ (b) Just go to the hearing ___ (c) File answer & discovery and go to hearing ___
 8. My court date is in district court. It’s close by. Should I leave it there? Yes ___ No ___
 9. Can I get legal help and advice? I’m confused! Yes ___ No, you don’t deserve it ___
 10. If I am a former tenant, can I really ask for a jury trial? Yes ___ No ___
 11. In court should I “settle” my case with an “agreement to judgment”?
Yes ___ No ___ Probably not ___
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Post-judgment questions

12. I lost my case in court (or I signed an agreement to judgment that has run out). They threatened me with an “execution”! Is my time up? There’s nothing else I can do? True ___ False ___
13. I got a 48-hour notice that the constable is coming? What should I do?
(a) Offer the constable coffee and things will be ok ___
(b) Have a panic attack ___
(c) Stay calm and get legal advice right away
(d) Try to find *someone* who will sit in your doorway and block the eviction ___

SHIELD QUIZ ANSWERS

1. **NO!** This is very important. The penalty for defaulting on your mortgage is that the bank takes the title to your house. Foreclosure does not mean that the owner (or tenants in the building) have to move right away. A bank still must go through a legal process to evict you. Foreclosure is the beginning of Phase 2 of your struggle. Phase 2 (the eviction fight) is often much more successful than Phase 1 (trying to prevent foreclosure).
2. **The auction sale.** After an owner is 3 months behind, they will get a notice called a “service members” letter asking if you are a member of the armed forces. Some months later you will get a notice that an “auction” has been scheduled. If nothing is done to postpone the auction, that usually results in the bank taking over ownership. It can result in another party buying, but so far in this crisis, that has been rare.
3. **False.** 20% of mortgages nationally are “underwater.” That means that the value of the building is less, sometimes much less, than the value of the loan. In Boston’s neighborhoods, where owners got a loan 2-4 years ago, it is much higher than 20%. In this situation, you can pay and pay for years and still have no equity. The banks are (so far) very reluctant to do any meaningful loan modification where they would reduce the principle owed to the real value of the building. In these situations, foreclosure, and fighting the eviction after foreclosure, is sometimes the best option.
4. **NO.** City Life recommends that you reject the cash for keys offer. It gives up all your rights AND your most important advantage – that you occupy the home. These offers range from \$500 to, in rare cases, \$4000. Former tenants who are involved with City Life and Legal Services can get far more than this (\$20,000+) IF they choose to move. Former tenants who want to stay in their homes can do so almost indefinitely. Former owners have fewer rights, but by fighting the eviction they have a chance to buy back the building from the bank. After foreclosure, the bank refuses to take rent. Everyone fighting a bank eviction should put aside as much of this rent money as they can. This is important.
5. **NO!** Whether it is a 30-day notice to quit (for tenants) or a 72-hour notice to quit (for former owners), the only thing that happens at the end is that the bank can take you to court. ONLY a judge can evict you. The bank cannot change the locks, turn off utilities, or harass you.
6. **It’s a no fault eviction.** After foreclosure, you are a tenant of the bank. You offer to pay rent. The bank will refuse to accept your rent. Therefore, if they seek an eviction it is “no fault”. That means you haven’t done anything wrong. It also increases your ability to fight the eviction. This is true of former owners and tenants.
7. **File answer and discovery and go to the hearing.** The court hearing is always on Thursday. The previous Monday (or before), you should file an answer & discovery with the court AND with the bank’s lawyer. The answer is your response to the eviction. It includes your request for a jury trial, your claims for bad conditions, and more. The discovery is your request for information from the bank. They must respond. The discovery *automatically* postpones the case 2 weeks.
8. **No.** Move it to Housing Ct. Housing court judges know housing law better. Also, this postpones the case again.
9. **Yes.** You can come to City Life bank tenant meetings every Tuesday at 6:15, 284 Amory St. You can call City Life at 617-524-3541. To get help with Answer and Discovery, you can attend Legal Services clinics. These are Friday morning at Wilmer Hale, 122 Boylston St., JP near Stonybrook (522-20020, Or Monday morning at Greater Boston Legal Services at 197 Friend St. near North Station (371-1234). Call Harvard Legal Aid at 495-4408.
10. **Yes!** We recommend that everyone ask for a jury trial. For a former tenant, it must be granted. An actual trial is rare; banks usually settle. A recent jury trial denied the eviction and awarded the tenant \$54,000 (it could be doubled)!
11. **Probably not.** An agreement to judgment gives up all your legal rights. You should get legal advice before signing one. (Remember – a court mediator is *not on your side*). However, even if you sign one without legal advice, you should call City Life to get help on your next steps. Many families have won even after signing these agreements.
12. **False.** An “execution” is the document the bank gets after winning in court. That allows them to hire a constable to evict you. However, even then, you can try to get a “stay of execution” or “restraining order” to get more time.
13. **Stay calm and consider a blockade.** Get legal advice right away! In certain cases, City Life and the Bank Tenant Association are willing to an eviction blockade. Even at this point, you can win. Keep us informed about your case!