



New rules gives tenants of foreclosed buildings some breathing room

By Rob Olmstead | Daily Herald Staff

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It's not a pleasant thought: You scrimp to pay your rent on time and then one day you come home to find, through no fault of your own and with no notice, your furniture on the lawn and a green sign and padlock on your apartment door.

It's not a pleasant thought, but it happens from time to time in Cook County.

But today, about 40 to 45 Cook County Sheriff's deputies are learning a new eviction procedure that should at least give innocent tenants a few weeks to make a more orderly transition to new digs, said Kevin G. Connelly, first assistant chief deputy for sheriff Tom Dart.

Dart's office is the one responsible for enforcing court eviction orders. In a single-family home, that's normally a simple proposition. But when it comes to apartment buildings under foreclosure, it gets stickier.

By law, the sheriff can evict only people whose names are on the order. If deputies find a tenant in the building who can show proof of residency - a driver's license, a lease, or even a piece of mail - the sheriff won't evict them if they're not named in the court order. Instead, the sheriff's office tells the mortgage company the name of the tenant and the company must then go back to a judge to try to get the judge to add the tenant to the eviction notice.

"The problem comes in when we go to do a mortgage foreclosure and no one's there," said Connelly.

Unless a piece of mail happens to be laying out, sheriff's deputies who are clearing out the property have no way of knowing they're evicting someone not on the order, Connelly said.

By the time the tenant gets home, deputies are long gone and there's no way for the tenant to make his or her case.

A recent foreclosure of a multiunit apartment building in Chicago's Albany Park illustrated the problem, Connelly said. The building owner had been collecting rent for some time but not paying the mortgage, skipping town with about \$1 million or so.

"These people had absolutely no idea what was going on until we showed up," Connelly said.

The tenants present weren't immediately evicted, but having armed deputies show up ready to evict you "is traumatic on (a) family," Connelly said.

To provide a little more notice, sheriff's deputies will begin posting eviction notices, starting tomorrow, at rental property a week in advance. The notice will tell tenants that if they're not listed in the order, they can forestall eviction by getting proof of residency to the sheriff before the eviction date.

Given the slow pace of the courts, adding those new names to the eviction notice means tenants will have

some time to either get legal representation or arrange for new housing.

"You're talking a couple of months," said Connelly, who noted that this still means tenants will eventually be forced out, just not without notice and not without a few weeks to make future arrangements.

"We think this policy - at least (makes) it a little more fair for the tenants who are getting stuck."

Connelly said before the mortgage foreclosure crisis, the office used to schedule about 80 evictions a day; now the number is 100.