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California Homeowner Bill of Rights

The California Homeowner Bill of Rights is a set of laws that provide protections to homeowners who are facing foreclosure. It became law on January 1, 2013, with many sections renewed and modified as of January 1, 2019.

Key provisions include:

Notification of foreclosure-prevention options: Your servicer **must** try to contact you at least 30 days before starting the foreclosure process to discuss your financial situation and explore your options to avoid foreclosure. Your servicer can then start the foreclosure process by recording a notice of default in the county where your home is located, and will then send you a copy within 10 business days. Within 5 days of recording a notice of default, your servicer **must** generally give you information about options to avoid foreclosure that may be available. ([Civil Code sections 2923.55, 2924.9](#))

- **Guaranteed single point of contact:** If you ask for a loan modification or other foreclosure-prevention option, your servicer **must** assign you a specific person or team who can walk you through application requirements and deadlines, knows the facts and status of your application, including missing documents needed to complete your application, and can get you a decision on your application. ([Civil Code section 2923.7](#))
- **Acknowledgment of application:** If you apply for a loan modification, your servicer **must** notify you within five business days of any missing information, other errors, and deadlines for completing your application. ([Civil Code section 2924.10](#))
- **Restrictions on fees:** You cannot be charged a fee for applying for a loan modification. You cannot be charged late fees while your servicer is making a decision on your completed loan-modification application, while you are making timely payments under an approved modification, or while a denial is being appealed. Your application is "complete" once you submit all required information within the servicer's reasonable deadlines. ([Civil Code section 2924.11](#))

- **Restrictions on dual tracking:** Your servicer **must** generally pause the foreclosure process while it is making a decision on your completed loan-modification application and until after it gives you time to appeal a denial. It also cannot foreclose on you while you are complying with the terms of an approved loan modification, forbearance, repayment plan, or other foreclosure-prevention option. ([Civil Code sections 2923.6, 2924.11](#))
- **Denial rights:** If your servicer denies your loan-modification application, it **must** state its reasons and identify other possible foreclosure-prevention options in writing. It **must** also give you a chance to appeal the denial. You may submit a new loan-modification application if you have had a material change in your financial situation since the last application. ([Civil Code section 2923.6](#))
- **Transfer rights:** If your servicer approves a loan modification or other foreclosure-prevention alternative and then sells or transfers your loan to another servicer, the new servicer **must** honor that foreclosure-prevention alternative. ([Civil Code section 2924.11](#))
- **Verification of documents:** Your servicer **must** review certain foreclosure documents to make sure they are accurate, complete, and supported by reliable evidence about your loan, your loan's status, and the servicer's right to foreclose. ([Civil Code section 2924.17](#))
- **Tenant rights:** Purchasers of foreclosed homes **must** give tenants at least 90 days before starting eviction proceedings. If the tenant has a fixed-term lease that was entered into before the foreclosure sale, the new owner must honor the lease unless certain exceptions apply. ([Code of Civil Procedure section 1161b](#))

The Homeowner Bill of Rights generally applies to first-lien mortgages on owner-occupied homes that have no more than four units, and the protections above generally apply if your servicer foreclosed on more than 175 homes in the last year.

If you are having trouble making payments, contact your servicer to ask for help and keep following up with your servicer about any foreclosure-prevention application you submit. For more information about the foreclosure process, scams to watch out for, and resources that may help you, see [Loan Modification Fraud and Foreclosure Rescue Scams](#).

If your servicer has violated the Homeowner Bill of Rights, you may want to consult a lawyer. Go to our [Attorneys/Lawyers page](#) for information on how to find a lawyer or a legal aid organization. You can also report violations to the [Attorney General's Office](#). The Office cannot give legal advice, but filing a consumer complaint is helpful because it alerts the Office to consumer issues and may help with the Office's investigations. You can also report violations to the [Department of Business Oversight](#) and to the [Consumer Financial Protection Bureau](#).



California Homeowner Bill of Rights Signed into Law (San Francisco)



California Homeowner Bill of Rights Signed into Law (Los Angeles)