

Judicial Foreclosure Available	Non-Judicial Foreclosure Available	Foreclosure Timeline	Right of Redemption	Deficiency Judgments	Mediation Option
YES	YES Most Common	17 MONTHS Average	VARIES Judicial Only	VARIES Judicial Only	NO Other Alternatives

PROCESS

MOST COMMON FORECLOSURE PROCESS

Non-judicial process. This process is used when a power of sale clause exists in a mortgage or deed of trust.

TIMELINE

The foreclosure sale can occur as quickly as 4 months after the lender starts the foreclosure process. However, lenders rarely move foreclosure as fast as the law allows. The average foreclosure in California took approximately 17 months in Q1 of 2024.

NOTICE OF THE FORECLOSURE/TIME TO RESPOND

Lender/servicer/foreclosing party cannot file a notice of default until 30 days after contacting the borrower to assess the borrower’s financial situation and explore options to avoid foreclosure. Lender then records a three-month notice of default in the county recorder’s office and mails a copy to the borrower within ten business days.

After three months expires (or up to five days prior), lender records a notice of sale and mails a copy to the borrowers at least 20 days before the sale date. The sale date cannot be earlier than three months and 20 days after the recording date of the notice of default. The notice of sale is also posted on the property in a public place and published in a newspaper.

REINSTATEMENT OF LOAN BEFORE SALE

Allowed. Up to five business days before date of sale.

DEFICIENCY JUDGMENTS

Only allowed for Judicial Foreclosure. When a lender uses the nonjudicial foreclosure process against a borrower who fails to pay on a mortgage for his or her primary residence, the lender gives up the right to collect a deficiency judgment against the borrower.

RIGHT OF REDEMPTION AFTER SALE

Usually none. Not allowed after non-judicial foreclosure.

NOTICE TO LEAVE AFTER HOUSE IS SOLD

New owner must give former homeowner three-day notice to vacate and file an unlawful detainer lawsuit to evict.

TENANT BUYER PROTECTION

As of September 2020, [Senate Bill 1079](#) dictates that the notice of sale must also contain a specified notice to a tenant regarding the tenant’s potential right to purchase a property containing from 1 to 4 single-family residences.

OTHER CIRCUMSTANCES

SPECIAL STATE PROTECTIONS FOR SERVICE MEMBERS

Yes. Protections similar to Service Members Civil Relief Act (SCRA) and extended to National Guard members called into state or federal military service, affording service members relief from mortgage interest rate increases and protection from foreclosure for up to nine months.

CASH EXEMPTED IN BANKRUPTCY

Up to \$25,340 (California Exemption System 2).

HOMEOWNER ASSOCIATION FORECLOSURES

Allowed. If the homeowner defaults on monthly dues and/or any special assessments, the COA or HOA can foreclose through a judicial or non-judicial process, whether or not the homeowner is current on their mortgage payments. Read the Association's governing documents for more information on specific foreclosure proceedings.

MEDIATION AVAILABLE

None. However, homeowner can request a meeting with the lender under Homeowner Bill of Rights signed into law on July 11th, 2012

CALIFORNIA HOMEOWNER BILL OF RIGHTS

SB 1137 Protections extended. Loan servicer is required to contact and advise borrower of the right to request a meeting to explore alternatives to foreclosure, schedule the meeting within 14 days if requested, and provide borrower with contact information for a HUD-approved counseling agency.

No Dual Tracking. Loan servicers must make a decision to grant or deny a first lien loan modification application before starting or continuing the foreclosure process.

Single Point of Contact. Mortgage servicers must designate a single point of contact for homeowners who are potentially eligible for loan modifications or other foreclosure prevention alternatives.

No "Robo-signing". Civil penalty may be imposed on lenders and servicers that record or file multiple, unverified documents.

RESOURCES

FORECLOSURE TIMELINE:

<http://www.courts.ca.gov/1048.htm>

SUMMARY OF THE CALIFORNIA HOMEOWNER BILL OF RIGHTS:

<http://www.oag.ca.gov/hbor>

FIND COMPLETE CALIFORNIA CIVIL CODE:

<http://leginfo.legislature.ca.gov>

Search §§ 2923.5, 2924 to 2924I