

IN THE
SUPREME COURT OF
ILLINOIS

In re:)
Illinois Courts Response to)
COVID-19 Emergency/) M.R. 30370
Residential Eviction Proceedings)
)
)

Order

On March 9, 2020, Governor Pritzker declared a State of Emergency in response to the novel coronavirus (COVID-19). On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. In response, Governor Pritzker has prohibited the commencement of certain residential evictions and the enforcement of certain residential eviction orders by Executive Order.

Further, Congress passed, and the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) and American Rescue Plan Act (P.L. 117-2), deploying over \$1 billion to Illinois renters and landlords in rental assistance, housing counseling, legal aid, and mediation services in an effort to prevent evictions.

As the Governor's eviction moratorium begins to sunset, courts are expecting a surge in eviction filings that will require significant resources to properly process and litigate. Accordingly, in the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); and in view of the substantial resources available to Illinois renters and landlords to prevent evictions, the need to ensure appropriate referral of new eviction filings to State and local resources that may be of assistance to both landlords and tenants, and the ensuing issuance or re-issuance by the Illinois Governor of multiple executive orders imposing a moratorium on most residential eviction filings and eviction orders, the Court taking no position on the legal validity of such executive orders;

Coinciding with the expiration of the Governor's moratorium on the filing of residential eviction cases, the Court's order of July 2, 2021, regarding Illinois Courts Response to COVID-19 Emergency/Residential Eviction Proceedings is vacated and replaced with the following effective August 1, 2021:

IT IS HEREBY ORDERED that:

1. The filing of a complaint in any eviction case must be accompanied by the attached certification form prescribed by this order to demonstrate that the plaintiff/landlord has provided each defendant/tenant with a form declaration made available by the Illinois Housing Development Authority (or a similar declaration under penalty of perjury) prior to commencement of the residential eviction proceeding and either (1) has not received a qualifying declaration from any defendant/tenant that they are a "covered person" under Executive

Order 2021-13 as amended, reissued, or extended by any subsequent Executive Order or (2) another stated exception to the Governor's moratorium contained in Executive Order 2021-13 as amended, reissued, or extended by any subsequent Executive Order applies. See Appendix A.

2. The Supreme Court temporarily stays all dispositive motions, trials on the merits, or judgments in residential eviction proceedings against a "covered person" (defined by Executive Order 2021-13 as amended, reissued, or extended by any subsequent Executive Order); initial return dates and status dates set by the court shall proceed. Notwithstanding the forgoing, where the defendant has been served and fails to appear on the return date, a motion for default may be heard only after the defendant is given notice to appear at a separate hearing on a motion for default.
3. Nothing in this order grants any plaintiff/landlord the authority to enforce an eviction order in contravention of any provision of law, including any applicable moratorium.
4. This order expires on September 1, 2021.

Order entered by the Court.



IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said Supreme Court, in Springfield, in said State, this 15th day of July, 2021.

Carolyn Taft Gosholl Clerk,
Supreme Court of the State of Illinois

APPENDIX A

IN THE CIRCUIT COURT OF THE ___ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

Plaintiff(s))
)
v.) Case No.
)

Defendant(s))

Plaintiff’s Certification for Exemption from the 30-Day Stay

I, [name], hereby state as follows: (check all applicable box(es))

- 1. I am: The named plaintiff; or An Agent of the named plaintiff.
- 2. This case is not stayed for 30-days and dispositive motions, trials on the merits, and/or judgments may be heard in compliance with M.R. 30370, effective August 1, 2021, because: (a. or b. must apply)

a. One or more of the following applies:

- The defendant(s) poses a direct threat to the health and safety of other tenants; and/or
- The defendant(s) poses an immediate and severe risk to property; and/or
- The property at issue is non-residential;

OR

b. Prior to commencing the action:

- I served each defendant with a form declaration made available by the Illinois Housing Development Authority (or a similar declaration under penalty of perjury) on [date]; and
- I did not receive a qualifying declaration from any of the defendant(s) that they qualify as a “Covered Person” under Executive Order 2021-13 as amended, reissued, or extended by any subsequent Executive Order before filing this action.

I certify that everything in this certification is true and correct. I understand that making a false statement is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Sworn:

Date

Plaintiff (or Agent) (spell name)

Plaintiff (or Agent) (signature)