

IN THE  
SUPREME COURT OF ILLINOIS

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In re: )  
Illinois Courts Response to )  
COVID-19 Emergency/ ) M.R. 30370  
Access to Sealed Information for the )  
Court-Based Rental Assistance Program )

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Order

On March 9, 2020, Governor Pritzker declared a State of Emergency in response to the novel coronavirus (COVID-19), and later the Governor prohibited the commencement and enforcement of certain residential eviction orders by Executive Order. Further, the U.S. 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 the American Rescue Plan Act (P.L. 117-2). These acts cumulatively deployed over one billion dollars to Illinois renters and landlords in the forms of rental assistance, housing counseling, legal aid, and mediation service to prevent evictions and provide financial relief to landlords.

The Illinois Department of Human Services (“IDHS”), in partnership with the Illinois Housing Development Authority (“IHDA”), created and launched a rental assistance program only available to parties who are in the court process for eviction and not living in Cook County (“Court-Based Rental Assistance Program”).

For the proper and expedited processing and distribution of federal public dollars through the Court-Based Rental Assistance Program, IDHS and IHDA must verify that applicants have an active eviction case in an Illinois Circuit Court and that no court order has been entered disposing of the applicant’s case.

Effective May 17, 2021, the General Assembly automatically sealed court files of residential evictions commenced during the “COVID-19 emergency and economic recovery period” (March 9, 2020, through March 31, 2022). See 735 ILCS 5/9-122(b) (incorporating the exceptions listed in subsections (d) and (e) of 735 ILCS 5/9-121.5). The General Assembly used the word “sealed” broadly in the statute, which pre-dated the issuance of Supreme Court Rule 8 that defines various levels of court file confidentiality. The balance of the statute does not reflect a meaning of “sealed” in the same manner as that word is used in Supreme Court Rule 8, and the application of the Court’s definition of “sealed” in Rule 8 may well go beyond the level of confidentiality that the General Assembly intended.

In furtherance of the Court-Based Rental Assistance Program created and administered by IDHS to distribute significant rental assistance resources to litigants in

eviction court; and 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 the authority granted to this Court under 735 ILCS 5/9-121.5(e) and 735 ILCS 5/9-122(d), IT IS HEREBY ORDERED that:

1. After balancing the interests of the parties and the public in nondisclosure with the interests of the governmental purpose of administering IDHS' Court-Based Rental Assistance Program, IDHS, an agency of the Illinois Executive Branch, IHDA, a body politic and corporate of the State of Illinois created by the Illinois Housing Development Act (20 ILCS 3805/1 *et seq.*), and their limited designated contractors shall have access to information contained in sealed court files to verify that there is an eviction action currently pending against the applicant and that no eviction order has been entered against the applicant. The Court also determines the interests of justice so dictate that IDHS and its designated contractors shall have access to identifying information of the parties to fulfill the purpose of IDHS' Court-Based Rental Assistance Program.
2. Each circuit clerk will assign an individual or individuals to respond to inquiries from IDHS, IHDA, and their limited designated contractors in a timely manner pursuant to Paragraph 1 of this order and will provide to the Administrative Office of Illinois Courts ("AOIC") the name, contact information, and preferred method of communication of such assigned individual(s). The AOIC will provide each circuit clerk with a list of representatives from IDHS, IHDA, or limited designated contractors who will submit inquiries for the purpose of administering IDHS' Court-Based Rental Assistance Program, including their names and contact information.
3. Nothing in this order permits the release of a sealed court file or the information contained therein for a commercial purpose.
4. This order shall remain in effect until further order of the Court.

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 28th day of October, 2021.

*Carolyn Taft Gosbell* Clerk,  
Supreme Court of the State of Illinois