

IN THE
SUPREME COURT OF
ILLINOIS

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

Amended Order

The Court's order of July 15, 2021, vacating and replacing the Court's order of July 2, 2021, regarding Illinois Court's Response to COVID-19 Emergency/Residential Eviction Proceedings to coincide with the expiration of the Governor's moratorium on the filing of new residential eviction actions, is amended effective immediately as shown below (new material is underscored and deleted material is struck through);

IT IS HEREBY ORDERED that:

1. Effective August 1, 2021, the Governor's moratorium no longer prohibits the filing of new eviction actions. 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) unless that person poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property. ~~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.

2. For a newly filed case to be exempt from the temporary stay on dispositive motions, trials on the merits, or judgments created by Paragraph 1 of this order, ~~The filing of a complaint filed~~ 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.

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 29th day of July, 2021.

Carolyn Taft Gussbell 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)