



Rep. Delia C. Ramirez

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LRB101 17653 LNS 72373 a

1 AMENDMENT TO SENATE BILL 3066

2 AMENDMENT NO. _____. Amend Senate Bill 3066 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 COVID-19 Emergency and Economic Recovery Renter and Homeowner
6 Protection Act.

7 Section 5. Purpose and findings. The purpose of this Act is
8 to protect renters, homeowners, and persons in need of housing,
9 based upon the following findings:

10 International, national, state, and local governments and
11 health authorities are responding to an outbreak of a disease
12 caused by the novel coronavirus referred to as COVID-19.

13 African American and Latino households in the State of
14 Illinois are at disproportionate risk of exposure to and the
15 contraction of COVID-19 and to economic effects of this
16 pandemic.

1 On March 9, 2020, the Governor of the State of Illinois
2 issued a disaster declaration proclamation in Illinois because
3 of the threat of COVID-19.

4 On March 26, 2020, the President of the United States
5 declared that a major disaster exists in the State of Illinois
6 and ordered Federal assistance to supplement State, tribal, and
7 local recovery efforts in the areas affected by the COVID-19
8 pandemic beginning on January 20, 2020 and continuing.

9 On April 1, 2020, the Governor of the State of Illinois
10 issued a second disaster declaration proclamation in Illinois
11 because of the threat of COVID-19.

12 On April 30, 2020, the Governor of the State of Illinois
13 issued a third disaster declaration proclamation in Illinois
14 because of the threat of COVID-19.

15 The Centers for Disease Control and Prevention and the
16 Illinois Department of Public Health have issued
17 recommendations including, but not limited to, social
18 distancing, staying home if sick, shutting down all
19 nonessential businesses, canceling or postponing large group
20 events, working from home, and other precautions to protect
21 public health and prevent transmission of this communicable
22 virus.

23 Experts predict a vaccine will not be approved for at least
24 a year, and the World Health Organization has stated, "There is
25 currently no evidence that people who have recovered from
26 COVID-19 and have antibodies are protected from a second

1 infection."

2 Because of the public health emergency and the precautions
3 recommended by health authorities, many residents and
4 businesses in the State of Illinois have experienced or expect
5 soon to experience sudden and unexpected income loss.

6 A quarter of this State's workforce is employed in
7 industries directly impacted by the closure of nonessential
8 services as recommended by health authorities, and
9 unemployment claims in this State are exceeding levels from the
10 2008 Great Recession.

11 Further long-term economic impacts are anticipated, with
12 reliable forecasts of 30% unemployment rate in the second
13 quarter of 2020, leaving residential and commercial tenants
14 vulnerable to eviction and homeowners vulnerable to
15 foreclosure.

16 The Governor of the State of Illinois has stated that
17 individuals exposed to COVID-19 may be temporarily unable to
18 report to work due to illness caused by COVID-19 or quarantines
19 related to COVID-19 and individuals directly affected by
20 COVID-19 may experience potential loss of income, health care
21 and medical coverage, and ability to pay for housing and basic
22 needs, thereby placing increased demands on already strained
23 regional and local health and safety resources, including
24 shelters and food banks.

25 Before COVID-19, over half of Illinois low-income renters
26 were already rent-burdened, and the rate of underwater

1 mortgages in Illinois was one of the highest in the nation.

2 31% of adults in a nationally representative sample taken
3 during the pandemic report that they are worried that they
4 cannot pay rent, a mortgage, or utilities.

5 During this emergency and in the interest of protecting the
6 public health and preventing transmission of COVID-19, it is
7 essential to avoid unnecessary housing displacement to prevent
8 housed individuals from falling into homelessness.

9 On March 20, 2020, the Governor issued Executive Order
10 2020-10, which instructed authorities to cease enforcement of
11 orders for residential evictions.

12 On March 18, 2020, the Illinois Commerce Commission
13 required all private water, electric, and natural gas utilities
14 in Illinois to suspend service disconnections, waive
15 late-payment penalties, and implement temporary flexible
16 credit and payment procedures to ensure all customers remain
17 connected to essential utility service.

18 On April 23, 2020, the Governor issued Executive Order
19 2020-30, which further prohibited persons and entities from
20 commencing residential eviction actions in most cases and
21 ceasing the enforcement of eviction orders for most
22 nonresidential premises.

23 Unpaid rent, late fees, and court costs are currently
24 accruing against residential and commercial tenants and will be
25 demanded by landlords after the expiration of the emergency
26 period.

1 Public health is endangered if tenants will face immediate
2 demand for the entire sum after the emergency period expires,
3 the courts are clogged with thousands of additional eviction
4 court filings, tenants leave their homes and enter into
5 homelessness in order to avoid an eviction filing, resulting in
6 a chaotic displacement process.

7 Involuntary displacement caused by an eviction interrupts
8 a child's education, causing the child to have lower school
9 achievement and delayed literacy skills and be more likely to
10 be truant, threatens the child's social and emotional security,
11 and adversely impacts families in the form of stress and
12 exposure to substandard housing with environmental hazards.

13 The State of Illinois needs to ensure that returning
14 citizens have fair and equitable access to housing, that
15 persons who have or who are perceived to have COVID-19 are
16 protected from housing discrimination, and that renters and
17 homeowners cannot be discriminated against for relying upon
18 third-party sources of financial support to pay their rent and
19 mortgages.

20 The State of Illinois deems it necessary to protect public
21 health, life, and property during this declared state of
22 emergency by protecting small business commercial and
23 residential tenants and homeowners from certain evictions and
24 foreclosures and other hardships during this public health and
25 economic crisis.

1 Section 10. Definitions. Unless the context clearly
2 indicates otherwise, as used in this Act:

3 "COVID-19 emergency and economic recovery period" means
4 the period beginning on March 9, 2020, when the Governor issued
5 the first disaster proclamation for the State of Illinois to
6 address the circumstances related to COVID-19, and ending on
7 the first day of the month following a month in which both the
8 published statewide unemployment rate is no more than 1.5
9 percentage points higher than the statewide unemployment rate
10 for February 2020, and the published statewide unemployment
11 rate has decreased in 2 of the previous 3 months. However, if a
12 gubernatorial disaster proclamation issued to address
13 circumstances related to COVID-19 is still in effect on that
14 date, the COVID-19 emergency and economic recovery period
15 expires 45 days after that proclamation expires.

16 "COVID-19 related hardship" means any negative financial
17 impact on an individual or household because of COVID-19 and
18 associated governmental orders, including: loss of income,
19 furlough, hour reduction or other interruption to employment
20 due to workplace, school, and other facility closures; or
21 increased household, child care, health care, or other
22 expenses.

23 "Dwelling unit" means a building, structure, or part of a
24 building or structure or land appurtenant to a building or
25 structure, a unit or lot of a manufactured home as defined in
26 Section 3 of the Mobile Home Landlord and Tenant Rights Act, or

1 other residential real estate used or held out for human
2 habitation, together with all common areas and storage areas
3 held out for use by the resident.

4 "Eviction" or "to evict" means using any judicial or
5 nonjudicial means to involuntarily remove a resident or small
6 business commercial tenant from a dwelling unit or a small
7 business commercial premises, including, but not limited to:

8 (1) issuing an eviction notice or other notice to
9 terminate a tenancy;

10 (2) filing, serving, or other otherwise initiating a
11 judicial eviction action;

12 (3) prosecuting a pending eviction action, other than
13 as necessary to request a continuance or suspension of the
14 matter or to comply with an order of the tribunal; or

15 (4) seeking or causing any order for the physical
16 eviction of a resident or small business commercial tenant
17 to be executed.

18 "Eviction action" means any judicial or administrative
19 proceeding that seeks recovery of possession of a dwelling unit
20 or small business commercial premises from a resident or small
21 business commercial tenant.

22 "Eviction order" means any order entered in an eviction
23 action that directs or authorizes the removal of a resident or
24 small business commercial tenant from a dwelling unit or a
25 small business commercial premises. "Eviction order" does not
26 include an order entered to remove a resident who is the

1 perpetrator of violence in order to protect another resident or
2 tenant from domestic violence, sexual violence, dating
3 violence, or stalking. "Eviction order" does not include an
4 order restoring a resident to possession of the dwelling unit
5 entered under subsection (h) of Section 15.

6 "Eviction notice" means any notice directing a resident or
7 small business commercial tenant to vacate the dwelling unit or
8 small business commercial premises or otherwise purporting to
9 terminate a tenancy.

10 "Fund" means the Residential Housing Relief Fund created
11 under Section 20.

12 "IDHS" means the Illinois Department of Human Services.

13 "IHDA" or "Department" means the Illinois Housing
14 Development Authority.

15 "Landlord" means an owner of record, agent, lessor,
16 sublessor, court-appointed receiver or master, mortgagee in
17 possession, or the successor in interest of any of them of a
18 dwelling unit or the building of which it is a part and any
19 person authorized to exercise any aspect of the management of
20 the premises. "Landlord" includes any person who directly or
21 indirectly receives rents and has no obligation to deliver the
22 whole of the receipts to another person. "Landlord" also
23 includes the owner of a mobile home park.

24 "Premises" means the dwelling unit and the building or
25 structure of which it is a part, facilities and appurtenances
26 therein, and grounds, areas, and facilities held out for the

1 use of residents.

2 "Rental agreement" means every letting or lease, whether by
3 written or verbal agreement, of a dwelling unit or small
4 business commercial premises.

5 "Residential landlord" means an owner of record, agent,
6 lessor, sublessor, court-appointed receiver or master,
7 mortgagee in possession, or the successor in interest of any of
8 them of a dwelling unit or the building of which it is a part,
9 and any person authorized to exercise any aspect of the
10 management of the premises. "Residential landlord" includes
11 any person who directly or indirectly receives rents and has no
12 obligation to deliver the whole of the receipts to another
13 person. "Residential landlord" also includes the owner of a
14 mobile home park.

15 "Residential tenant" or "tenant" means a person entitled by
16 written or verbal agreement, subtenancy approved by the
17 landlord, or by sufferance to occupy a dwelling unit to the
18 exclusion of others. "Residential tenant" includes members of a
19 tenant's household occupying the dwelling unit.

20 "Small business commercial premises" means any parcel of
21 real property that is developed and used either in part or in
22 whole for commercial purposes by a business that is not a part
23 of a multinational corporation, has less than 25 employees, and
24 where the average income per employee is \$50,000 or less.

25 "Small business commercial tenant" means a commercial
26 tenant that is not a part of a multinational corporation, has

1 less than 25 employees, and the average income per employee is
2 \$50,000 or less.

3 Section 15. Moratorium on residential and small business
4 commercial premises eviction.

5 (a) There is hereby declared a moratorium on evictions from
6 residential and small business commercial premises in this
7 State that shall remain in effect for 60 days after the
8 effective date of this Act.

9 (b) Except as provided in subsection (f), during the
10 moratorium:

11 (1) No person or entity shall evict or attempt to evict
12 a residential tenant or small business commercial tenant
13 from a dwelling unit or small business commercial premises.

14 (2) No court shall accept any filing, including a
15 complaint, summons, or motion, other than those authorized
16 under subsection (f), in an eviction action, or hear or
17 decide any matter, or enter a judgment in favor of the
18 plaintiff for eviction, rent, or other remedies that may
19 have otherwise been permitted by law.

20 (3) No sheriff, local law enforcement officer, or any
21 other person or entity may serve process or attempt to
22 serve process for an eviction action.

23 (c) Any eviction notice issued during the moratorium is
24 invalid and shall not be deemed to have terminated the
25 residential or small business commercial tenancy. Any eviction

1 notice issued prior to the moratorium for which no case was
2 filed as of the effective date of this Act shall also be
3 invalid and shall not be deemed to have terminated the tenancy.

4 (d) Any process served during the moratorium is
5 insufficient service of process and will not confer
6 jurisdiction on the court.

7 (e) Any deadline or period for action by a party to an
8 eviction action commenced before the effective date of this
9 Act, including the time to appeal a judgment, is tolled during
10 the moratorium.

11 (f) This moratorium does not prevent a residential landlord
12 from taking any legal action to protect other residential
13 tenants by evicting or otherwise barring from the premises any
14 person who poses a credible threat of violence to other
15 residential tenants at the premises.

16 (g) This Act shall not be interpreted as restricting or
17 eliminating a residential tenant's ability to file and a
18 court's ability to hold a hearing and issue a ruling on a
19 motion to seal under Section 25.

20 (h) Any residential or small business commercial tenant
21 dispossessed of a dwelling unit or small business commercial
22 premises in violation of subsection (b) may bring an action in
23 a court of competent jurisdiction to regain possession of the
24 dwelling unit or small business commercial premises. Such a
25 claim shall constitute an emergency and shall be scheduled by
26 the court for a hearing as soon as practicable.

1 (i) In any action pending or commenced after expiration of
2 the moratorium, a residential landlord may not maintain any
3 eviction action based on the nonpayment of rent that first
4 became due on or after March 9, 2020 through the expiration of
5 the moratorium, late fees, or any other fee or cost associated
6 with such nonpayment, nor may any residential landlord issue an
7 eviction notice demanding such rent or fees.

8 (j) Nothing in this Section prohibits:

9 (1) a residential or small business commercial tenant
10 from terminating a rental agreement in a manner otherwise
11 prescribed by contract or law;

12 (2) the termination of a residential or small business
13 commercial rental agreement by mutual agreement; or

14 (3) a landlord from bringing a claim for rent due in
15 the manner described in Illinois Supreme Court Rules 281
16 through 289.

17 Section 20. Residential Relief Fund.

18 (a) Within 30 days of this Act becoming law, the Illinois
19 Housing Development Authority, in cooperation with the
20 Illinois Department of Human Services, shall establish a
21 Residential Housing Relief Fund, to provide assistance to:

22 (1) Residential landlords and residential tenants in
23 order to preserve the tenancy by covering certain rental
24 amounts due from residential tenants unable to pay rent
25 because they are experiencing a COVID-19 related hardship

1 and are at risk of homelessness.

2 (2) Residential tenants experiencing a COVID-19
3 related hardship who need to move and have demonstrated a
4 financial need for funds to cover expenses, including, but
5 not limited to, the first month's rent or a security
6 deposit, or both.

7 (3) Homeowners who have demonstrated that they are
8 unable to make mortgage payments, after exhausting all
9 forbearance options available.

10 (b) IHDA, in cooperation with IDHS, shall allocate
11 available funds to local administering agencies for
12 distribution to homeowners, residential landlords, and
13 residential tenants and establish further administrative
14 requirements on the application for and the distribution of
15 these funds as is necessary.

16 (c) In accordance with existing eligibility and other
17 funding requirements, available funds shall be prioritized as
18 follows:

19 (1) qualified residential tenants at 50% or below of
20 the median family income for the area of the local
21 administering agency unable to make rental payments;

22 (2) qualified residential tenants who are not eligible
23 for federal funds and who are unable to make rental
24 payments;

25 (3) qualified residential tenants at imminent risk of
26 or who are experiencing homelessness because they are

1 unable to make rental payments;

2 (4) where the residential property is in a zip code
3 experiencing higher rates of poverty when compared to the
4 State as a whole and the residential tenants are unable to
5 make rental payments; and

6 (5) homeowners who are unable to make mortgage
7 payments, after exhausting all forbearance options
8 available.

9 (d) Application for residential housing relief funds.

10 (1) A landlord, tenant, or homeowner may apply for such
11 funds in accordance with the application requirements
12 established by IHDA and IDHS. The funds shall go to the
13 landlord or the mortgagee.

14 (2) A landlord must apply for funds under this Section
15 before bringing a claim for rent, including under Illinois
16 Supreme Court Rules 281 through 289. Once an application
17 for funds is completed, the landlord may not bring a claim
18 for rental debt owed during the moratorium for the tenant's
19 use and occupancy of the dwelling unit pursuant to Illinois
20 Supreme Court Rules 281 through 289 until the application
21 is denied.

22 (e) Receipt of residential housing relief funds.

23 (1) Landlords who receive such funds cannot charge or
24 otherwise collect rent or other fees to residential tenants
25 due during the term of the moratorium or report residential
26 tenants to a debt collector.

1 (2) Landlords must in good faith cooperate with and
2 complete all requirements established by IHDA, including
3 any agreements to maintain the residential tenant's
4 tenancy.

5 (3) Landlords cannot refuse to accept funds from or on
6 behalf of tenants from the Residential Housing Relief Fund
7 on the basis that the tenants' funds come from the
8 Residential Housing Relief Fund.

9 (4) Landlords who violate paragraph (1), (2), or (3) of
10 this subsection (e) may be subject to recapture of any
11 received Residential Housing Relief Fund dollars by IHDA,
12 IDHS, or the local administering agency, without penalty to
13 the residential tenant.

14 (f) The Residential Housing Relief Fund is created as a
15 special fund in the State treasury. Subject to appropriation,
16 all money in the fund shall be distributed to the Department to
17 carry out the purposes of this Act. Any repayments, interest,
18 or new appropriations shall be deposited into the fund. Money
19 in the fund shall not be subject to transfer to the General
20 Revenue Fund or to any other fund. Federal funds made available
21 to the states as a result of the COVID-19 pandemic may be
22 deposited into the fund. It is the intent of the General
23 Assembly to prioritize the use of available federal funds
24 before using General Revenue funds.

25 (g) This Section is subject to appropriation.

1 Section 25. Eviction case sealing.

2 (a) The court file shall be sealed upon the commencement of
3 any residential eviction action during the COVID-19 emergency
4 and economic recovery period. If a residential eviction action
5 commenced during the COVID-19 emergency and economic recovery
6 period is pending on the effective date of this Act and is not
7 sealed, the court shall, upon the motion of either party or its
8 own motion, order the sealing of the court file.

9 (b) The court may, upon the motion of the either party or
10 its own motion, order the sealing of any court file in a
11 residential eviction action commenced before the COVID-19
12 emergency and economic recovery period, if the court finds:

13 (1) the residential tenant has established an
14 affirmative defense to the eviction action;

15 (2) the defendant has experienced a COVID-19 related
16 hardship; or

17 (3) the interests of justice in sealing the court file
18 outweigh the public interest in maintaining a public
19 record.

20 (c) Upon motion and order of the court, a sealed court file
21 may be made available for scholarly, educational,
22 journalistic, or governmental purposes only, balancing the
23 interests of the parties and the public in nondisclosure with
24 the interests of the requesting party. Identifying information
25 of the parties shall remain sealed, unless the court determines
26 that release of the information is necessary to fulfill the

1 purpose of the request. Nothing in this subsection shall permit
2 the release of a sealed court file or the information contained
3 therein for a commercial purpose.

4 Section 30. Eviction provisions preempted. For the
5 duration of the COVID-19 emergency and economic recovery
6 period, Article IX of the Code of Civil Procedure is preempted
7 only to the extent that any of its provisions conflict with any
8 provision of this Act.

9 Section 35. Conflict with federal law. Nothing with respect
10 to this Act conflicts with or is intended to conflict with
11 federal law.

12 Section 40. Repeal. This Act is repealed at the end of the
13 COVID-19 emergency and economic recovery period.

14 Section 90. The State Finance Act is amended by adding
15 Section 5.930 as follows:

16 (30 ILCS 105/5.930 new)

17 Sec. 5.930. The Residential Housing Relief Fund.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."