



Rep. Delia C. Ramirez

Filed: 1/11/2021

10100SB3066ham005

LRB101 17653 HEP 74833 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 "Article 5.

5 Section 5-1. Short title. This Act may be cited as the
6 COVID-19 Federal Emergency Rental Assistance Program Act.

7 Section 5-5. Purposes and findings. The purpose of this Act
8 is for the State to implement federal Coronavirus Relief Fund
9 (CRF) assistance to renters administered by the U.S. Department
10 of the Treasury, appropriated from the Consolidated
11 Appropriations Act, 2021.

12 International, national, State, and local governments and
13 health authorities are responding to an outbreak of a disease
14 caused by the novel Coronavirus referred to as COVID-19.
15 African American and Latino households in the State are at

1 disproportionate risk of exposure to and the contraction of
2 COVID-19 and to economic effects of this pandemic.

3 On March 9, 2020, the Governor issued a disaster
4 declaration proclamation in this State because of the threat of
5 COVID-19.

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

11 Unpaid rent, late fees, and court costs are currently
12 accruing against residential tenants and will be demanded by
13 landlords after the expiration of the emergency period.

14 To reduce the rental arrears throughout this State, all
15 eligible residential landlords and tenants alike shall avail
16 themselves of the Emergency Rental Assistance Program.

17 The State deems it necessary to protect public health,
18 life, and property during this declared state of emergency by
19 protecting residential tenants, homeowners, and housing
20 providers from certain evictions and other hardships during
21 this public health and economic crisis.

22 Section 5-10. Definitions. As used in this Act:

23 "Administering State agency" means any agency or
24 department of the State that is eligible to receive a direct
25 federal allocation of federal Emergency Rental Assistance

1 funds that will disburse and administer the Federal Emergency
2 Rental Assistance Program.

3 "Applicant" or "program applicant" means any person or
4 entity who is a residential tenant or lessee or landlord or
5 lessor that has submitted an application, individually or
6 jointly, to receive federal Emergency Rental Assistance funds.

7 "Eligible household" has the same meaning as used by the
8 federal law enacting the federal Emergency Rental Assistance
9 program.

10 "Program" means the federal Emergency Rental Assistance
11 Program.

12 "Recipient" or "program recipient" means any person or
13 entity that is a residential tenant or lessee, landlord or
14 lessor, or utility provider that had a successful application,
15 in that the administering State agency disbursed funds either:
16 (i) on behalf of a residential tenant directly to the landlord
17 or utility provider; or (ii) directly to the residential
18 tenant.

19 Section 5-15. Federal Emergency Rental Assistance program.

20 (a) Any department or agency of the State eligible to
21 receive a direct federal allocation and charged with disbursing
22 allocated funds and administering the federal program shall do
23 so in accordance with federal and State law.

24 (b) Consistent with federal law, any State agency
25 administering this program shall create a process to provide

1 rental assistance directly to eligible renters and to obviate
2 or minimize the necessity of lessor or utility provider
3 participation in submitting the application when the lessor or
4 utility provider: (i) refuses to accept a direct payment; or
5 (ii) fails to complete an application for assistance. The
6 administering State agency shall make payments to a lessor or
7 utility provider on behalf of an eligible household with a
8 statement indicating which eligible household the payment is
9 being made for, except that, if the lessor or utility provider
10 does not agree to accept such a payment from the administering
11 State agency after the administering State agency has made
12 contact with the lessor or utility provider, then the
13 administering State agency may make such payments directly to
14 the eligible household for the purpose of the eligible
15 household making payments to the lessor or utility provider.
16 Notwithstanding the foregoing, nothing in this Act shall be
17 construed to require a lessor or utility provider to accept
18 funds from the program, whether paid directly by the
19 administering State agency or by the eligible household.

20 (c) Consistent with federal law, any State agency
21 administering this program shall provide program recipients
22 with relief payments in an amount based on stated need rather
23 than on a flat or fixed amount. An eligible household's stated
24 need may include, but is not limited to, the amount of arrears
25 owed to a lessor, utility provider, or both, or future rental
26 payments based on monthly rent.

1 (d) Consistent with federal law, nothing in this Act shall
2 be construed as precluding any administering State agency from
3 capping or setting a limit on the amount of emergency rental
4 payments made on behalf of any single household. The
5 administering State agency may adopt additional eligibility
6 criteria, application procedures, and program rules necessary
7 to administer the program in conformity with the priorities and
8 public policies expressed within this Act and federal law, as
9 it may be amended.

10 (e) Consistent with federal law prohibiting duplicative
11 payments from other federal programs, an administering State
12 agency shall not disqualify an eligible household from the
13 program based on previous application for or receipt of other
14 similar federal assistance for periods that are different than
15 that for which the program assistance is being provided under
16 this Act.

17 (f) Unless necessary to comply with applicable federal or
18 State law, the administering State agency shall not, for
19 purposes of determining program eligibility, require a fully
20 executed written lease or any type of documentation relating to
21 any household member's immigration status. The administering
22 State agency may accept a demand for rent letter, ledger or
23 statement containing the outstanding balance, termination
24 notice, or other alternative form of documentation containing
25 or showing the amount of rental or utility arrears owed.

1 Section 5-20. Accessibility and transparency.

2 (a) In addition to federal requirements, the administering
3 State agency shall make publicly accessible by publishing on
4 its website any important program information, including, but
5 not limited to, the following:

6 (1) program application forms for households, lessors,
7 and utility providers, including any joint program
8 application forms;

9 (2) program eligibility requirements;

10 (3) the administering State agency's procedures and
11 processes for administering the program;

12 (4) the administering State agency's procedures and
13 communication methods for notifying program applicants of
14 defective applications due to incompleteness, errors,
15 missing information, or any other impediment;

16 (5) the administering State agency's procedures and
17 methods for applicants to remedy defective applications
18 due to incompleteness, errors, missing information, or any
19 other impediment; and

20 (6) any other important program information critical
21 to applicants, including renters, lessors, and utility
22 providers, relating to the application requirements and
23 process, eligibility determination, and disbursement of
24 payment.

25 (b) The administering State agency shall ensure that
26 important program information, including the application and

1 all marketing materials, is language accessible by publishing
2 to its website the same in both English and Spanish.

3 Section 5-25. Process for further prioritizing applicants
4 for financial assistance and housing stability services. In
5 addition to federal program eligibility and prioritization
6 requirements, the administering State agency shall make best
7 efforts to give further prioritization to an eligible
8 household: (i) located within a disproportionately impacted
9 area based on positive COVID-19 cases; (ii) that has a
10 documented history of housing instability or homelessness; or
11 (iii) that has a significant amount of rental arrears.

12 Section 5-30. Required notifications and correspondence.
13 The administering State agency shall ensure it communicates
14 clearly with an applicant about the application determination
15 process, including acceptance, status of a pending
16 application, and any reason for denying an application.

17 (1) The administering State agency shall provide
18 notice to an applicant upon finding that a submitted
19 application is defective or should otherwise be considered
20 ineligible, denied, or rejected.

21 (2) The notice from the administering State agency
22 shall explain the reason why an applicant's submitted
23 application is defective or should otherwise be considered
24 ineligible, denied, or rejected.

1 (3) The notice shall contain the necessary
2 information, process, accepted method, and deadline for
3 the applicant to remedy any defective or deficient
4 application, provided that remedy is possible.

5 (4) All notice and correspondence required to be
6 provided by the administering State agency shall be given
7 promptly and without unnecessary delay to any applicant.

8 Article 10.

9 Section 10-5. The Code of Civil Procedure is amended by
10 changing Section 9-121 and by adding Sections 9-122, 9-123,
11 15-1513, and 15-1514 as follows:

12 (735 ILCS 5/9-121)

13 Sec. 9-121. Sealing of court file.

14 (a) ~~Definition.~~ As used in this Section, "court file" means
15 the court file created when an eviction action is filed with
16 the court.

17 (b) The court shall order the sealing of any court file in
18 a residential eviction action if:

19 (1) the interests of justice in sealing the court file
20 outweigh the public interest in maintaining a public
21 record;

22 (2) the parties to the eviction action agree to seal
23 the court file;

1 (3) there was no material violation of the terms of the
2 tenancy by the tenant; or

3 (4) the case was dismissed with or without prejudice.
4 ~~Discretionary sealing of court file. The court may order~~
5 ~~that a court file in an eviction action be placed under~~
6 ~~seal if the court finds that the plaintiff's action is~~
7 ~~sufficiently without a basis in fact or law, which may~~
8 ~~include a lack of jurisdiction, that placing the court file~~
9 ~~under seal is clearly in the interests of justice, and that~~
10 ~~those interests are not outweighed by the public's interest~~
11 ~~in knowing about the record.~~

12 (c) ~~Mandatory sealing of court file.~~ The court file
13 relating to an eviction action brought against a tenant under
14 Section 9-207.5 of this Code or as set forth in subdivision
15 (h)(6) of Section 15-1701 of this Code shall be placed under
16 seal.

17 (d) A sealed court file shall be made available only to the
18 litigants in the case, their counsel or prospective counsel,
19 and public employees responsible for processing the
20 residential eviction action.

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

1 that release of the information is necessary to fulfill the
2 purpose of the request and the interests of justice so dictate.
3 Nothing in this subsection shall permit the release of a sealed
4 court file or the information contained therein for a
5 commercial purpose.

6 (f) Except as provided in subsections (c) and (d), any
7 person who disseminates a court file sealed under this Section,
8 or the information contained therein, for commercial purposes
9 shall be liable for a civil penalty of \$2,000, or twice the
10 actual and consequential damages sustained, whichever is
11 greater, as well as the costs of the action, including
12 reasonable attorney's fees.

13 (g) The Attorney General may enforce a violation of this
14 Section as an unlawful practice under the Consumer Fraud and
15 Deceptive Business Practices Act. All remedies, penalties, and
16 authority granted to the Attorney General by the Consumer Fraud
17 and Deceptive Business Practices Act shall be available to him
18 or her for the enforcement of this Section.

19 (h) Nothing in this Section prohibits a landlord from
20 receiving a reference from a previous landlord of a prospective
21 tenant. Nothing in this Section prohibits a landlord from
22 providing a reference for a previous or current tenant to a
23 prospective landlord of that tenant.

24 (Source: P.A. 100-173, eff. 1-1-18.)

1 Sec. 9-122. COVID-19 emergency sealing of court file.

2 (a) As used in this Section, "COVID-19 emergency and
3 economic recovery period" means the period beginning on March
4 9, 2020, when the Governor issued the first disaster
5 proclamation for the State to address the circumstances related
6 to COVID-19, and ending on March 31, 2022.

7 (b) The court file shall be sealed upon the commencement of
8 any residential eviction action during the COVID-19 emergency
9 and economic recovery period. If a residential eviction action
10 filed during the COVID-19 emergency and economic recovery
11 period is pending on the effective date of this Act and is not
12 sealed, the court shall order the sealing of the court file. In
13 accordance with Section 9-121, no sealed court file, sealed
14 under this Section, shall be disseminated.

15 (c) If the court enters a judgment in favor of the
16 landlord, the court may also enter an order to unseal the court
17 file under this Section. A court shall order the court file to
18 be unsealed if:

19 (1) the action is not based in whole or in part on the
20 nonpayment of rent during the COVID-19 emergency and
21 economic recovery period; and

22 (2) The requirements of subsection (b) or (c) of
23 Section 9-121 have not been met.

24 (d) Subsections (d) through (h) of Section 9-121 shall also
25 be applicable and incorporated into this Section.

1 (735 ILCS 5/9-123 new)

2 Sec. 9-123. Temporary COVID-19 moratorium on certain
3 residential evictions.

4 (a) Purpose and findings. International, national, State,
5 and local governments and health authorities are responding to
6 an outbreak of a disease caused by the novel Coronavirus
7 referred to as COVID-19. African American and Latino households
8 in the State are at disproportionate risk of exposure to and
9 the contraction of COVID-19 and to economic effects of this
10 pandemic.

11 On March 9, 2020, the Governor issued a disaster
12 declaration proclamation in this State because of the threat of
13 COVID-19.

14 On March 26, 2020, the President of the United States
15 declared that a major disaster exists in the State and ordered
16 Federal assistance to supplement State, tribal, and local
17 recovery efforts in the areas affected by the COVID-19 pandemic
18 beginning on January 20, 2020 and continuing.

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

23 The State deems it necessary to protect public health,
24 life, and property during this declared state of emergency by
25 protecting residential tenants, homeowners, and housing
26 providers from certain evictions and other hardships during

1 this public health and economic crisis.

2 On April 23, 2020, the Governor issued Executive Order
3 2020-30, in part, because the ongoing public health emergency
4 required further action to prevent the commencement of
5 residential eviction proceedings. On April 30, 2020, the
6 Governor issued Executive Order 2020-33, which amended
7 Executive Order 2020-30 to continue the prohibition on the
8 enforcement of residential eviction actions, and the
9 prohibitions on commencement of residential eviction actions
10 and the enforcement of residential eviction orders in Executive
11 Order 2020-33 have been extended, with some changes, by
12 subsequent Executive Orders. As, however, the Governor may only
13 enact and extend these moratoria by 30-day intervals, enacting
14 an extended moratorium by legislation is necessary to provide
15 additional protection and certainty, though nothing in this
16 Section should be interpreted to rebut the Governor's ability
17 to enact or extend a moratorium or the like by Executive Order,
18 as permitted by Law.

19 (a-5) As used in this Section:

20 "Covered person" means any tenant, lessee, sublessee, or
21 resident of a residential property who provides to his or her
22 landlord, the owner of the residential property, or other
23 person or entity with a legal right to pursue an eviction or
24 possessory action, a declaration under penalty of perjury
25 indicating that:

26 (1) the individual either: (i) expects to earn no more

1 than \$99,000, or no more than \$198,000 if filing a joint
2 tax return, in annual income for Calendar Year 2020 or
3 2021; (ii) was not required to report any income in 2019 or
4 2020 to the U.S. Internal Revenue Service; or (iii)
5 received an Economic Impact Payment pursuant to Section
6 2201 of the CARES Act or the Coronavirus Response and
7 Relief Supplemental Appropriations Act of 2021;

8 (2) the individual is unable to make a full rent or
9 housing payment due to a COVID-19 related hardship;

10 (3) the individual is using his or her best efforts to
11 make timely partial payments that are as close to the full
12 payment as the individual's circumstances may permit,
13 taking into account other nondiscretionary expenses; and

14 (4) eviction would likely render the individual
15 homeless or force the individual to move into and live in
16 close quarters in a new congregate or shared living setting
17 because the individual has no other available housing
18 options.

19 "Covered person" does not include any individual who now
20 occupies the residential property if no individuals in the
21 household have had a verbal or written rental agreement at any
22 time for the subject property.

23 "COVID-19 related financial hardship" means any negative
24 financial impact on an individual or household because of
25 COVID-19 and associated governmental orders, including: loss
26 of income, furlough, hour reduction or other interruption to

1 employment due to workplace, school, and other facility
2 closures; or increased household, child care, health care, or
3 other expenses.

4 "Declaration", "COVID-19 hardship declaration", or
5 "COVID-19 declaration" means the form declaration made
6 available by the Illinois Housing Development Authority, or a
7 similar declaration under penalty of perjury, that tenants of
8 residential properties who are covered by this Section may use
9 to invoke the protections of this Section.

10 "Dwelling unit" means a building, structure, or part of a
11 building or structure or land appurtenant to a building or, a
12 unit or lot of a manufactured home as defined in Section 3 of
13 the Mobile Home Landlord and Tenant Rights Act, or other
14 residential real estate used or held out for human habitation,
15 together with all common areas and storage areas held out for
16 use by the resident.

17 "Eviction" or "to evict" means using any judicial or
18 nonjudicial means to involuntarily remove a residential tenant
19 from a dwelling unit, including, but not limited to:

20 (1) issuing an eviction notice or other notice to
21 terminate a tenancy;

22 (2) filing, serving, or other otherwise initiating a
23 judicial eviction action;

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

1 (4) seeking or causing any order for the physical
2 eviction of a residential tenant to be executed.

3 "Eviction order" or "order of eviction" means any order
4 entered in an eviction that directs or authorizes the removal
5 of a residential tenant from a dwelling unit. "Eviction order"
6 or "order of eviction" does not include an order entered to
7 remove a resident who is the perpetrator of violence in order
8 to protect another resident or tenant from domestic violence,
9 sexual violence, dating violence, or stalking. "Eviction
10 order" or "order of eviction" does not include an order
11 restoring a resident to possession of the dwelling unit.

12 "Eviction notice" means any notice directing a residential
13 tenant to vacate the dwelling unit or premises or otherwise
14 purporting to terminate a tenancy.

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 "Nondiscretionary expenses" include, but are not limited
25 to, food, utilities, phone and internet access, school
26 supplies, cold-weather clothing, medical expenses, childcare,

1 and transportation costs, including car payments and
2 insurance.

3 "Premises" means the dwelling unit and the building or
4 structure of which it is a part, facilities and appurtenances
5 therein, and grounds, areas, and facilities held out for the
6 use of residents.

7 "Rental agreement" means every letting or lease, whether by
8 written or verbal agreement, of a dwelling unit or small
9 business commercial premises.

10 "Residential eviction action" means any judicial or
11 administrative proceeding that seeks recovery of possession of
12 a residential dwelling unit from a tenant, lessee, sublessee,
13 or resident.

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

20 (b) A landlord or lessor may not commence a residential
21 eviction action pursuant to or arising under this Article
22 against a covered person, as defined in this Section, unless:

23 (1) the landlord or lessor pleads with specificity that
24 the person is:

25 (i) engaging in criminal activity while on the
26 premises;

1 (ii) threatening the health or safety of other
2 residents;

3 (iii) damaging or posing an immediate and
4 significant risk of damage to property; or

5 (iv) engaging in unreasonable behavior that
6 substantially infringes on the use and enjoyment by
7 other tenants or occupants; and

8 (2) the landlord or lessor certifies that he or she:

9 (i) provided each tenant or other person a COVID-19
10 Hardship declaration at least 5 days prior to
11 commencement of the residential eviction action
12 including, but not limited to, at least 5 days prior to
13 the issuance of a notice of termination of tenancy; and

14 (ii) has not received an executed declaration form
15 from the tenant declaring that he or she is a covered
16 person.

17 (c) A landlord or lessor may not commence a residential
18 eviction action pursuant to or arising under this Article
19 against any tenant, lessee, sublessee, or resident who does not
20 owe rent unless the landlord or lessor pleads with specificity
21 that the person is:

22 (1) engaging in criminal activity while on the
23 premises;

24 (2) threatening the health or safety of other
25 residents;

26 (3) damaging or posing an immediate and significant

1 risk of damage to property; or

2 (4) engaging in unreasonable behavior that
3 substantially infringes on the use and enjoyment by other
4 tenants or occupants.

5 A tenant shall not be required to provide a declaration if
6 he or she is covered by this Section.

7 (d) If upon review the court determines that the landlord
8 or lessor fails to meet the requirements set forth in either
9 subsection (b) or (c), the court shall issue an order
10 dismissing the action, without prejudice, and sealing the
11 record if not previously sealed by the court. If the court
12 finds that a landlord or its attorney knowingly filed an action
13 contrary to this Section, the court, in its discretion, may
14 order the case dismissed with prejudice and award attorney's
15 fees, if any, to the tenant.

16 (e) If, upon review, the court determines that the landlord
17 or lessor properly meets the requirements of either subsection
18 (b) or (c), whichever is applicable, the matter may proceed.

19 (f) The tenant may serve a completed COVID-19 hardship
20 declaration on a landlord or lessor after the commencement of a
21 residential eviction action pursuant to or arising under this
22 Article. If the tenant serves the completed declaration on the
23 landlord or lessor after the landlord has filed the action, the
24 Court shall stay the eviction proceeding until this Section
25 becomes inoperative.

26 (g) A landlord shall not file an action based on an

1 allegation arising under paragraph (1) of subsection (b) unless
2 the landlord has previously served the tenant with a notice to
3 quit pursuant to Section 9-210. If a landlord files an eviction
4 action based on allegations arising under paragraph (1) of
5 subsection (b), the landlord may file a single count complaint
6 for possession only and shall not join with it a claim for rent
7 pursuant to Section 9-106. This Section does not affect the
8 landlord's ability to claim past due rent in a separate civil
9 action.

10 (h) When the landlord or lessor provides each tenant with a
11 declaration, the landlord or lessor shall also serve the plain
12 language cover sheet prepared by the Illinois Housing
13 Development Authority. If the landlord or lessor knows that the
14 tenant primarily communicates in a language other than English,
15 the landlord shall serve a version of the form declaration and
16 plain language cover sheet in the language primarily used by
17 the household. The Illinois Housing Development Authority
18 shall prepare and make available on its website the form
19 declaration and plain language cover sheet in English and
20 Spanish through at least August 1, 2021.

21 (i) All State, county, and local law enforcement officers
22 in the State are instructed to cease enforcement of orders of
23 eviction for residential premises, unless the tenant of the
24 residential property has been found by a court of law to be
25 subject to an allegation under paragraph (1) of subsection (b).

26 (j) If a landlord who has been prohibited from filing an

1 action under this Section later files an eviction at the
2 conclusion of this moratorium, the landlord may join with its
3 claim for an eviction order and for rent a claim that the
4 tenant committed perjury by filing a false declaration. The
5 tenant shall have a rebuttable presumption that his or her
6 declaration was truthful. If the landlord rebuts this
7 presumption with clear and convincing evidence, the court shall
8 enter judgment in the amount of the landlord's actual damages.
9 If the court determines the tenant knowingly committed perjury,
10 the court may enter such other sanctions as it deems just.

11 (k) Nothing in this Section shall be construed as relieving
12 any individual of the obligation to pay rent or comply with any
13 other obligation that an individual might have pursuant to a
14 lease or rental agreement.

15 (l) Nothing in this Section shall be construed as a
16 prohibition, limitation, or any other restriction on the
17 Governor's authority pursuant to the Illinois Emergency
18 Management Agency Act.

19 (m) This Section shall not be construed to preempt any home
20 rule unit ordinance or local court order providing tenants
21 similar protections so long as it is not in conflict and no
22 less restrictive than the provisions provided herein.

23 (n) This Section is inoperative on and after August 1,
24 2021.

1 Sec. 15-1513. Temporary COVID-19 stay of judicial sales,
2 orders of possession.

3 (a) Notwithstanding Section 15-1507, no judicial
4 foreclosure sale shall be held between the effective date of
5 this Section and July 31, 2021. Any judicial foreclosure sale
6 pending as of the effective date of this Section shall be
7 cancelled and renoticed for a date after July 31, 2021.

8 (b) Notwithstanding subsection (g) of Section 15-1508, no
9 order of possession pursuant to a confirmation of judicial
10 foreclosure sale shall be entered by a court, placed with a
11 sheriff for execution, or executed by a sheriff until a date
12 after July 31, 2021.

13 (c) This Section applies to any action to foreclose a
14 mortgage relating to residential real estate, which, as used in
15 this Section, includes any real estate except a single tract of
16 agricultural real estate consisting of more than 40 acres, that
17 is improved with a single family residence or residential
18 condominium units or a multiple dwelling structure containing
19 single family dwelling units for 6 or fewer families living
20 independently of each other, except that this Section does not
21 apply in cases in which the plaintiff establishes by competent
22 proof that the subject real property is vacant or abandoned.

23 (735 ILCS 5/15-1514 new)

24 Sec. 15-1514. Temporary COVID-19 stay of certain
25 foreclosure proceedings and filings.

1 (a) This Section applies to any action to foreclose a
2 mortgage relating to residential real estate, which, as used in
3 this Section, includes any real estate except a single tract of
4 agricultural real estate consisting of more than 40 acres, that
5 is improved with a single family residence or residential
6 condominium units or a multiple dwelling structure containing
7 single family dwelling units for 6 or fewer families living
8 independently of each other, except that this Section does not
9 apply in cases in which the plaintiff establishes by competent
10 proof that the subject real property is vacant or abandoned. As
11 used in this Section, "residential real estate" includes shares
12 assigned to a unit in a residential cooperative.

13 (b) Any action to foreclose a mortgage pending on the
14 effective date of this amendatory Act of the 101st General
15 Assembly, including actions filed on or before March 9, 2020,
16 or commenced within 30 days of the effective date of this
17 amendatory Act of the 101st General Assembly, shall be stayed
18 until May 1, 2021.

19 (c) No court shall accept for filing any action to
20 foreclose a mortgage before May 1, 2021.

21 (d) All deadlines related to any pending foreclosure
22 proceeding on the effective date of this Section, including the
23 running of any redemption period, are tolled until May 1, 2021.

24 (e) If any clause, sentence, paragraph, subsection, or part
25 of this Section shall be adjudged by any court of competent
26 jurisdiction to be invalid and after exhaustion of all further

1 judicial review, the judgment shall not affect, impair, or
2 invalidate the remainder thereof, but shall be confined in its
3 operation to the clause, sentence, paragraph, subsection, or
4 part of this Section directly involved in the controversy in
5 which the judgment shall have been rendered.

6 Section 10-10. The Condominium Property Act is amended by
7 adding Section 36 as follows:

8 (765 ILCS 605/36 new)

9 Sec. 36. Temporary COVID-19 restriction on remedies for
10 failure to pay assessments or rent.

11 (a) Notwithstanding any provision of this Act or any other
12 provision of law, when a unit owner or residential tenant has a
13 COVID-19 related financial hardship and submitted to the board
14 a COVID-19 declaration, as those terms are defined in Section
15 9-123 of the Code of Civil Procedure, the board of managers of
16 a condominium association may not:

17 (1) impose charges or levy fines against any unit owner
18 who fails to make any payment of the common expenses when
19 due; or

20 (2) evict a unit owner or residential tenant.

21 (b) This Section is repealed on August 1, 2021.

22 Section 10-15. The Consumer Fraud and Deceptive Business
23 Practices Act is amended by changing Section 2Z as follows:

1 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

2 Sec. 2Z. Violations of other Acts. Any person who knowingly
3 violates the Automotive Repair Act, the Automotive Collision
4 Repair Act, the Home Repair and Remodeling Act, the Dance
5 Studio Act, the Physical Fitness Services Act, the Hearing
6 Instrument Consumer Protection Act, the Illinois Union Label
7 Act, the Installment Sales Contract Act, the Job Referral and
8 Job Listing Services Consumer Protection Act, the Travel
9 Promotion Consumer Protection Act, the Credit Services
10 Organizations Act, the Automatic Telephone Dialers Act, the
11 Pay-Per-Call Services Consumer Protection Act, the Telephone
12 Solicitations Act, the Illinois Funeral or Burial Funds Act,
13 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
14 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the
15 High Risk Home Loan Act, the Payday Loan Reform Act, the
16 Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
17 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
18 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
19 Internet Caller Identification Act, paragraph (6) of
20 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
21 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,
22 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
23 Residential Real Property Disclosure Act, the Automatic
24 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of
25 the Youth Mental Health Protection Act, Section 9-121 of the

1 Code of Civil Procedure, the Personal Information Protection
2 Act, or the Student Online Personal Protection Act commits an
3 unlawful practice within the meaning of this Act.

4 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
5 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
6 100-863, eff. 8-14-18.)

7 Article 99.

8 Section 99-99. Effective date. This Act takes effect upon
9 becoming law."