



Rep. Delia C. Ramirez

**Filed: 1/11/2021**

10100SB3066ham006

LRB101 17653 HEP 74845 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 and lessors relating to  
22 the application requirements and process, eligibility  
23 determination, and disbursement of payment.

24 (b) The administering State agency shall ensure that  
25 important program information, including the application and  
26 all marketing materials, is language accessible by publishing

1 to its website the same in both English and Spanish.

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

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

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

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

24 (3) The notice shall contain the necessary

1 information, process, accepted method, and deadline for  
2 the applicant to remedy any defective or deficient  
3 application, provided that remedy is possible.

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

7 Article 10.

8 Section 10-5. The Code of Civil Procedure is amended by  
9 changing Section 9-121 and by adding Sections 9-121.5, 9-122,  
10 15-1513, and 15-1514 as follows:

11 (735 ILCS 5/9-121)

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

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

16 (b) Discretionary sealing of court file. The court may  
17 order that a court file in an eviction action be placed under  
18 seal if the court finds that the plaintiff's action is  
19 sufficiently without a basis in fact or law, which may include  
20 a lack of jurisdiction, that placing the court file under seal  
21 is clearly in the interests of justice, and that those  
22 interests are not outweighed by the public's interest in  
23 knowing about the record.



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

6 (d) This Section is operative on and after August 1, 2022.  
7 (Source: P.A. 100-173, eff. 1-1-18.)

8 (735 ILCS 5/9-121.5 new)

9 Sec. 9-121.5. Sealing of court file.

10 (a) As used in this Section, "court file" means the court  
11 file created when an eviction action is filed with the court.

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

14 (1) the interests of justice in sealing the court file  
15 outweigh the public interest in maintaining a public  
16 record;

17 (2) the parties to the eviction action agree to seal  
18 the court file;

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

21 (4) the case was dismissed with or without prejudice.

22 (c) The court file relating to an eviction action brought  
23 against a tenant under Section 9-207.5 of this Code or as set  
24 forth in subdivision (h) (6) of Section 15-1701 of this Code  
25 shall be placed under seal.

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

5       (e) Upon motion and order of the court, a sealed court file  
6 may be made available for scholarly, educational,  
7 journalistic, or governmental purposes only, balancing the  
8 interests of the parties and the public in nondisclosure with  
9 the interests of the requesting party. Identifying information  
10 of the parties shall remain sealed, unless the court determines  
11 that release of the information is necessary to fulfill the  
12 purpose of the request and the interests of justice so dictate.  
13 Nothing in this subsection shall permit the release of a sealed  
14 court file or the information contained therein for a  
15 commercial purpose.

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

23       (g) The Attorney General may enforce a violation of this  
24 Section as an unlawful practice under the Consumer Fraud and  
25 Deceptive Business Practices Act. All remedies, penalties, and  
26 authority granted to the Attorney General by the Consumer Fraud

1 and Deceptive Business Practices Act shall be available to him  
2 or her for the enforcement of this Section.

3 (h) Nothing in this Section prohibits a landlord from  
4 receiving a reference from a previous landlord of a prospective  
5 tenant. Nothing in this Section prohibits a landlord from  
6 providing a reference for a previous or current tenant to a  
7 prospective landlord of that tenant.

8 (i) This Section is repealed on August 1, 2022.

9 (735 ILCS 5/9-122 new)

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

11 (a) As used in this Section, "COVID-19 emergency and  
12 economic recovery period" means the period beginning on March  
13 9, 2020, when the Governor issued the first disaster  
14 proclamation for the State to address the circumstances related  
15 to COVID-19, and ending on March 31, 2022.

16 (b) The court file shall be sealed upon the commencement of  
17 any residential eviction action during the COVID-19 emergency  
18 and economic recovery period. If a residential eviction action  
19 filed during the COVID-19 emergency and economic recovery  
20 period is pending on the effective date of this Act and is not  
21 sealed, the court shall order the sealing of the court file. In  
22 accordance with Section 9-121.5, no sealed court file, sealed  
23 under this Section, shall be disseminated.

24 (c) If the court enters a judgment in favor of the  
25 landlord, the court may also enter an order to unseal the court

1 file under this Section. A court shall order the court file to  
2 be unsealed if:

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

6 (2) The requirements of subsection (b) or (c) of  
7 Section 9-121.5 have not been met.

8 (d) Subsections (d) through (h) of Section 9-121.5 shall  
9 also be applicable and incorporated into this Section.

10 (735 ILCS 5/15-1513 new)

11 Sec. 15-1513. Temporary COVID-19 stay of judicial sales,  
12 orders of possession.

13 (a) Notwithstanding Section 15-1507, no judicial  
14 foreclosure sale shall be held between the effective date of  
15 this Section and July 31, 2021. Any judicial foreclosure sale  
16 pending as of the effective date of this Section shall be  
17 cancelled and renoticed for a date after July 31, 2021.

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

23 (c) This Section applies to any action to foreclose a  
24 mortgage relating to residential real estate, which, as used in  
25 this Section, includes any real estate except a single tract of

1 agricultural real estate consisting of more than 40 acres, that  
2 is improved with a single family residence or residential  
3 condominium units or a multiple dwelling structure containing  
4 single family dwelling units for 6 or fewer families living  
5 independently of each other, except that this Section does not  
6 apply in cases in which the plaintiff establishes by competent  
7 proof that the subject real property is vacant or abandoned.

8 (735 ILCS 5/15-1514 new)

9 Sec. 15-1514. Temporary COVID-19 stay of certain  
10 foreclosure proceedings and filings.

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

23 (b) Any action to foreclose a mortgage pending on the  
24 effective date of this amendatory Act of the 101st General  
25 Assembly, including actions filed on or before March 9, 2020,

1 or commenced within 30 days of the effective date of this  
2 amendatory Act of the 101st General Assembly, shall be stayed  
3 until May 1, 2021.

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

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

9 (e) If any clause, sentence, paragraph, subsection, or part  
10 of this Section shall be adjudged by any court of competent  
11 jurisdiction to be invalid and after exhaustion of all further  
12 judicial review, the judgment shall not affect, impair, or  
13 invalidate the remainder thereof, but shall be confined in its  
14 operation to the clause, sentence, paragraph, subsection, or  
15 part of this Section directly involved in the controversy in  
16 which the judgment shall have been rendered.

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

19 (765 ILCS 605/36 new)

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

22 (a) Notwithstanding any provision of this Act or any other  
23 provision of law, when a unit owner or residential tenant has a  
24 COVID-19 related financial hardship and submitted to the board

1 a COVID-19 declaration, the board of managers of a condominium  
2 association may not:

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

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

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

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

10 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

11 Sec. 2Z. Violations of other Acts. Any person who knowingly  
12 violates the Automotive Repair Act, the Automotive Collision  
13 Repair Act, the Home Repair and Remodeling Act, the Dance  
14 Studio Act, the Physical Fitness Services Act, the Hearing  
15 Instrument Consumer Protection Act, the Illinois Union Label  
16 Act, the Installment Sales Contract Act, the Job Referral and  
17 Job Listing Services Consumer Protection Act, the Travel  
18 Promotion Consumer Protection Act, the Credit Services  
19 Organizations Act, the Automatic Telephone Dialers Act, the  
20 Pay-Per-Call Services Consumer Protection Act, the Telephone  
21 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
22 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and  
23 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the  
24 High Risk Home Loan Act, the Payday Loan Reform Act, the

1 Mortgage Rescue Fraud Act, subsection (a) or (b) of Section  
2 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section  
3 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the  
4 Internet Caller Identification Act, paragraph (6) of  
5 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
6 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,  
7 or 18d-153 of the Illinois Vehicle Code, Article 3 of the  
8 Residential Real Property Disclosure Act, the Automatic  
9 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of  
10 the Youth Mental Health Protection Act, Section 9-121.5 of the  
11 Code of Civil Procedure, the Personal Information Protection  
12 Act, or the Student Online Personal Protection Act commits an  
13 unlawful practice within the meaning of this Act.

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

17 Article 99.

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