



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5415

Introduced 1/31/2022, by Rep. Sandra Hamilton

SYNOPSIS AS INTRODUCED:

New Act

Creates the Eviction Moratorium Clarification Act. Provides that in any eviction moratorium issued by the Governor through Executive Order or legislation passed by the General Assembly, the moratorium shall not prohibit the eviction of specified individuals. Provides that evictions may be filed, commenced, and enforced against the specified individuals, along with any individuals who otherwise fail to meet the stated requirements of an eviction moratorium. Provides that in a rental or lease agreement in which utility payments are included in the rent payment, the landlord or property manager shall not be responsible for a tenant's portion of a monthly utility payment for a tenant not paying rent who is protected by an eviction moratorium if the utility charges for that tenant are for more than 20% higher usage than any month in the previous year. Effective immediately.

LRB102 24794 LNS 34038 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Eviction Moratorium Clarification Act.

6 Section 5. Covered persons.

7 (a) In any eviction moratorium issued by the Governor
8 through Executive Order or legislation passed by the General
9 Assembly, the moratorium shall not prohibit the eviction any
10 of the following individuals:

11 (1) individuals who:

12 (A) have not experienced a substantial loss of
13 income, loss of compensable hours of work or wages, or
14 a substantial increase in out-of-pocket expenses
15 directly related to the COVID-19 pandemic;

16 (B) are not using their best efforts to make their
17 rent payments, although their situation permits full
18 payment taking into account other nondiscretionary
19 expenses; and

20 (C) eviction would not likely render homeless or
21 them to move into and live in close quarters in a new
22 congregate or shared living setting because they have
23 no other available housing options;

1 (2) individuals who now occupy the residential
2 property if no individuals in the household have had a
3 verbal or written rental agreement at any time or were
4 permissible cotenants with a person who had a verbal or
5 written rental agreement for the subject property; and

6 (3) individuals engaging in criminal activity while on
7 the premises, threatening the health or safety of other
8 residents, damaging or posing an immediate and significant
9 risk of damage to property, or engaging in unreasonable
10 behavior that substantially infringes on the use and
11 enjoyment by other tenants or occupants.

12 (b) Evictions may be filed, commenced, and enforced
13 against individuals referenced in subsection (a), along with
14 any individuals who otherwise fail to meet the stated
15 requirements of an eviction moratorium.

16 (c) As used in this Section, "nondiscretionary expenses"
17 include, but are not limited to, food, utilities, phone and
18 Internet access, school supplies, cold-weather clothing,
19 medical expenses, child care, and transportation costs,
20 including car payments and insurance.

21 Section 10. Utility payments. In a rental or lease
22 agreement in which utility payments are included in the rent
23 payment, the landlord or property manager shall not be
24 responsible for a tenant's portion of a monthly utility
25 payment for a tenant not paying rent who is protected by an

1 eviction moratorium if the utility charges for that tenant are
2 for more than 20% higher usage than any month in the previous
3 year.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.