



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1161

Introduced 1/31/2023, by Rep. Charles Meier

#### 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.

LRB103 04937 LNS 49948 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 despite having the ability to make full  
18 payment, taking into account other nondiscretionary  
19 expenses; and

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

1           (2) individuals occupying the residential property if  
2           none of the individuals have had a verbal or written  
3           rental agreement at any time or were permissible cotenants  
4           with a person who had a verbal or written rental agreement  
5           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.