



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3750

Introduced 2/9/2024, by Sen. Mike Simmons

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.1015 new

Creates the Low-Income Tenant's Right to Eviction Counsel Act. Provides that a tenant who financially qualifies under the Act has a right to full representation by counsel to be appointed by the court for eviction proceedings or for proceedings terminating a tenancy. Requires the court to appoint an attorney for a covered individual at any show cause hearing or scheduled trial. Subject to the availability of amounts appropriated for this specific purpose, the county shall pay the costs of legal services provided by an attorney appointed under the Act. Requires that the complaint required by the Eviction Article of the Code of Civil Procedure to include this notice on the first page of the complaint in bold 12-point type: "If the defendant's income is not greater than 80% of the median income in this State, the defendant has the right to court-appointed counsel in these proceedings." Provides that after the effective date of the Act, all residential lease agreements and renewal of existing lease agreements shall include a provision stating that tenants with incomes no greater than 80% of the median income in this State have a right to full legal representation during covered proceedings. Provides that the landlord must send the same notice if a landlord and tenant are operating under a lease agreement in force before the effective date of the Act within 30 days following the effective date of the Act. Counsel appointed by the court for the purposes of the Act must have a minimum of 2 years' experience handling eviction defense or training in handling evictions or be supervised by an attorney who meets these minimum qualifications. Effective January 1, 2025.

LRB103 38563 JRC 68699 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 Low-Income Tenant's Right to Counsel Act.

6 Section 5. Legislative intent. Subject to appropriation,  
7 the intent of this Act is to codify access to free legal  
8 services and representation for low-income individuals  
9 experiencing eviction and to require landlords to disclose to  
10 their tenants certain information regarding the access of full  
11 legal representation in eviction proceedings.

12 Section 10. Definitions. In this Act:

13 "Board" means the county board of commissioners as used in  
14 Division 3-4 of the Counties Code.

15 "Community group" means a nonprofit entity with the  
16 capacity to conduct tenant outreach and provide engagement,  
17 education, and information.

18 "Covered individual" means an individual who:

19 (1) occupies a residential property under a claim of  
20 legal right other than owner, including a tenant in a  
21 building owned, operated, or managed by a public housing  
22 authority; and

1           (2) is a member of a household with an income that is  
2           not greater than 80% of the median income, adjusted for  
3           household size, in the State as determined by the United  
4           States Department of Health and Human Services or its  
5           successor.

6           "Covered proceedings" mean any judicial or administrative  
7           proceeding related to a covered individual who is facing  
8           eviction or civil claim for monetary damages for nonpayment of  
9           rent, including any proceeding deemed by a designated  
10          organization as the functional equivalent of such a  
11          proceeding, and any related appeals, or any action by a  
12          governmental assistance-providing agency terminating a subsidy  
13          or otherwise adversely affecting a tenant's rights, duties,  
14          welfare, or status.

15          "Designated organization" means a nonprofit entity  
16          designated by a Board with the ability to provide legal  
17          representation to covered individuals.

18          "Full legal representation" includes ongoing legal  
19          representation for the duration of a covered proceeding  
20          provided by a court-appointed counsel to a covered individual  
21          and all legal advice, advocacy, mediation, negotiations, and  
22          assistance associated with a covered proceeding until its  
23          conclusion.

24          "Fund" means the Access to Counsel in Evictions Special  
25          Fund.

26          "Program" means the Access to Counsel in Evictions

1 Program.

2 Section 15. Access to counsel; assurance of right to  
3 counsel; education and outreach.

4 (a) A covered individual subject to a termination of  
5 tenancy, an eviction proceeding, or, as determined by a  
6 designated organization, a constructive eviction, has a right  
7 to full representation by a counsel as appointed by the court  
8 during covered proceedings.

9 (b) The court must appoint an attorney for a covered  
10 individual at any show cause hearing or scheduled trial.  
11 Subject to the availability of amounts appropriated for this  
12 specific purpose, the county shall pay the costs of legal  
13 services provided by an attorney appointed under this  
14 subsection. The county is responsible for implementation of  
15 this subsection.

16 (c) Each board may contract, if eligible, with a  
17 designated organization to provide all or part of the services  
18 required under this Act. Each board must designate and  
19 contract with an appropriate community group, if available, to  
20 conduct outreach and provide education to tenants locally  
21 regarding tenants' rights and the access to legal  
22 representation under this Act.

23 Section 20. Notice of right to counsel.

24 (a) The complaint required by Section 9-106 of the Code of

1 Civil Procedure shall include the notice on the first page of  
2 the complaint in bold 12-point type: "If the defendant's  
3 income is not greater than 80% of the median income in this  
4 State, the defendant has the right to court-appointed counsel  
5 in these proceedings." These Complaints shall refer to  
6 resources in each judicial circuit a defendant may access to  
7 determine eligibility and contact a designated organization or  
8 community group for further advice, as available.

9 (b) After the effective date of this Act, all new  
10 residential lease agreements and renewal of existing lease  
11 agreements shall include a provision stating that tenants with  
12 incomes no greater than 80% of the median income in this State  
13 have a right to full legal representation during covered  
14 proceedings, along with a citation to this Act.

15 (c) If a landlord and tenant are operating under a lease  
16 agreement before the effective date of this Act, the landlord  
17 shall notify the tenant in writing that tenants with incomes  
18 no greater than 80% of the median income in this State have a  
19 right to full legal representation during covered proceedings,  
20 along with a citation to this Act. This notification must be  
21 provided to the tenant within 30 days following the effective  
22 date of this Act.

23 (d) At the initial hearing for a covered proceeding, if  
24 the defendant does not already have representation, the court  
25 shall ask the defendant if the defendant wants court-appointed  
26 counsel and shall explain what such appointed counsel can

1 accomplish for the defendant.

2 Section 25. Qualifications of court-appointed counsel.  
3 Counsel appointed by the court for the purposes of this Act  
4 must have a minimum of two years' experience handling eviction  
5 defense or training in handling evictions or be supervised by  
6 an attorney who meets these minimum qualifications.

7 Section 30. Compensation. By January 1, 2025, and every  
8 year thereafter, the chief judge of each judicial circuit,  
9 after consultation with public housing attorneys, legal aid  
10 attorneys, and members of the private bar in the circuit,  
11 shall establish a compensation rate for attorney's fees and  
12 costs associated with representation under this Act. The  
13 compensation to be paid to an attorney for such service  
14 rendered to a defendant under this Act may not exceed \$5,000,  
15 exclusive of reimbursement for expenses reasonably incurred,  
16 unless payment in excess of that limit is certified by the  
17 chief judge of the circuit as necessary to provide fair  
18 compensation for services of an unusual character or duration.

19 Section 90. The State Finance Act is amended by adding  
20 Section 5.1015 as follows:

21 (30 ILCS 105/5.1015 new)

22 Sec. 5.1015. The Access to Counsel in Evictions Special

1 Fund.

2 Section 99. Effective date. This Act takes effect January  
3 1, 2025.