



HR0628

LRB095 12826 RLC 38257 r

1 HOUSE RESOLUTION

2 WHEREAS, Homelessness is a pandemic problem in this State;
3 and

4 WHEREAS, The First Municipal District of the Cook County
5 Circuit Court handles an average of 35,000 eviction cases each
6 year; and

7 WHEREAS, Many of the tenants appearing in those courts lack
8 legal representation; and

9 WHEREAS, Those tenants who have adequate legal
10 representation receive more favorable judgments or settlements
11 from the courts; and

12 WHEREAS, Many tenants are denied housing by prospective
13 landlords because they have evictions on their record; and

14 WHEREAS, Many tenants who live in substandard housing and
15 whose rents are subsidized by Section 8 Vouchers will be
16 ordered to vacate their premises but will still be subject to
17 eviction orders because the Voucher payments have been
18 terminated; and

19 WHEREAS, The sealing of civil records in forcible entry and

1 detainer cases would reduce the rate of homelessness;
2 therefore, be it

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
4 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
5 there is created the Sealing of Records in Forcible Entry and
6 Detainer Cases Task Force appointed as follows:

7 (1) 4 members appointed by the Speaker of the House of
8 Representatives; and

9 (2) 4 members appointed by the Minority Leader of the
10 House of Representatives; and be it further

11 RESOLVED, That the Task Force shall study the possibility
12 of enacting legislation to seal records of:

13 (1) any order for possession (with no money judgment)
14 that is not enforced after 120 days;

15 (2) any order that allows for an agreed or voluntary
16 dismissal of the case with or without prejudice and any
17 judgments that are vacated, with proper notice giving the
18 opposing party the opportunity to object;

19 (3) cases in which the defendant has won or
20 successfully defended against the action and 30 days have
21 passed without further action on the part of either party,
22 and eviction cases in which the defendant has to move as a
23 result of lease termination or voluntarily agrees to
24 surrender possession of the property after having won or

1 successfully defended against the forcible entry and
2 detainer action;

3 (4) cases in which the landlord files to evict a tenant
4 that has a Section 8 Voucher when the subsidy has been
5 abated due to the landlord's failure to correct the
6 conditions or violations in the apartment, and there is a
7 finding by the court or agreement by the parties that the
8 tenant is not in default of his or her rental payments, or
9 when the court has not made a determination that the tenant
10 is in default of rental payments;

11 (5) cases in which the plaintiff's case has been
12 dismissed for want of prosecution and no action has been
13 taken by the plaintiff within 30 days to revive such
14 action; and

15 (6) cases in which the defendant has paid or satisfied
16 the judgment or reinstated the contract, and 2 years have
17 passed since such release, satisfaction of judgment, or
18 reinstatement; and be it further

19 RESOLVED, That the Task Force shall choose its chair and
20 other officers and meet at the call of the chair; and be it
21 further

22 RESOLVED, That the members of the Task Force shall serve
23 without compensation but shall be reimbursed for their
24 reasonable and necessary expenses from funds appropriated for

1 that purpose; and be it further

2 RESOLVED, That the Task Force shall receive the assistance
3 of legislative staff and such other persons as it deems
4 appropriate and shall report its findings and recommendations
5 to the House on or before December 31, 2008.