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MEMORANDUM

Date: July 2, 2020

To: Landlord Clients

**Re: Status of Illinois Eviction Filings – Cook, DuPage, Lake Counties / CARES Act
Moratorium**

An update follows regarding the current status of evictions in Cook, DuPage, and Lake County Circuit Courts, in addition to the federal CARES Act moratorium. First, the CARES Act imposes a 120-day moratorium on evictions, late fees, and notices to vacate for all lessors of residential properties with federally backed mortgages or those participating in covered federal programs. This moratorium expires on July 25, 2020. Additionally, under the CARES Act, once the moratorium expires, all notices to vacate issued to residential tenants in covered buildings must be 30-day notices. Second, Governor Pritzker’s statewide moratorium on the filing of new eviction actions has been extended through July 26, 2020. Third, each individual circuit court has its own policies and orders to address the ongoing public health emergency.

CARES Act – Federal 120-Day Moratorium on Eviction Filings

Under Section 4024 of the CARES Act, a **120-day moratorium on evictions based upon nonpayment of rent** (effective March 27, 2020 and expiring on July 25, 2020) applies to **any lessor of residential property with a federally backed mortgage loan or federally backed multifamily mortgage loan (or that participates in the low-income housing tax credit program, rural housing voucher program, housing choice voucher program, or other covered federal housing programs)**. Pursuant to Section 4024(b), during the 120-day moratorium, the lessor of any covered dwelling unit must not file any eviction action to recover possession of a unit based upon nonpayment of rent. Additionally, the lessor must not charge fees, penalties, or other charges to tenants during the 120-day moratorium. Also, pursuant to Section 4024(c), a lessor may not require a tenant to vacate a unit “before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate.” No such notices to vacate may be issued during the moratorium.

Pritzker Executive Order No. 2020-30 – Statewide Moratorium on Residential Evictions

Due to the effect of Governor J.B. Pritzker’s Executive Order No. 2020-30, as extended by the June 26, 2020 Executive Order No. 2020-44, **a residential eviction may only be filed between now and July 26, 2020 in Illinois if at least one the following conditions is met:**

- (1) The tenant poses a direct threat to the health and safety of other tenants;**
- (2) The tenant poses an “immediate and severe risk” to property; OR**
- (3) There is a violation of an applicable building code, health ordinance, or similar regulation.**

Cook Co. Circuit Court General Administrative Order 2020-02 – County Moratorium

Pursuant to the June 26, 2020 Order of the Chief Judge of the Cook County Circuit Court, no residential eviction action may be commenced until after July 31, 2020, unless the “direct threat” or other exceptions detailed in the Pritzker Executive Order described above are met. Additionally, the Sheriff of Cook County will not enforce any eviction orders relating to residential properties until after July 31, 2020. Furthermore, properties located in Chicago are also subject to the “COVID-19 Eviction Protection Ordinance” that provides additional protections to Chicago tenants, including a seven-day negotiation period applicable to tenants suffering a loss of income or employment due to COVID-19. Please see our separate memorandum regarding the COVID-19 Eviction Protection Ordinance for further information.

DuPage County Circuit Court (Administrative Order 20-26) – Suspension on Evictions

Pursuant to the June 26, 2020 Amended Administrative Order 20-26 of the Chief Judge of the Circuit Court of the 18th Judicial Circuit, all eviction cases were suspended through June 30, 2020. All matters will be rescheduled by the Circuit Court Clerk to a future date. Additionally, no jury trials will take place before January 4, 2021. The filing of new eviction actions remains prohibited by the Pritzker Executive Order, unless a “direct threat” or other related exception is present.

Lake County Circuit Court

Pursuant to the Administrative Orders of the Chief Judge of the Nineteenth Judicial Circuit, Lake County Circuit Court eviction actions and all other pending matters are proceeding via Zoom videoconference hearings. The filing of new eviction actions remains prohibited by the Pritzker Executive Order, unless a “direct threat” or other related exception is present.

Please let us know if you have any questions regarding these issues.

Sincerely,

Christopher R. Johnson

Cary G. Schiff & Associates