

Eviction Defense During COVID-19 & beyond



Know your rights: The eviction process



IF A LANDLORD WANTS YOU OUT, THEY MUST FOLLOW THE LEGAL EVICTION PROCESS!

STEP 1 WRITTEN NOTICE



Landlord gives written notice with tenant name, address & unit number along with the date, cause for eviction & time until notice expires

STEP 2 EVICTION FILING



After notice expires, landlord files the case (the "Complaint") at the local court house

STEP 3 COURT SUMMONS



After case is filed, Sheriff (or private process server) attempts to serve the tenant with a copy of the complaint and a summons to appear in court

STEP 4 COURT HEARINGS



After being served, Tenant appears in court.

If Landlord wins, Tenant receives an Eviction Order from the court.

STEP 5 SHERIFF EVICTS



Sherriff will schedule and enforce the Eviction Order.

A landlord can never enforce an Eviction Order. Only the Sheriff can evict a tenant.

Chicago & Cook County's "pay to stay"

Since July 2020 in Chicago and June 2021 in Cook County,

Tenant have the right to pay what is owed plus court costs after the case has been filed but before a final judgment is entered and if so the eviction action must be dismissed

Right to Cure after filing

Nothing prevents a landlord from filing an eviction case now after a serving a valid notice.

HOWEVER, A LANDLORD WHO HAS APPLIED TO THE ILLINOIS RENTAL PAYMENT PROGRAM HAS AGREED NOT TO FILE A CASE.

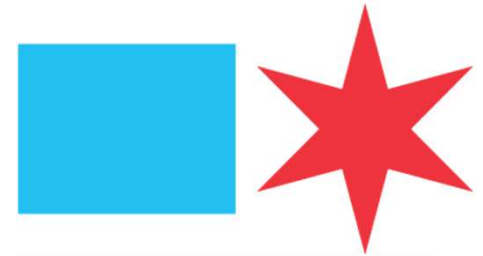


Landlords have several Covid-related rules about certifications they need to attach to file a case.

CHICAGO HAS SOME SPECIFIC RULES, TOO.
CALL MTO SO WE CAN CONNECT YOU WITH AN
ATTORNEY!

These rules do not prevent the landlord from filing a case, but may give tenants arguments to have the case dismissed.

Chicago's COVID-19 Protection Ordinance



- Chicago's moratorium on eviction actions extends 60 days past the State moratorium (which expires on October 3rd).
- When serving a notice for nonpayment of rent, the notice (linked below) is required.
- <https://www.chicago.gov/city/en/depts/doh/provdrs/renters/svcs/know-your-rights--covid-19-protection-ordinance.html>
- **It is important for tenants to keep all documentation they receive! It may help beat their case if it goes to court.**

TENANTS – KNOW YOUR RIGHTS COVID-19 EVICTION PROTECTION ORDINANCE

Landlords who issue five-day notices of eviction for non-payment must include this notice informing tenants of their rights under the COVID-19 Eviction Protection Ordinance, available at www.chicago.gov/eviction.

Chicago residential tenants who have lost income as a direct or indirect result of the COVID-19 pandemic should notify their landlords in writing within five days of receiving an eviction notice in order to further protect themselves from eviction.

This written notification can take place through letter, email or text message. A text message to the landlord as simple as *"I have been unable to pay rent because I have been financially affected by the COVID-19 pandemic"* will suffice. A more formal template is available at www.chicago.gov/eviction.

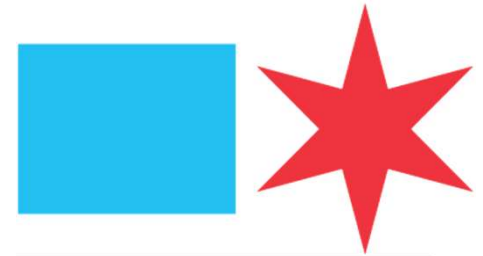
Once tenants provide this notice, they will have additional protections beyond the typical five-day notice and eviction process. Further details are listed below.

Local, State and Federal Requirements

In response to the pandemic, the governor issued a disaster proclamation and eviction moratorium in March 2020. During that eviction moratorium, special rules apply to evictions based upon nonpayment of rent. The moratorium is currently scheduled to end on Nov. 14, 2020, but it could be extended again by the governor. An additional federal moratorium on evictions from the Centers for Disease Control is also in effect through Dec. 31, 2020.

When the moratorium period ends, Illinois landlords can again file for eviction due to non-payment of rent. Typically,

Chicago's COVID-19 Protection Ordinance



- During Chicago's moratorium, if tenants have a COVID-19 impact (**and have sent a declaration to the landlord!**) landlords must offer a 7-day negotiation period.
- A negotiated resolution may include:
 - Applying security deposits toward rent;
 - Entering into a payment plan;
 - Seeking rental assistance funds; or
 - Agreeing to a move-out date.

New!! Chicago Fair Notice Ordinance (Non-renewal Procedure)

Before a rent increase or a termination of tenancy for non-renewal can take effect, landlord must serve a notice of non-renewal:

- **30 days, if tenant in unit less than 6 months**
- **60 days, if tenant in unit from 6months-3years**
- **120 days, if tenant in unit for more than 3 years**

THIS ALSO APPLIES TO RENT INCREASES!

Statewide:

Sheriffs are enforcing
eviction orders:

-that were entered earlier
than 3-13-2020

-against non-covered
persons (didn't send a
declaration)

- for health & safety
violations.



How to Assist a Renter at Risk of Eviction

Has the tenant filled out a declaration form?

- **If yes**, they are protected by the IL Eviction Moratorium
- **If no**, they need to give their landlord a completed declaration form
& send it to their landlord immediately.

Renters can fill out their declaration form for free at:

rentervention.com

How to Assist a Renter at Risk of Eviction

Has the tenant applied for rental assistance?

- **If yes**, they should follow up with the provider as soon as possible
- **If no**, they need to submit an application immediately.

Renters can find & fill out rental assistance applications at:

illinoisrentalassistance.org/providers



How to Assist a Renter at Risk of Eviction

Cook County's NEW Early Resolution Program (ERP)

- Direct access to legal aid attorneys from court Zoom to ERP break-out rooms
- Services for unrepresented tenants **and landlords**
- Mediation services are also available
- Court-based rent assistance to be added at the end of September
- Substantial changes to running the eviction docket:
 - First date is an initial case management meeting, not a trial date
 - Eviction cases routinely continued for 14 days so unrepresented litigants can confer with an attorney
- Operates in all six municipal districts remotely

WHAT TO DO IF YOU ARE SERVED WITH AN EVICTION COURT SUMMONS.

Locate the **date, case number, and Zoom meeting ID & password** on the summons.

“Go” to court – if you do not go to court, the Judge can issue an Eviction Order against you and the Sheriff can evict you.

You can go to court by Zoom on your phone by dialing **312.626.6799** and typing in the **meeting ID** and **password** from your summons.

If you cannot access Zoom, go to the physical courthouse identified on the summons and ask court personnel to assist you get on Zoom – computers are available in all courthouses.

When your case is called, ask to speak to an **“ERP”** attorney and you will be connected to a **FREE** attorney who will discuss the case with you and can inform you about rental assistance. If you have time before your court date, you can call:

Cook County Legal Aid for Housing and Debt -- [855-956-5763](tel:855-956-5763).

How to Assist a Renter at Risk of Eviction

Eviction record sealing: Two Changes to IL Law

- COVID era records are presumptively sealed and only unsealed if the court so orders at the end of the case.
 - While this is good for tenant records, it has also caused problems with the administration of court records.
 - The standard for sealing old eviction records has been relaxed for one year. Legal aid and community groups have been and should escalate working together to inform tenants of this change and help tenants file sealing motions.
 - LCBH's rentervention.com has created a tool for creating sealing motions.
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Eviction Referrals

Eviction Help Illinois is a state-funded network of 16 non-profit organizations providing legal aid, mediation services, and connections to rental assistance in response to the eviction crisis

- Assistance available in Chicago and throughout the state of Illinois!

Who is eligible?

- All low-income residents of Illinois
- Both tenants and landlords
- You do not need to have a case in court to receive services
- Immigration status does not matter

What assistance is available?

- Housing and eviction information
- Document review and preparation
- Legal consultation and advice
- Referrals for mediation or rental assistance programs
- Direct referrals to legal aid, including for in-court representation for when the eviction moratorium ends

Access Point #1:

Statewide Telephone Hotline:

(855) 631-0811

One number for all Illinois residents

- You will be prompted to enter your zip code
- Services in English and Spanish
- Monday – Friday, 9:00am – 5:00pm

Access Point #2:

Online Website and Chatbot

www.evictionhelpillinois.org

Information available in English and Spanish

Available 24/7

Access Point #3:

SMS Text Messaging (Available May 1st)

(844) 939-4280 – English

(844) 939-4289 – Spanish

Text "eviction" or "desalojo"

What happens next?

After contacting the program, you will answer a few simple questions needed to review your housing issue.

A legal aid professional will evaluate your eligibility and contact you with potential next steps for assistance from Eviction Help Illinois.

If you need additional help send MTO a message at:

tenants-rights.org/contact-us/

For Cook County Residents

After contacting the program, you will answer a few simple questions needed to review your housing issue.

A legal aid professional will evaluate your eligibility and contact you with potential next steps for assistance from Eviction Help Illinois.

If you need additional help send MTO a message at:

tenants-rights.org/contact-us/

Lockout Crisis: What is going on with lockouts?

- Calls to MTO's Hotline about illegal lockouts has more than doubled since the start of the pandemic.
- [City law requires](#) the police to investigate lockouts. However, police often times don't take the matter seriously or even assist bad landlords with lockouts.
- A lockout is a City municipal code violation that can result in arrest and a fine of \$200-\$500 per day that the lockout occurs. However, landlords are rarely fined for lockouts.
- We need all your help so that way we can highlight this issue so that way the city can act and assist tenants!

What is a Lockout?



- Changing Locks
- Plugging Locks
- Removing Doors
- Removing Windows
- Shutting Off Utilities
- Removing Property
- Making Apartment Uninhabitable

What do I do if I am locked out?

Step 1: Call 311 and make a building inspector complaint. Get the reference number from 311 and let the local alderman know as well.

Step 2: [Call Police](#): You must be present at the Premises. Make sure you have proof of residency with you, like your state ID or a light bill.

Step 3: If landlord refuses police request to provide access, ask officer to arrest landlord for failing to end lockout. If landlord is unavailable, ask officer to call landlord, and ask for a Police Report.

Step 4: Swear Out Arrest Warrant (at police precinct office)

Step 5: Call MTO or LCBH for referral to an Attorney (Tenant may be able to sue LL to require access and/or for money damages)

What do I do if I am not comfortable calling police to end a lockout?



**Call the Chicago Tenants
Movement (CTM) Hotline:**

773-657-8700

CTM Hotline operators can help connect tenants to local mutual aid networks that can help assist tenants in ending a lockout!

Documenting Communications with your Landlord Is Key



- It is important to keep all communications with the landlord in writing (email, letter and text). Document all repair requests.
- Avoid cash payments without receipts! Write your own receipt if you have to.
- The sooner you contact the landlord (in writing), the better.
- If you are negotiating a reduced rent or rent deferment because of coronavirus, get that agreement in writing with a letter or an email.
- If you are about to start negotiations with your landlord, call us for advice for your specific situation, but **always** offer a solution or make a demand when negotiating an agreement with your landlord, do not leave it up to them to offer solutions.

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We can give you a letter template!

CONTACT US:

773-292-4988 (M-F, 1-5PM)

www.tenants-rights.org/contact-us

