



Rep. Delia C. Ramirez

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LRB101 17653 LNS 72419 a

1 AMENDMENT TO SENATE BILL 3066

2 AMENDMENT NO. _____. Amend Senate Bill 3066 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 COVID-19 Emergency and Economic Recovery Renter and Homeowner
6 Protection Act.

7 Section 5. Purpose and findings. The purpose of this Act is
8 to protect renters, homeowners, and persons in need of housing,
9 based upon the following findings:

10 International, national, state, and local governments and
11 health authorities are responding to an outbreak of a disease
12 caused by the novel coronavirus referred to as COVID-19.

13 African American and Latino households in the State of
14 Illinois are at disproportionate risk of exposure to and the
15 contraction of COVID-19 and to economic effects of this
16 pandemic.

1 On March 9, 2020, the Governor of the State of Illinois
2 issued a disaster declaration proclamation in Illinois because
3 of the threat of COVID-19.

4 On March 26, 2020, the President of the United States
5 declared that a major disaster exists in the State of Illinois
6 and ordered Federal assistance to supplement State, tribal, and
7 local recovery efforts in the areas affected by the COVID-19
8 pandemic beginning on January 20, 2020 and continuing.

9 On April 1, 2020, the Governor of the State of Illinois
10 issued a second disaster declaration proclamation in Illinois
11 because of the threat of COVID-19.

12 On April 30, 2020, the Governor of the State of Illinois
13 issued a third disaster declaration proclamation in Illinois
14 because of the threat of COVID-19.

15 The Centers for Disease Control and Prevention and the
16 Illinois Department of Public Health have issued
17 recommendations including, but not limited to, social
18 distancing, staying home if sick, shutting down all
19 nonessential businesses, canceling or postponing large group
20 events, working from home, and other precautions to protect
21 public health and prevent transmission of this communicable
22 virus.

23 Experts predict a vaccine will not be approved for at least
24 a year, and the World Health Organization has stated, "There is
25 currently no evidence that people who have recovered from
26 COVID-19 and have antibodies are protected from a second

1 infection."

2 Because of the public health emergency and the precautions
3 recommended by health authorities, many residents and
4 businesses in the State of Illinois have experienced or expect
5 soon to experience sudden and unexpected income loss.

6 A quarter of this State's workforce is employed in
7 industries directly impacted by the closure of nonessential
8 services as recommended by health authorities, and
9 unemployment claims in this State are exceeding levels from the
10 2008 Great Recession.

11 Further long-term economic impacts are anticipated, with
12 reliable forecasts of 30% unemployment rate in the second
13 quarter of 2020, leaving residential and commercial tenants
14 vulnerable to eviction and homeowners vulnerable to
15 foreclosure.

16 The Governor of the State of Illinois has stated that
17 individuals exposed to COVID-19 may be temporarily unable to
18 report to work due to illness caused by COVID-19 or quarantines
19 related to COVID-19 and individuals directly affected by
20 COVID-19 may experience potential loss of income, health care
21 and medical coverage, and ability to pay for housing and basic
22 needs, thereby placing increased demands on already strained
23 regional and local health and safety resources, including
24 shelters and food banks.

25 Before COVID-19, over half of Illinois low-income renters
26 were already rent-burdened, and the rate of underwater

1 mortgages in Illinois was one of the highest in the nation.

2 31% of adults in a nationally representative sample taken
3 during the pandemic report that they are worried that they
4 cannot pay rent, a mortgage, or utilities.

5 During this emergency and in the interest of protecting the
6 public health and preventing transmission of COVID-19, it is
7 essential to avoid unnecessary housing displacement to prevent
8 housed individuals from falling into homelessness.

9 On March 20, 2020, the Governor issued Executive Order
10 2020-10, which instructed authorities to cease enforcement of
11 orders for residential evictions.

12 On March 18, 2020, the Illinois Commerce Commission
13 required all private water, electric, and natural gas utilities
14 in Illinois to suspend service disconnections, waive
15 late-payment penalties, and implement temporary flexible
16 credit and payment procedures to ensure all customers remain
17 connected to essential utility service.

18 On April 23, 2020, the Governor issued Executive Order
19 2020-30, which further prohibited persons and entities from
20 commencing residential eviction actions in most cases and
21 ceasing the enforcement of eviction orders for most
22 nonresidential premises.

23 Unpaid rent, late fees, and court costs are currently
24 accruing against residential and commercial tenants and will be
25 demanded by landlords after the expiration of the emergency
26 period.

1 Public health is endangered if tenants will face immediate
2 demand for the entire sum after the emergency period expires,
3 the courts are clogged with thousands of additional eviction
4 court filings, tenants leave their homes and enter into
5 homelessness in order to avoid an eviction filing, resulting in
6 a chaotic displacement process.

7 Involuntary displacement caused by an eviction interrupts
8 a child's education, causing the child to have lower school
9 achievement and delayed literacy skills and be more likely to
10 be truant, threatens the child's social and emotional security,
11 and adversely impacts families in the form of stress and
12 exposure to substandard housing with environmental hazards.

13 The State of Illinois needs to ensure that returning
14 citizens have fair and equitable access to housing, that
15 persons who have or who are perceived to have COVID-19 are
16 protected from housing discrimination, and that renters and
17 homeowners cannot be discriminated against for relying upon
18 third-party sources of financial support to pay their rent and
19 mortgages.

20 The State of Illinois deems it necessary to protect public
21 health, life, and property during this declared state of
22 emergency by protecting small business commercial and
23 residential tenants and homeowners from certain evictions and
24 foreclosures and other hardships during this public health and
25 economic crisis.

1 Section 10. Definitions. Unless the context clearly
2 indicates otherwise, as used in this Act:

3 "COVID-19 related hardship" means any negative financial
4 impact on an individual or household because of COVID-19 and
5 associated governmental orders, including: loss of income,
6 furlough, hour reduction or other interruption to employment
7 due to workplace, school, and other facility closures; or
8 increased household, child care, health care, or other
9 expenses.

10 "Dwelling unit" means a building, structure, or part of a
11 building or structure or land appurtenant to a building or
12 structure, a unit or lot of a manufactured home as defined in
13 Section 3 of the Mobile Home Landlord and Tenant Rights Act, or
14 other residential real estate used or held out for human
15 habitation, together with all common areas and storage areas
16 held out for use by the resident.

17 "Eviction" or "to evict" means using any judicial or
18 nonjudicial means to involuntarily remove a resident or small
19 business commercial tenant from a dwelling unit or a small
20 business commercial premises, including, but not limited to:

21 (1) issuing an eviction notice or other notice to
22 terminate a tenancy;

23 (2) filing, serving, or other otherwise initiating a
24 judicial eviction action;

25 (3) prosecuting a pending eviction action, other than
26 as necessary to request a continuance or suspension of the

1 matter or to comply with an order of the tribunal; or

2 (4) seeking or causing any order for the physical
3 eviction of a resident or small business commercial tenant
4 to be executed.

5 "Eviction action" means any judicial or administrative
6 proceeding that seeks recovery of possession of a dwelling unit
7 or small business commercial premises from a resident or small
8 business commercial tenant.

9 "Eviction order" means any order entered in an eviction
10 action that directs or authorizes the removal of a resident or
11 small business commercial tenant from a dwelling unit or a
12 small business commercial premises. "Eviction order" does not
13 include an order entered to remove a resident who is the
14 perpetrator of violence in order to protect another resident or
15 tenant from domestic violence, sexual violence, dating
16 violence, or stalking. "Eviction order" does not include an
17 order restoring a resident to possession of the dwelling unit
18 entered under subsection (h) of Section 15.

19 "Eviction notice" means any notice directing a resident or
20 small business commercial tenant to vacate the dwelling unit or
21 small business commercial premises or otherwise purporting to
22 terminate a tenancy.

23 "Fund" means the Residential Housing Relief Fund created
24 under Section 20.

25 "IHDA" or "Department" means the Illinois Housing
26 Development Authority.

1 "Landlord" means an owner of record, agent, lessor,
2 sublessor, court-appointed receiver or master, mortgagee in
3 possession, or the successor in interest of any of them of a
4 dwelling unit or the building of which it is a part and any
5 person authorized to exercise any aspect of the management of
6 the premises. "Landlord" includes any person who directly or
7 indirectly receives rents and has no obligation to deliver the
8 whole of the receipts to another person. "Landlord" also
9 includes the owner of a mobile home park.

10 "Premises" means the dwelling unit and the building or
11 structure of which it is a part, facilities and appurtenances
12 therein, and grounds, areas, and facilities held out for the
13 use of residents.

14 "Rental agreement" means every letting or lease, whether by
15 written or verbal agreement, of a dwelling unit or small
16 business commercial premises.

17 "Residential landlord" means an owner of record, agent,
18 lessor, sublessor, court-appointed receiver or master,
19 mortgagee in possession, or the successor in interest of any of
20 them of a dwelling unit or the building of which it is a part,
21 and any person authorized to exercise any aspect of the
22 management of the premises. "Residential landlord" includes
23 any person who directly or indirectly receives rents and has no
24 obligation to deliver the whole of the receipts to another
25 person. "Residential landlord" also includes the owner of a
26 mobile home park.

1 "Residential tenant" or "tenant" means a person entitled by
2 written or verbal agreement, subtenancy approved by the
3 landlord, or by sufferance to occupy a dwelling unit to the
4 exclusion of others. "Residential tenant" includes members of a
5 tenant's household occupying the dwelling unit.

6 "Small business commercial premises" means any parcel of
7 real property that is developed and used either in part or in
8 whole for commercial purposes by a business that is not a part
9 of a multinational corporation and that has less than 25
10 employees.

11 "Small business commercial tenant" means a commercial
12 tenant that is not a part of a multinational corporation and
13 that has less than 25 employees.

14 Section 15. Moratorium on residential and small business
15 commercial premises eviction.

16 (a) There is hereby declared a moratorium on evictions from
17 residential and small business commercial premises in this
18 State that shall remain in effect for 60 days after the
19 effective date of this Act.

20 (b) Except as provided in subsection (f), during the
21 moratorium:

22 (1) No person or entity shall evict or attempt to evict
23 a residential tenant or small business commercial tenant
24 from a dwelling unit or small business commercial premises.

25 (2) No court shall accept any filing, including a

1 complaint, summons, or motion, other than those authorized
2 under subsection (f), in an eviction action, or hear or
3 decide any matter, or enter a judgment in favor of the
4 plaintiff for eviction, rent, or other remedies that may
5 have otherwise been permitted by law.

6 (3) No sheriff, local law enforcement officer, or any
7 other person or entity may serve process or attempt to
8 serve process for an eviction action.

9 (c) Any eviction notice issued on or after March 9, 2020
10 through the date on which the moratorium expires is invalid and
11 shall not be deemed to have terminated the residential or small
12 business commercial tenancy, except in an action commenced
13 under subsection (f) or in a pending eviction actions filed on
14 or before April 22, 2020.

15 (d) (Blank).

16 (e) Any deadline or period for action by a party to an
17 eviction action commenced before the effective date of this
18 Act, including the time to appeal a judgment, is tolled during
19 the moratorium.

20 (f) This moratorium does not prevent a residential landlord
21 from taking any legal action to protect other residential
22 tenants by evicting or otherwise barring from the premises any
23 person who poses a credible threat of violence to other
24 residential tenants at the premises.

25 (g) (Blank).

26 (h) Any residential or small business commercial tenant

1 dispossessed of a dwelling unit or small business commercial
2 premises in violation of subsection (b) may bring an action in
3 a court of competent jurisdiction to regain possession of the
4 dwelling unit or small business commercial premises. Such a
5 claim shall constitute an emergency and shall be scheduled by
6 the court for a hearing as soon as practicable.

7 (i) In any action pending or commenced after expiration of
8 the moratorium, a residential landlord may not maintain any
9 eviction action based on the nonpayment of rent that first
10 became due on or after March 9, 2020 through the expiration of
11 the moratorium, late fees, or any other fee or cost associated
12 with such nonpayment, nor may any residential landlord issue an
13 eviction notice demanding such rent or fees.

14 (j) Nothing in this Section prohibits:

15 (1) a residential or small business commercial tenant
16 from terminating a rental agreement in a manner otherwise
17 prescribed by contract or law;

18 (2) the termination of a residential or small business
19 commercial rental agreement by mutual agreement; or

20 (3) a landlord from bringing a claim for rent due in
21 the manner described in Illinois Supreme Court Rules 281
22 through 289.

23 (k) Any eviction action may be sealed if the tenant shows a
24 COVID-19 related hardship or the interests of justice outweigh
25 the interests of the public in viewing the court file.

26 (l) Any eviction proceeding against a tenant who applies

1 for relief under Section 20 of this Act shall be stayed from
2 the date that his or her application is submitted, for the time
3 that his or her application is pending and being considered by
4 the Department.

5 Section 20. Residential Housing Relief Fund.

6 (a) Within 30 days of this Act becoming law, the Illinois
7 Housing Development Authority shall establish a Residential
8 Housing Relief Fund, to provide assistance to:

9 (1) Residential landlords and residential tenants in
10 order to preserve the tenancy by covering certain rental
11 amounts due from residential tenants unable to pay rent
12 because they are experiencing a COVID-19 related hardship
13 and are at risk of homelessness.

14 (2) Residential tenants experiencing a COVID-19
15 related hardship who need to move and have demonstrated a
16 financial need for funds to cover expenses, including, but
17 not limited to, the first month's rent or a security
18 deposit, or both.

19 (3) Homeowners who have demonstrated that they are
20 unable to make mortgage payments, after exhausting all
21 forbearance options available.

22 (b) IHDA shall allocate available funds to homeowners,
23 residential landlords, and residential tenants and establish
24 further administrative requirements on the application for and
25 the distribution of these funds as is necessary.

1 (c) In accordance with existing eligibility and other
2 funding requirements, available funds shall be prioritized as
3 follows:

4 (1) qualified residential tenants at 50% or below of
5 the median family income for the area of the local
6 administering agency unable to make rental payments;

7 (2) qualified residential tenants who are not eligible
8 for federal funds and who are unable to make rental
9 payments;

10 (3) qualified residential tenants at imminent risk of
11 or who are experiencing homelessness because they are
12 unable to make rental payments; and

13 (4) homeowners who are unable to make mortgage
14 payments, after exhausting all forbearance options
15 available.

16 (d) Application for residential housing relief funds.

17 (1) A landlord, tenant, or homeowner may apply for such
18 funds in accordance with the application requirements
19 established by IHDA. The funds shall go to the landlord or
20 the mortgagee.

21 (2) A landlord must apply for funds under this Section
22 before bringing a claim for rent, including under Illinois
23 Supreme Court Rules 281 through 289. Once an application
24 for funds is completed, the landlord may not bring a claim
25 for rental debt owed during the moratorium for the tenant's
26 use and occupancy of the dwelling unit pursuant to Illinois

1 Supreme Court Rules 281 through 289 until the application
2 is denied.

3 (e) Receipt of residential housing relief funds.

4 (1) Landlords who receive such funds cannot charge or
5 otherwise collect rent or other fees to residential tenants
6 due during the term of the moratorium or report residential
7 tenants to a debt collector.

8 (2) Landlords must in good faith cooperate with and
9 complete all requirements established by IHDA, including
10 any agreements to maintain the residential tenant's
11 tenancy.

12 (3) Landlords cannot refuse to accept funds from or on
13 behalf of tenants from the Residential Housing Relief Fund
14 on the basis that the tenants' funds come from the
15 Residential Housing Relief Fund.

16 (4) Landlords who violate paragraph (1), (2), or (3) of
17 this subsection (e) may be subject to recapture of any
18 received Residential Housing Relief Fund dollars by IHDA
19 without penalty to the residential tenant.

20 (f) The Residential Housing Relief Fund is created as a
21 special fund in the State treasury. Subject to appropriation,
22 all money in the fund shall be distributed to the Department to
23 carry out the purposes of this Act. Any repayments, interest,
24 or new appropriations shall be deposited into the fund. Money
25 in the fund shall not be subject to transfer to the General
26 Revenue Fund or to any other fund. Federal funds made available

1 to the states as a result of the COVID-19 pandemic may be
2 deposited into the fund. It is the intent of the General
3 Assembly to prioritize the use of available federal funds
4 before using General Revenue funds.

5 (g) This Section is subject to appropriation.

6 Section 25. Eviction provisions preempted. For the
7 duration of this Act, Article IX of the Code of Civil Procedure
8 is preempted only to the extent that any of its provisions
9 conflict with any provision of this Act.

10 Section 30. Conflict with federal law. Nothing with respect
11 to this Act conflicts with or is intended to conflict with
12 federal law.

13 Section 35. Repeal. Sections 5, 10, 15, 25, and 30 are
14 repealed on January 1, 2021.

15 Section 90. The State Finance Act is amended by adding
16 Section 5.930 as follows:

17 (30 ILCS 105/5.930 new)

18 Sec. 5.930. The Residential Housing Relief Fund.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."