



Rep. Delia C. Ramirez

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LRB101 17653 HEP 74861 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 "Article 5.

5 Section 5-1. Short title. This Act may be cited as the
6 COVID-19 Federal Emergency Rental Assistance Program Act.

7 Section 5-5. Purposes and findings. The purpose of this Act
8 is for the State to implement federal Coronavirus Relief Fund
9 (CRF) assistance to renters administered by the U.S. Department
10 of the Treasury, appropriated from the Consolidated
11 Appropriations Act, 2021.

12 International, national, State, and local governments and
13 health authorities are responding to an outbreak of a disease
14 caused by the novel Coronavirus referred to as COVID-19.
15 African American and Latino households in the State are at

1 disproportionate risk of exposure to and the contraction of
2 COVID-19 and to economic effects of this pandemic.

3 On March 9, 2020, the Governor issued a disaster
4 declaration proclamation in this State because of the threat of
5 COVID-19.

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

11 Unpaid rent, late fees, and court costs are currently
12 accruing against residential tenants and will be demanded by
13 landlords after the expiration of the emergency period.

14 To reduce the rental arrears throughout this State, all
15 eligible residential landlords and tenants alike shall avail
16 themselves of the Emergency Rental Assistance Program.

17 The State deems it necessary to protect public health,
18 life, and property during this declared state of emergency by
19 protecting residential tenants, homeowners, and housing
20 providers from certain evictions and other hardships during
21 this public health and economic crisis.

22 Section 5-10. Definitions. As used in this Act:

23 "Administering State agency" means any agency or
24 department of the State that is eligible to receive a direct
25 federal allocation of federal Emergency Rental Assistance

1 funds that will disburse and administer the Federal Emergency
2 Rental Assistance Program.

3 "Applicant" or "program applicant" means any person or
4 entity who is a residential tenant or lessee or landlord or
5 lessor that has submitted an application, individually or
6 jointly, to receive federal Emergency Rental Assistance funds.

7 "Eligible household" has the same meaning as used by the
8 federal law enacting the federal Emergency Rental Assistance
9 program.

10 "Program" means the federal Emergency Rental Assistance
11 Program.

12 "Recipient" or "program recipient" means any person or
13 entity that is a residential tenant or lessee, landlord or
14 lessor, or utility provider that had a successful application,
15 in that the administering State agency disbursed funds either:
16 (i) on behalf of a residential tenant directly to the landlord
17 or utility provider; or (ii) directly to the residential
18 tenant.

19 Section 5-15. Federal Emergency Rental Assistance program.

20 (a) Any department or agency of the State eligible to
21 receive a direct federal allocation and charged with disbursing
22 allocated funds and administering the federal program shall do
23 so in accordance with federal and State law.

24 (b) Consistent with federal law, any State agency
25 administering this program shall create a process to provide

1 rental assistance directly to eligible renters and to obviate
2 or minimize the necessity of lessor or utility provider
3 participation in submitting the application when the lessor or
4 utility provider: (i) refuses to accept a direct payment; or
5 (ii) fails to complete an application for assistance. The
6 administering State agency shall make payments to a lessor or
7 utility provider on behalf of an eligible household with a
8 statement indicating which eligible household the payment is
9 being made for, except that, if the lessor or utility provider
10 does not agree to accept such a payment from the administering
11 State agency after the administering State agency has made
12 contact with the lessor or utility provider, then the
13 administering State agency may make such payments directly to
14 the eligible household for the purpose of the eligible
15 household making payments to the lessor or utility provider.
16 Notwithstanding the foregoing, nothing in this Act shall be
17 construed to require a lessor or utility provider to accept
18 funds from the program, whether paid directly by the
19 administering State agency or by the eligible household.

20 (c) Consistent with federal law, any State agency
21 administering this program shall provide program recipients
22 with relief payments in an amount based on stated need rather
23 than on a flat or fixed amount. An eligible household's stated
24 need may include, but is not limited to, the amount of arrears
25 owed to a lessor, utility provider, or both, or future rental
26 payments based on monthly rent.

1 (d) Consistent with federal law, nothing in this Act shall
2 be construed as precluding any administering State agency from
3 capping or setting a limit on the amount of emergency rental
4 payments made on behalf of any single household. The
5 administering State agency may adopt additional eligibility
6 criteria, application procedures, and program rules necessary
7 to administer the program in conformity with the priorities and
8 public policies expressed within this Act and federal law, as
9 it may be amended.

10 (e) Consistent with federal law prohibiting duplicative
11 payments from other federal programs, an administering State
12 agency shall not disqualify an eligible household from the
13 program based on previous application for or receipt of other
14 similar federal assistance for periods that are different than
15 that for which the program assistance is being provided under
16 this Act.

17 (f) Unless necessary to comply with applicable federal or
18 State law, the administering State agency shall not, for
19 purposes of determining program eligibility, require a fully
20 executed written lease or any type of documentation relating to
21 any household member's immigration status. The administering
22 State agency may accept a demand for rent letter, ledger or
23 statement containing the outstanding balance, termination
24 notice, or other alternative form of documentation containing
25 or showing the amount of rental or utility arrears owed.

1 Section 5-20. Accessibility and transparency.

2 (a) In addition to federal requirements, the administering
3 State agency shall make publicly accessible by publishing on
4 its website any important program information, including, but
5 not limited to, the following:

6 (1) program application forms for households, lessors,
7 and utility providers, including any joint program
8 application forms;

9 (2) program eligibility requirements;

10 (3) the administering State agency's procedures and
11 processes for administering the program;

12 (4) the administering State agency's procedures and
13 communication methods for notifying program applicants of
14 defective applications due to incompleteness, errors,
15 missing information, or any other impediment;

16 (5) the administering State agency's procedures and
17 methods for applicants to remedy defective applications
18 due to incompleteness, errors, missing information, or any
19 other impediment; and

20 (6) any other important program information critical
21 to applicants, including renters and lessors relating to
22 the application requirements and process, eligibility
23 determination, and disbursement of payment.

24 (b) The administering State agency shall ensure that
25 important program information, including the application and
26 all marketing materials, is language accessible by publishing

1 to its website the same in both English and Spanish.

2 Section 5-25. Process for further prioritizing applicants
3 for financial assistance and housing stability services. In
4 addition to federal program eligibility and prioritization
5 requirements, the administering State agency shall make best
6 efforts to give further prioritization to an eligible
7 household: (i) located within a disproportionately impacted
8 area based on positive COVID-19 cases; (ii) that has a
9 documented history of housing instability or homelessness; or
10 (iii) that has a significant amount of rental arrears.

11 Section 5-30. Required notifications and correspondence.
12 The administering State agency shall ensure it communicates
13 clearly with an applicant about the application determination
14 process, including acceptance, status of a pending
15 application, and any reason for denying an application.

16 (1) The administering State agency shall provide
17 notice to an applicant upon finding that a submitted
18 application is defective or should otherwise be considered
19 ineligible, denied, or rejected.

20 (2) The notice from the administering State agency
21 shall explain the reason why an applicant's submitted
22 application is defective or should otherwise be considered
23 ineligible, denied, or rejected.

24 (3) The notice shall contain the necessary

1 information, process, accepted method, and deadline for
2 the applicant to remedy any defective or deficient
3 application, provided that remedy is possible.

4 (4) All notice and correspondence required to be
5 provided by the administering State agency shall be given
6 promptly and without unnecessary delay to any applicant.

7 Article 10.

8 Section 10-5. The Code of Civil Procedure is amended by
9 changing Section 9-121 and by adding Sections 9-121.5, 9-122,
10 15-1513, and 15-1514 as follows:

11 (735 ILCS 5/9-121)

12 Sec. 9-121. Sealing of court file.

13 (a) Definition. As used in this Section, "court file" means
14 the court file created when an eviction action is filed with
15 the court.

16 (b) Discretionary sealing of court file. The court may
17 order that a court file in an eviction action be placed under
18 seal if the court finds that the plaintiff's action is
19 sufficiently without a basis in fact or law, which may include
20 a lack of jurisdiction, that placing the court file under seal
21 is clearly in the interests of justice, and that those
22 interests are not outweighed by the public's interest in
23 knowing about the record.

1 (c) Mandatory sealing of court file. The court file
2 relating to an eviction action brought against a tenant under
3 Section 9-207.5 of this Code or as set forth in subdivision
4 (h) (6) of Section 15-1701 of this Code shall be placed under
5 seal.

6 (d) This Section is operative on and after August 1, 2022.
7 (Source: P.A. 100-173, eff. 1-1-18.)

8 (735 ILCS 5/9-121.5 new)

9 Sec. 9-121.5. Sealing of court file.

10 (a) As used in this Section, "court file" means the court
11 file created when an eviction action is filed with the court.

12 (b) The court shall order the sealing of any court file in
13 a residential eviction action if:

14 (1) the interests of justice in sealing the court file
15 outweigh the public interest in maintaining a public
16 record;

17 (2) the parties to the eviction action agree to seal
18 the court file;

19 (3) there was no material violation of the terms of the
20 tenancy by the tenant; or

21 (4) the case was dismissed with or without prejudice.

22 (c) The court file relating to an eviction action brought
23 against a tenant under Section 9-207.5 of this Code or as set
24 forth in subdivision (h) (6) of Section 15-1701 of this Code
25 shall be placed under seal.

1 (d) A sealed court file shall be made available only to the
2 litigants in the case, their counsel or prospective counsel,
3 and public employees responsible for processing the
4 residential eviction action.

5 (e) Upon motion and order of the court, a sealed court file
6 may be made available for scholarly, educational,
7 journalistic, or governmental purposes only, balancing the
8 interests of the parties and the public in nondisclosure with
9 the interests of the requesting party. Identifying information
10 of the parties shall remain sealed, unless the court determines
11 that release of the information is necessary to fulfill the
12 purpose of the request and the interests of justice so dictate.
13 Nothing in this subsection shall permit the release of a sealed
14 court file or the information contained therein for a
15 commercial purpose.

16 (f) Except as provided in subsections (c) and (d), any
17 person who disseminates a court file sealed under this Section,
18 or the information contained therein, for commercial purposes
19 shall be liable for a civil penalty of \$2,000, or twice the
20 actual and consequential damages sustained, whichever is
21 greater, as well as the costs of the action, including
22 reasonable attorney's fees.

23 (g) The Attorney General may enforce a violation of this
24 Section as an unlawful practice under the Consumer Fraud and
25 Deceptive Business Practices Act. All remedies, penalties, and
26 authority granted to the Attorney General by the Consumer Fraud

1 and Deceptive Business Practices Act shall be available to him
2 or her for the enforcement of this Section.

3 (h) Nothing in this Section prohibits a landlord from
4 receiving a reference from a previous landlord of a prospective
5 tenant. Nothing in this Section prohibits a landlord from
6 providing a reference for a previous or current tenant to a
7 prospective landlord of that tenant.

8 (i) This Section is repealed on August 1, 2022.

9 (735 ILCS 5/9-122 new)

10 Sec. 9-122. COVID-19 emergency sealing of court file.

11 (a) As used in this Section, "COVID-19 emergency and
12 economic recovery period" means the period beginning on March
13 9, 2020, when the Governor issued the first disaster
14 proclamation for the State to address the circumstances related
15 to COVID-19, and ending on March 31, 2022.

16 (b) The court file shall be sealed upon the commencement of
17 any residential eviction action during the COVID-19 emergency
18 and economic recovery period. If a residential eviction action
19 filed during the COVID-19 emergency and economic recovery
20 period is pending on the effective date of this Act and is not
21 sealed, the court shall order the sealing of the court file. In
22 accordance with Section 9-121.5, no sealed court file, sealed
23 under this Section, shall be disseminated.

24 (c) If the court enters a judgment in favor of the
25 landlord, the court may also enter an order to unseal the court

1 file under this Section. A court shall order the court file to
2 be unsealed if:

3 (1) the action is not based in whole or in part on the
4 nonpayment of rent during the COVID-19 emergency and
5 economic recovery period; and

6 (2) The requirements of subsection (b) or (c) of
7 Section 9-121.5 have not been met.

8 (d) Subsections (d) through (h) of Section 9-121.5 shall
9 also be applicable and incorporated into this Section.

10 (735 ILCS 5/15-1513 new)

11 Sec. 15-1513. Temporary COVID-19 stay of judicial sales,
12 orders of possession.

13 (a) Notwithstanding Section 15-1507, no judicial
14 foreclosure sale shall be held between the effective date of
15 this Section and July 31, 2021. Any judicial foreclosure sale
16 pending as of the effective date of this Section shall be
17 cancelled and renoticed for a date after July 31, 2021.

18 (b) Notwithstanding subsection (g) of Section 15-1508, no
19 order of possession pursuant to a confirmation of judicial
20 foreclosure sale shall be entered by a court, placed with a
21 sheriff for execution, or executed by a sheriff until a date
22 after July 31, 2021.

23 (c) This Section applies to any action to foreclose a
24 mortgage relating to residential real estate, which, as used in
25 this Section, includes any real estate except a single tract of

1 agricultural real estate consisting of more than 40 acres, that
2 is improved with a single family residence or residential
3 condominium units or a multiple dwelling structure containing
4 single family dwelling units for 6 or fewer families living
5 independently of each other, except that this Section does not
6 apply in cases in which the plaintiff establishes by competent
7 proof that the subject real property is vacant or abandoned.

8 (735 ILCS 5/15-1514 new)

9 Sec. 15-1514. Temporary COVID-19 stay of certain
10 foreclosure proceedings and filings.

11 (a) This Section applies to any action to foreclose a
12 mortgage relating to residential real estate, which, as used in
13 this Section, includes any real estate except a single tract of
14 agricultural real estate consisting of more than 40 acres, that
15 is improved with a single family residence or residential
16 condominium units or a multiple dwelling structure containing
17 single family dwelling units for 6 or fewer families living
18 independently of each other, except that this Section does not
19 apply in cases in which the plaintiff establishes by competent
20 proof that the subject real property is vacant or abandoned. As
21 used in this Section, "residential real estate" includes shares
22 assigned to a unit in a residential cooperative.

23 (b) Any action to foreclose a mortgage pending on the
24 effective date of this amendatory Act of the 101st General
25 Assembly, including actions filed on or before March 9, 2020,

1 or commenced within 30 days of the effective date of this
2 amendatory Act of the 101st General Assembly, shall be stayed
3 until May 1, 2021.

4 (c) No court shall accept for filing any action to
5 foreclose a mortgage before May 1, 2021.

6 (d) All deadlines related to any pending foreclosure
7 proceeding on the effective date of this Section, including the
8 running of any redemption period, are tolled until May 1, 2021.

9 (e) If any clause, sentence, paragraph, subsection, or part
10 of this Section shall be adjudged by any court of competent
11 jurisdiction to be invalid and after exhaustion of all further
12 judicial review, the judgment shall not affect, impair, or
13 invalidate the remainder thereof, but shall be confined in its
14 operation to the clause, sentence, paragraph, subsection, or
15 part of this Section directly involved in the controversy in
16 which the judgment shall have been rendered.

17 Section 10-15. The Consumer Fraud and Deceptive Business
18 Practices Act is amended by adding Section 2Z.5 as follows:

19 (815 ILCS 505/2Z.5 new)

20 Sec. 2Z.5. Dissemination of a sealed a court file.

21 (a) A private entity or person who violates Section 9-121.5
22 of the Code of Civil Procedure commits an unlawful practice
23 within the meaning of this Act.

24 (b) This Section is repealed on August 1, 2022.

1 Article 99.

2 Section 99-99. Effective date. This Act takes effect upon
3 becoming law.".