102ND GENERAL ASSEMBLY
State of Illinois
2021 and 2022
HB5415

Introduced 1/31/2022, by Rep. Sandra Hamilton

SYNOPSIS AS INTRODUCED:

New Act

Creates the Eviction Moratorium Clarification Act. Provides that in any eviction moratorium issued by the Governor through Executive Order or legislation passed by the General Assembly, the moratorium shall not prohibit the eviction of specified individuals. Provides that evictions may be filed, commenced, and enforced against the specified individuals, along with any individuals who otherwise fail to meet the stated requirements of an eviction moratorium. Provides that in a rental or lease agreement in which utility payments are included in the rent payment, the landlord or property manager shall not be responsible for a tenant's portion of a monthly utility payment for a tenant not paying rent who is protected by an eviction moratorium if the utility charges for that tenant are for more than 20% higher usage than any month in the previous year. Effective immediately.
AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Eviction Moratorium Clarification Act.

Section 5. Covered persons.

(a) In any eviction moratorium issued by the Governor through Executive Order or legislation passed by the General Assembly, the moratorium shall not prohibit the eviction any of the following individuals:

(1) individuals who:

(A) have not experienced a substantial loss of income, loss of compensable hours of work or wages, or a substantial increase in out-of-pocket expenses directly related to the COVID-19 pandemic;

(B) are not using their best efforts to make their rent payments, although their situation permits full payment taking into account other nondiscretionary expenses; and

(C) eviction would not likely render homeless or them to move into and live in close quarters in a new congregate or shared living setting because they have no other available housing options;
(2) individuals who now occupy the residential property if no individuals in the household have had a verbal or written rental agreement at any time or were permissible cotenants with a person who had a verbal or written rental agreement for the subject property; and

(3) individuals engaging in criminal activity while on the premises, threatening the health or safety of other residents, damaging or posing an immediate and significant risk of damage to property, or engaging in unreasonable behavior that substantially infringes on the use and enjoyment by other tenants or occupants.

(b) Evictions may be filed, commenced, and enforced against individuals referenced in subsection (a), along with any individuals who otherwise fail to meet the stated requirements of an eviction moratorium.

(c) As used in this Section, "nondiscretionary expenses" include, but are not limited to, food, utilities, phone and Internet access, school supplies, cold-weather clothing, medical expenses, child care, and transportation costs, including car payments and insurance.

Section 10. Utility payments. In a rental or lease agreement in which utility payments are included in the rent payment, the landlord or property manager shall not be responsible for a tenant's portion of a monthly utility payment for a tenant not paying rent who is protected by an
eviction moratorium if the utility charges for that tenant are
for more than 20% higher usage than any month in the previous
year.

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