

AN ACT concerning civil law.

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

Article 5.

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

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

International, national, State, and local governments and health authorities are responding to an outbreak of a disease caused by the novel Coronavirus referred to as COVID-19. African American and Latino households in the State are at disproportionate risk of exposure to and the contraction of COVID-19 and to economic effects of this pandemic.

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

On March 26, 2020, the President of the United States declared that a major disaster exists in the State and ordered

Federal assistance to supplement State, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic beginning on January 20, 2020 and continuing.

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

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

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

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

"Administering State agency" means any agency or department of the State that is eligible to receive a direct federal allocation of federal Emergency Rental Assistance funds that will disburse funds and administer all or a portion of the Federal Emergency Rental Assistance Program.

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

"Eligible household" has the same meaning as used by the

federal law enacting the federal Emergency Rental Assistance program.

"Program" means the federal Emergency Rental Assistance Program.

Section 5-15. Federal Emergency Rental Assistance program.

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

(b) Consistent with federal law, any State agency administering this program shall create a process to provide rental assistance directly to eligible renters and to obviate or minimize the necessity of lessor or utility provider participation in submitting the application when the lessor or utility provider: (i) refuses to accept a direct payment; or (ii) fails to cooperate with an application for assistance. The administering State agency shall make payments to a lessor or utility provider on behalf of an eligible household with a statement indicating which eligible household the payment is being made for, except that, if the lessor or utility provider does not agree to accept such a payment from the administering State agency after the administering State agency has made contact with the lessor or utility provider, then the administering State agency may make such payments directly to the eligible household for the purpose of the eligible

household making payments to the lessor or utility provider. Notwithstanding the foregoing, nothing in this Act shall be construed to require a lessor or utility provider to accept funds from the program, whether paid directly by the administering State agency or by the eligible household.

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

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

(e) Consistent with federal law prohibiting duplicative payments from other federal programs, an administering State agency shall not disqualify an eligible household from the program based on previous application for or receipt of other similar federal assistance for periods that are different than

that for which the program assistance is being provided under this Act.

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

Section 5-20. Accessibility and transparency.

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

(1) program application forms for households and lessors, including any joint program application forms;

(2) program eligibility requirements;

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

(4) the administering State agency's procedures and communication methods for notifying program applicants of defective applications due to incompleteness, errors,

missing information, or any other impediment;

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

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

(b) The administering State agency shall ensure that important program information, including the application and all marketing materials, is language accessible by publishing to its website the same in both English and Spanish.

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

Section 5-30. Required notifications and correspondence. The administering State agency shall ensure it communicates

clearly with an applicant about the application determination process, including acceptance, status of a pending application, and any reason for denying an application.

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

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

(3) The notice shall contain the necessary information, process, accepted method, and deadline for the applicant to remedy any defective or deficient application, provided that remedy is possible.

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

Article 10.

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

(735 ILCS 5/9-121)

Sec. 9-121. Sealing of court file.

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

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

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

(d) This Section is operative on and after August 1, 2022.

(Source: P.A. 100-173, eff. 1-1-18.)

(735 ILCS 5/9-121.5 new)

Sec. 9-121.5. Sealing of court file.

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

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

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

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

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

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

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

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

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

contained therein for a commercial purpose.

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

(g) The Attorney General may enforce a violation of this Section as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Section.

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

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

(735 ILCS 5/9-122 new)

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

(a) As used in this Section, "COVID-19 emergency and economic recovery period" means the period beginning on March 9, 2020, when the Governor issued the first disaster

proclamation for the State to address the circumstances related to COVID-19, and ending on March 31, 2022.

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

(c) If the court enters a judgment in favor of the landlord, the court may also enter an order to unseal the court file under this Section. A court shall order the court file to be unsealed if:

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

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

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

(735 ILCS 5/15-1513 new)

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

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

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

(c) This Section applies to any action to foreclose a mortgage relating to (i) residential real estate as defined in Section 15-1219, and (ii) real estate improved with a dwelling structure containing dwelling units for 6 or fewer families living independently of each other in which the mortgagor is a natural person landlord renting the dwelling units, even if the mortgagor does not occupy any of the dwelling units as his or her personal residence.

(735 ILCS 5/15-1514 new)

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

(a) This Section applies to any action to foreclose a mortgage relating to (i) residential real estate as defined in Section 15-1219, and (ii) real estate improved with a dwelling structure containing dwelling units for 6 or fewer families

living independently of each other in which the mortgagor is a natural person landlord renting the dwelling units, even if the mortgagor does not occupy any of the dwelling units as his or her personal residence.

(b) Any action to foreclose a mortgage pending on the effective date of this amendatory Act of the 102nd General Assembly, including actions filed on or before March 9, 2020, or commenced within 30 days of the effective date of this amendatory Act of the 102nd General Assembly, shall be stayed until May 1, 2021.

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

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

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

Section 10-15. The Consumer Fraud and Deceptive Business

Practices Act is amended by adding Section 2Z.5 as follows:

(815 ILCS 505/2Z.5 new)

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

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

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

Article 99.

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