IN THE
SUPREME COURT OF
ILLINOIS

In re: Illinois Courts Response to COVID-19 Emergency/ Residential Eviction Proceedings	)	M.R. 30370

Amended Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to Article VI, Section 16 of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); and in view of the outbreak of the novel coronavirus ("COVID-19") and the ensuing issuance or re-issuance by the Illinois Governor of multiple executive orders imposing a moratorium on most residential eviction lawsuits, the Court taking no position on the legal validity of such executive orders;

The Court's order of December 22, 2020, regarding Illinois Courts Response to COVID-19 Emergency/Residential Eviction Proceedings is amended as shown below (new material is underscored and deleted material is struck through);

IT IS HEREBY ORDERED that, until the Governor's moratorium contained in Executive Order 2020-72, as amended by Executive Order 2020-74, and any subsequent Executive Order extending or reissuing Executive Order 2020-72 (together, the "Executive Order"), expires:

1. The filing of a complaint in any eviction case must be accompanied by the attached certification form prescribed by this order to demonstrate that the plaintiff/landlord has provided each defendant/tenant with a form declaration made available by the Illinois Housing Development Authority (or a similar declaration under penalty of perjury) prior to commencement of the residential eviction proceeding and either (1) has not received a qualifying declaration from any defendant/tenant that they are a "covered person" under the Executive Order or (2) another stated exception to the Governor's moratorium contained in the Executive Order applies. *See* Appendix A.

2. Under the Executive Order, a person or entity cannot commence an eviction against a "covered person" (defined by the Executive Order as a tenant, lessee, sub-lessee, or resident of a residential property who provides to their landlord a qualifying declaration) who does not owe rent unless that person poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property.

3. ~~2.~~ Promptly upon filing, eviction cases are to be referred by the Clerk to a judge designated by the Court to review all such complaints.

4. ~~3.~~ If the reviewing judge determines that the required certification form has not been filed, or that it fails to meet the requirements of the Executive Order, the judge shall issue an order dismissing the action, without prejudice, sealing the record, and providing that summons on the case may not be issued. If summons has already been issued or has been placed for service, the order must direct the plaintiff/landlord to take reasonable steps to recall the summons from the process server.

5. ~~4.~~ If the reviewing judge determines that the required certification form, on its face, properly meets the requirements of the Executive Order, the matter may proceed to be heard. This preliminary determination that the certification form meets the requirements of the Executive Order is not binding; the trial court retains the ability to hear and determine whether the Governor's moratorium applies in a given case.

6. If a plaintiff/landlord receives a declaration which, on its face, shows that the tenant is a "covered person," but wishes to challenge the accuracy of that declaration, the plaintiff/landlord should file a motion with the court requesting a hearing on that issue at the time the complaint and certification form is filed. The clerk should route the motion along with the complaint and certification to the responsible judge for review and, if appropriate, set a hearing.

7. ~~5.~~ Nothing in this order grants any plaintiff/landlord the authority to enforce an eviction order in contravention of any provision of law, including any applicable moratorium.

8. ~~6.~~ For any action dismissed, without prejudice, pursuant to the terms of this order, the case may be re-filed under a new case number when no longer barred by the Executive Order, with any filing fee for the refiled action being waived.

9. ~~7.~~ This order is effective immediately and shall remain in effect until further order of this Court.

Order entered by the Court.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said Supreme Court, in Springfield, in said State, this 23rd day of February, 2021.

Carolyn Taft Grosboll Clerk,
Supreme Court of the State of Illinois

APPENDIX A

IN THE CIRCUIT COURT OF THE ___ JUDICIAL CIRCUIT
FOR _____ COUNTY, ILLINOIS

_____	)	
Plaintiff(s)	)	
	)	
v.	)	Case No.
	)	
_____	)	
Defendant(s)	)	

Plaintiff's Certification of Compliance with the Governor's Executive Order on Evictions

I, [name], hereby state as follows: (check all applicable box(es))

1. I am: □ The named plaintiff; or □ An Agent of the named plaintiff.

2. The filing of this eviction case does not violate Executive Order 2020-72 issued by the Governor, and any subsequent Executive Order extending or reissuing Executive Order 2020-72 (together, the "Executive Order"), because: (a. or b. must apply)

   a. One or more of the following applies:

      □ The defendant(s) poses a direct threat to the health and safety of other tenants; and/or

      □ The defendant(s) poses an immediate and severe risk to property; and/or

      □ The property at issue is non-residential;

      OR

   b. Prior to commencing the action:

      □ The defendant(s) owes rent; and

      □ I served each defendant with a form declaration made available by the Illinois Housing Development Authority (or a similar declaration under penalty of perjury) on [date]; and

      □ I did not receive a qualifying declaration from any of the defendant(s) that they qualify as a "Covered Person" under the Executive Order before filing this action.; or

      □ I received a declaration but have a good faith belief it is not a valid declaration under the terms of the Executive Order and want to challenge it in Court.

I certify that everything in this certification is true and correct. I understand that making a false statement is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Sworn:

_____ _____
Date Plaintiff (or Agent) (spell name)

_____
Plaintiff (or Agent) (signature)