Executive Order 2020-74

(COVID-19 EXECUTIVE ORDER NO.70)

December 11, 2020

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WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 830,000, and taking the lives of more than 14,000 residents; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, public health research and guidance indicates the necessity and efficacy of wearing cloth face coverings in public settings where social distancing measures are difficult to maintain, and indicates that the risk of transmission outdoors is less than the risk of transmission indoors; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, in addition to causing the tragic loss of more than 14,000 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, many executive agencies in the State have focused their limited resources on the ongoing response to the COVID-19 pandemic; and,

WHEREAS, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and,

WHEREAS, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and,

WHEREAS, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and,

WHEREAS, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and,

WHEREAS, on December 11, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-41, 2020-42, 2020-45, 2020-47, 2020-50, 2020-53, 2020-56, 2020-57, 2020-60, 2020-61, 2020-62, 2020-63, 2020-64, 2020-65, 2020-66, 2020-67, 2020-68, 2020-69, 2020-70, 2020-72, and 2020-73 and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective December 11, 2020:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-41, 2020-42, 2020-45, 2020-47, 2020-50, 2020-53, 2020-56, 2020-57, 2020-60, 2020-61, 2020-62, 2020-63, 2020-64, 2020-65, 2020-66, 2020-67, 2020-68, 2020-69, 2020-70, 2020-72, and 2020-73 as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **January 9, 2021**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **January 9, 2021**.

Executive Order 2020-08 (Secretary of State operations):

Sections 3, 4, and 5 of Executive Order 2020-08, as amended by Executive Order 2020-39 and Executive Order 2020-44, are re-issued and extended through **January 9, 2021**.

Executive Order 2020-08 is further amended and revised as follows:

Section 6. The provisions of the Illinois Vehicle Code, 625 ILCS 5, providing for the expiration of vehicle registrations and licenses are suspended as follows: (1) all motor vehicle registrations that expire in November 2020 or December 2020 are extended; and (2) all licenses issued pursuant to Chapter 3, Article IX, Remittance Agents, and Chapter 5, Dealers, Transporters, Wreckers and Rebuilders, that expire on December 31, 2020, are extended if an application to renew the license is received by the Office of the Secretary of State by December 31, 2020.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09, as amended by Executive Order 2020-52, is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-11 (Illinois Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **January 9, 2021**.

Executive Order 2020-12 (Health care worker background checks; Illinois Department of Juvenile Justice notification period):

Sections 1 and 3 of Executive Order 2020-12 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-16 (Suspension of classroom training requirement for security services):

Section 2 of Executive Order 2020-16 is re-issued and extended through **January 9, 2021**.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-22 (Placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25, as amended by Executive Order 2020-55, is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-26 (Hospital capacity):

While several sections of Executive Order 2020-26 had previously been rescinded, Executive Order 2020-26 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28, as amended by Executive Order 2020-55, is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-30 (Expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Sections, 1, 4, 5, and 6 of Executive Order 2020-30 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-34 (Cannabis requirements):

Executive Order 2020-34 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-35 (Illinois Department of Public Health regulatory activities):

Sections 14, 15, 16, and 17 of Executive Order 2020-35 are re-issued and extended through **January 9, 2021**.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-40 (Child Labor Law):

Sections 2 and 4 of Executive Order 2020-40 are re-issued and extended through **January 9, 2021.**

Executive Order 2020-41 (Sports wagering):

Executive Order 2020-41 is re-issued in its entirety and extended through **January 9, 2021.**

Executive Order 2020-42 (State Fairs):

Executive Order 2020-42 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

Executive Order 2020-47 (In-person instruction at preK-12 schools):

Executive Order 2020-47 is re-issued in its entirety and extended through **January 9, 2021.**

Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):

Executive Order 2020-50 is re-issued in its entirety and extended through **January 9, 2021.**

Executive Order 2020-53 (Region 7 mitigations):

Executive Order 2020-53 is re-issued in its entirety and extended through **January 9, 2021.**

Executive Order 2020-56 (Region 1 mitigations):

Executive Order 2020-56 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-57 (Cannabis identification cards):

Executive Order 2020-57 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-60 (Region 5 mitigations):

Executive Order 2020-60 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-61 (Regions 7 and 8 mitigations):

Executive Order 2020-61 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-62 (Region 1 Tier 2 mitigations):

Executive Order 2020-62 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-63 (Regions 4 and 10 mitigations):

Executive Order 2020-63 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-64 (Region 11 mitigations):

Executive Order 2020-64 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-65 (Region 9 mitigations):

Executive Order 2020-65 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-66 (Region 3 mitigations):

Executive Order 2020-66 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-67 (Region 6 mitigations):

Executive Order 2020-67 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-68 (Cannabis registry identification card renewals):

Executive Order 2020-68 is re-issued in its entirety and extended through **January 9, 2021.**

Executive Order 2020-69 (Region 2 mitigations):

Executive Order 2020-69 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-70 (Regions 5, 7, and 8 Tier 2 mitigations):

Executive Order 2020-70 is re-issued in its entirety and extended through **January 9, 2021**.

Executive Order 2020-72 (Residential eviction moratorium):

Executive Order 2020-72, as amended and revised below, is re-issued in its entirety and extended through **January 9, 2021.**

Section 1. For purposes of this Executive Order, the following terms are defined as set forth below:

1. "Covered Person" means any tenant, lessee, sub-lessee, or resident of a residential property who provides to their landlord, the owner of the residential property, or other person or entity with a legal right to pursue an eviction or possessory action, a Declaration under penalty of perjury indicating that:

    1. the individual either (i) expects to earn no more than $99,000 in annual income for Calendar Year 2020 (or no more than $198,000 if filing a joint tax return), (ii) was not required to report any income in 2019 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment pursuant to Section 2001 of the CARES Act;

    2. the individual is unable to make a full rent or housing payment due to a COVID-19 related hardship including, but not limited to, substantial loss of income, loss of compensable hours of work or wages, or an increase in out-of-pocket expenses directly related to the COVID-19 pandemic;

    3. the individual is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other Non-Discretionary Expenses; and

    4. eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options.

2. "Declaration" means the form declaration made available by the Illinois Housing Development Authority (or a similar declaration under penalty of perjury) that tenants, lessees, sub-lessees, or residents of residential properties who are covered by this Executive Order may use to invoke the protections of this Executive Order. Each landlord, owner of a residential property, or other person or entity with a legal right to pursue an eviction or possessory action must provide each tenant, lessee, sub-lessee, and resident with a Declaration <u>at least 5 days</u> prior to commencement of any residential eviction proceeding including, but not limited to, <u>at least 5 days prior to</u> the issuance of a notice of termination of tenancy. <u>Service of the Declaration must conform with the requirements of 735 ILCS 5/9-211</u>.

3. "Non-Discretionary 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.

<u>Section 7. A person or entity may not commence a residential eviction action pursuant to or arising under 735 ILCS 5/9-101 *et seq.* against a tenant who does not owe rent unless the tenant poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property. A tenant shall not be required to provide a Declaration if they are covered by this section.</u>

<u>Executive Order 2020-73 (Tier 3 mitigations):</u>

Executive Order 2020-73 is re-issued in its entirety and extended through **January 9, 2021.**

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor December 11, 2020
Filed by the Secretary of State December 11, 2020