IN THE
SUPREME COURT OF ILLINOIS

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

Order

On March 9, 2020, Governor Pritzker declared a State of Emergency in response to the novel coronavirus (COVID-19). On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) was passed by Congress and signed into law by the President of the United States. The CARES Act, section 4024(b), prohibits landlords of certain "covered dwellings" from initiating eviction proceedings against their tenants. These "covered dwellings" include rental properties with federal assistance or federally related financing. These protections extend for 120 days from the enactment of the CARES Act or through July 25, 2020.

The CARES Act, section 4024(c), also requires that landlords serve a 30-day notice of termination of tenancy to the tenant after the expiration of the 120 day period on July 25, 2020, meaning these cases cannot be filed until August 24, 2020 at the earliest.

Pursuant to the general administrative and supervisory authority vested in the Supreme Court under Article VI, Section 16 of the Illinois Constitution, Illinois appellate and circuit court procedures and prior orders of this Court:

A. For the purpose of this order:
   a. "Covered dwelling" refers to a dwelling that (A) is occupied by a tenant (i) pursuant to a residential lease; or (ii) without a lease or with a lease terminable under State law; and (B) is on or in a covered property.
   b. "Covered property" refers to any property that (A) participates in (i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a))); or (ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or (B) has a (i) Federally backed mortgage loan; or (ii) Federally backed multifamily mortgage loan.

B. Effective immediately, in any eviction action involving a residential premises brought pursuant to the Eviction Act (735 ILCS 5/9), the plaintiff shall affirmatively state in the complaint or in a supporting affidavit whether the dwelling unit of which

the plaintiff seeks possession is a “covered dwelling” within the meaning of Section 4024(a)(1) of the CARES Act or Section 4024(a) (2) of the CARES Act. The plaintiff shall use the attached certification form in Appendix A or language substantially similar. This requirement shall remain in effect until August 24, 2020 or further order of the Court.

C. For any eviction action involving a residential premises brought pursuant to the Eviction Act (735 ILCS 5/9) after March 27, 2020 and before this Order took effect, the plaintiff must amend the complaint or supplement it with a supporting affidavit stating whether the dwelling unit of which the plaintiff seeks possession is a “covered dwelling” within the meaning of Section 4024(a)(1) of the CARES Act or Section 4024(a)(2) of the CARES Act. The plaintiff shall use the attached certification form or language substantially similar. This requirement shall remain in effect until August 24, 2020 or further order of the Court.

D. If the plaintiff fails to comply with paragraph (a), (b) or (c), the plaintiff must provide testimony under oath in open court as to whether the property is a “covered dwelling” as defined above before the case may proceed. This requirement shall remain in effect until August 24, 2020 or further order of the Court.

E. If an eviction action is improperly brought involving a “covered dwelling” as defined in paragraph (a), and the eviction complaint alleges that the basis for termination is nonpayment of rent, the complaint shall be dismissed and the judge shall order the record sealed.

Order entered by the Court.

SEAL OF THE SUPREME COURT
STATE OF ILLINOIS
AUG. 26, 1818

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 22nd day of May, 2020.

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 CARES ACT EVICTION CERTIFICATION

NOTICE TO PLAINTIFF: Through August 24, 2020, Section 4024 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act prohibits filing certain evictions from "covered dwellings" if those dwellings are in "covered properties." In general, a "covered property" is any property that receives a federal rental subsidy or has a federally-backed / insured mortgage (such as Fannie Mae, Freddie Mac, or the FHA). If unsure, read the actual language of the Act before completing this certification.

I, [name], hereby state as follows:

1. I am [ ] the named plaintiff (or) [ ] an Agent of the named plaintiff.

2. The filing of this eviction case does not violate the CARES Act because: (check one)

A. [ ] The property is not a "covered property;" or

B. [ ] The property is a "covered property," but the eviction is otherwise allowed under the Act.

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:

_____	_____
Plaintiff (or Agent)	Plaintiff's attorney (if any)