

1 AN ACT concerning civil law.

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

4 Article 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 federal law enacting the federal Emergency Rental Assistance
2 program.

3 "Program" means the federal Emergency Rental Assistance
4 Program.

5 Section 5-15. Federal Emergency Rental Assistance program.

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

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

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

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

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

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

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

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

13 Section 5-20. Accessibility and transparency.

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

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

20 (2) program eligibility requirements;

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

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

1 missing information, or any other impediment;

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

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

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

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

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

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

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

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

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

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

19 Article 10.

20 Section 10-5. The Code of Civil Procedure is amended by
21 changing Section 9-121 and by adding Sections 9-121.5, 9-122,
22 15-1513, and 15-1514 as follows:

23 (735 ILCS 5/9-121)

1 Sec. 9-121. Sealing of court file.

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

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

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

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

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

20 (735 ILCS 5/9-121.5 new)

21 Sec. 9-121.5. Sealing of court file.

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

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

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

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

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

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

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

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

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

1 contained therein for a commercial purpose.

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

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

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

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

21 (735 ILCS 5/9-122 new)

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

23 (a) As used in this Section, "COVID-19 emergency and
24 economic recovery period" means the period beginning on March
25 9, 2020, when the Governor issued the first disaster

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

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

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

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

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

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

23 (735 ILCS 5/15-1513 new)

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

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

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

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

19 (735 ILCS 5/15-1514 new)

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

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

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

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

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

13 (d) All deadlines related to any pending foreclosure
14 proceeding on the effective date of this Section, including
15 the running of any redemption period, are tolled until May 1,
16 2021.

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

25 Section 10-15. The Consumer Fraud and Deceptive Business

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

2 (815 ILCS 505/2Z.5 new)

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

4 (a) A private entity or person who violates Section
5 9-121.5 of the Code of Civil Procedure commits an unlawful
6 practice within the meaning of this Act.

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

8 Article 99.

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