
Executive Order 2021-13

(COVID-19 EXECUTIVE ORDER NO. 82)

June 11, 2021

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1.38 million residents, and taking the lives of more than 23,000 residents; 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, social distancing, face coverings, and other public health precautions proved to be critical in slowing and stopping the spread of COVID-19; and,

WHEREAS, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death; and,

WHEREAS, residential eviction actions are governed by Article IX of the Illinois Code of Civil Procedure, 735 ILCS 5/9-101 *et seq.*; and,

WHEREAS, on March 20, 2020, I issued Executive Order 2020-10, in which I ordered all state, county, and local law enforcement officers to cease from enforcing eviction orders for residential properties; and,

WHEREAS, on April 23, 2020, I issued Executive Order 2020-30, in part, because the ongoing public health emergency required further action to prevent the commencement of residential eviction proceedings; and,

WHEREAS, the prohibition on commencement of residential eviction actions and the enforcement of residential eviction orders have been extended each month by subsequent Executive Orders; and,

WHEREAS, in the midst of the COVID-19 pandemic, my administration launched a comprehensive rental assistance program that delivered over \$329 million in housing payment grants to over 56,000 renters and homeowners across the State; and,

WHEREAS, on May 17, 2021, applications for the second round of rental assistance funding, administered through the Illinois Rental Payment Program (ILRPP), became available; and,

WHEREAS, the ILRPP will deploy multiple rounds of funding totaling \$1.1 billion dollars to Illinois renters and landlords in an effort to prevent evictions; and,

WHEREAS, eligible residents can receive a rental assistance grant of up to \$25,000 for 12 months of missed rent payments and up to three months of future rent payments, paid directly to their housing provider; and,

WHEREAS, the number of new COVID-19 cases has decreased significantly in recent weeks, and the public health metrics now allow for the State to relax and end many mitigation measures as more residents have been vaccinated;

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(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective immediately:

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

a. "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.

b. "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 at least 5 days prior to commencement of any residential eviction proceeding including, but not limited to, at least 5 days prior to the issuance of a notice of termination of tenancy. Service of the Declaration must conform with the requirements of 735 ILCS 5/9-211.

c. "Non-Covered Person" means any tenant, lessee, sub-lessee, or resident of a residential property who does not provide a Declaration 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.

d. "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.

Section 2. A person or entity may not commence or continue a residential eviction action pursuant to or arising under 735 ILCS 5/9-101 *et seq.* against a Covered Person unless that person poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property.

Section 3. 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 Non-Covered Person 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. This provision is effective until June 25, 2021, whereafter this Section shall be rescinded.

Section 4. All state, county, and local law enforcement officers in the State of Illinois are instructed to cease enforcement of orders of eviction for residential premises entered against a Covered Person or Non-Covered Person, unless that person has been found to pose a direct threat to the health and safety of other tenants or an immediate and severe risk to property. This section shall not apply to orders entered before March 20, 2020 and, beginning on June 25, 2021, to orders entered against Non-Covered Persons. Enforcement of eviction orders must conform with the requirements of 735 ILCS 5/9-117.

Section 5. Nothing in this Executive Order shall be construed as relieving any individual of the obligation to pay rent or comply with any other obligation that an individual may have pursuant to a lease or rental agreement.

Section 6. Executive Order 2020-25, suspending provisions of the Illinois Code of Civil Procedure that permit the service of a garnishment summons, wage deduction summons, and a citation to discover assets on a consumer debtor or consumer garnishee, shall be rescinded on June 25, 2021.

Section 7. This Executive Order supersedes Executive Order 2020-72.

Section 8. 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. This Executive Order is entered with the understanding that the judicial branch has the authority to adopt appropriate procedural measures governing the order's application in judicial proceedings.

JB Pritzker, Governor

