



## Supreme Court of Illinois

May 22, 2020

### **ILLINOIS SUPREME COURT ISSUES PANDEMIC-RELATED TEMPORARY ORDER FOR EVICTION CASES**

The Illinois Supreme Court announced today a temporary order to harmonize the current procedure for eviction cases during the COVID-19 pandemic with new federal requirements recently adopted as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which was passed by Congress and signed into law on March 27, 2020.

The goal of this order is to ensure there are no inadvertent violations of the new federal law during the pandemic that would result in improper and unnecessary evictions at such a difficult time for residents of Illinois.

“We are aware that the pandemic has not only created a health crisis, but an economic crisis as well,” Chief Justice Anne M. Burke said. “This action was agreed to by advocates for both landlords and tenants as a way to ensure renters are not improperly evicted.”

The CARES Act, section 4024(b), temporarily prohibits landlords from filing eviction actions against tenants for nonpayment of rent from any properties that are part of federal housing rental programs or have federally backed mortgage loans. These protections extend for 120 days from the enactment of the CARES Act or through July 25, 2020. Because the CARES Act also requires a notice period of 30 days before filing an eviction case, the earliest an eviction action could be filed would be August 24, 2020.

To ensure that the new provisions of the CARES Act will provide these intended protections, this order will temporarily require landlords to affirmatively plead in the eviction complaint or through a supporting affidavit that the property in question is not subject to the CARES Act. It also allows landlords who are unaware of the new pleading requirement to cure this violation by testifying under oath that a property is not subject to the CARES Act, ensuring that landlords are not harmed by the requirements of this order and that correctly filed cases are not unduly delayed.

Order M.R. 30370 is available on the Court website by clicking [here](#).

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