

Eviction Toolkit for Self Represented Litigants in Illinois

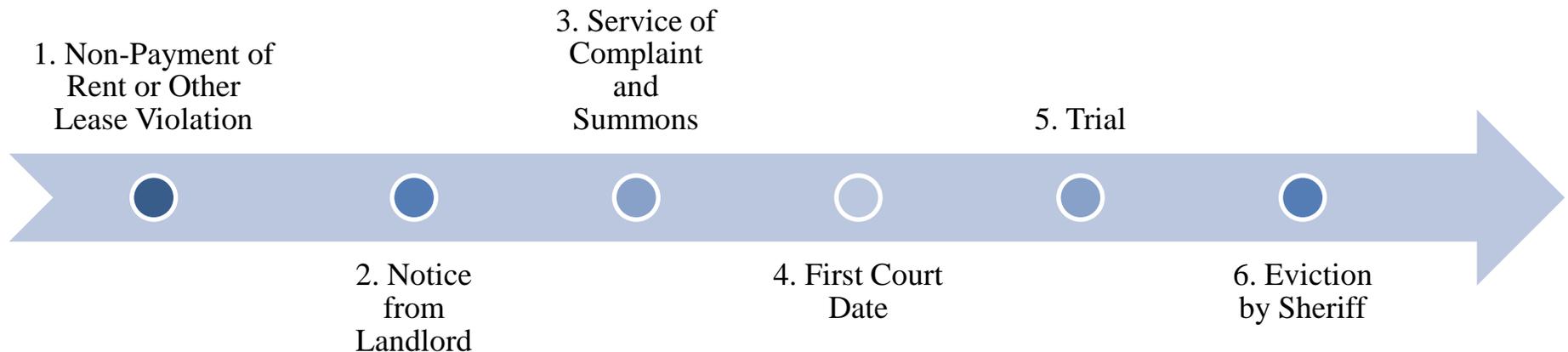
Prepared by:



www.pslegal.org

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The Eviction Process



1. The eviction process begins when a tenant violates their lease, for example, by not paying the rent on time.
2. The landlord must give a written eviction notice to the tenant. It can be for 5, 7, 10, or 30 days, depending on the legal issue. The tenant can stop an eviction for non-payment of rent by paying the rent in full during the notice period. In some types of subsidized housing, the tenant also has the right to request a meeting with the landlord during the notice period to try and work things out.
3. After the notice period ends, the landlord can file an eviction case in court. The sheriff will serve the tenant with the complaint (says what they are being sued for) and the summons (says when and where the first court date will be).
4. If the tenant misses the court date, the judge can enter a default judgment, granting what the landlord requested in the complaint (usually eviction and money owed). But, if the tenant goes to court, the judge will ask whether the tenant agrees with the complaint. If yes, the judge will ask how long the tenant needs to move out and enter an eviction order. If no, the judge will schedule a trial.
5. At the trial, both sides can present their evidence and testimony. If the tenant has a defense (a legal reason to stop the eviction), the judge will dismiss the case. Otherwise, the judge will sign a court order approving the eviction and any money owed to the landlord.
6. The landlord must take the court order to the sheriff to schedule the actual eviction (the removal of the tenant and their belongings). The eviction can happen any time after the date listed on the court order.

**PLEASE NOTE: A landlord cannot evict a tenant without a court order and assistance from the sheriff.
Call the police if you are being illegally evicted!**



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Updated October 19, 2020



EVICCTIONS DURING COVID-19

In Illinois, most evictions are on hold until at least November 14, 2020.

After the Illinois moratorium expires, you may qualify for a **national eviction moratorium** issued by the CDC in effect through December 31, 2020. The national moratorium is more limited and has several requirements. Seek legal advice and visit www.covid19evictionforms.com for more information.

WHAT DOES THIS MEAN?

- You must still pay your rent.
- If you can't afford rent, call IDHS at 1-800-843-6154 to find rent assistance.
- If you live in income-based housing and your income has changed, ask the landlord or the Housing Authority to "recertify" your income.
- Follow your normal lease rules.
- If you get an eviction notice, make sure to respond and look for legal help.

TO GET FREE LEGAL HELP, APPLY ONLINE AT PSLEGAL.ORG/APPLY OR CALL YOUR LOCAL OFFICE (PSLEGAL.ORG/OFFICES)

For self-help resources and more information visit:

www.illinoislegalaidonline.org

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Tips for Landlords and Tenants to Settle an Eviction Case

- Consider lowering rent, either temporarily for a set period of time or for the rest of the lease.
- Consider a repayment agreement to allow the tenant to catch up on past due rent and stay in the unit. This may be a good option for tenants who are temporarily out of work due to the pandemic.
- Document payments with a receipt.
- If staying in the unit isn't an option, consider a move out agreement that will avoid entry of an eviction order. An eviction order may make it harder to find new housing in the future.
- If you reach an agreement, put it in writing. Have both parties sign and date the agreement, and make sure both parties get a fully signed copy. Be specific - about dollar amounts, dates, and everything else. This will help prevent miscommunication and disagreements later on.



Why should a landlord consider settling?

- Eviction court cases and finding new renters costs money.
 - An occupied unit may be safer than an empty unit.
- Market rents may be reduced due to the slow down in the economy.
- Many tenants are not looking for new units due to the COVID-19 pandemic, so it may be hard to re-rent an empty unit right now.



Additional Resources for Tenants

- Residents in many counties can **call 2-1-1** for help with rent, utility, and food assistance and more: www.illinois211.org (see covered counties [here](#))
- Residents throughout Illinois can visit helpillinoisfamilies.com for help with rent, utility, and food assistance and more
- **Statewide court forms:**
<http://www.illinoiscourts.gov/Forms/approved/Circuit.asp>
(including Application for Waiver of Court Fees, Appearance, Notice of Motion, and Interpreter Request)
- www.illinoislegalaid.org: Free legal information
- **Housing Assistance from the Illinois Department of Commerce:**
<https://www2.illinois.gov/dceo/CommunityServices/HousingAssistance/Pages/default.aspx>
- **IDHS Homeless Prevention:**
<https://www.dhs.state.il.us/page.aspx?item=30360>

RENT REPAYMENT AGREEMENT

Landlord name: _____

Tenant name: _____

Property address: _____

1. **Amount owed.** We agree that the tenant owes the landlord:

\$_____ (*dollar amount*) in past due rent; and

\$_____ (*dollar amount*) in late fees

as of _____ (*date*).

These amounts include any reduction in or waiver of past due rent or late fees that we have agreed to.

For properties covered under the CARES Act, landlords cannot charge late fees for rent due between March 27 and July 24, 2020.

2. **Payment plan.** The tenant agrees to pay the amounts listed in paragraph 1 by paying the landlord:

\$_____ (*dollar amount*) per week month other _____

for _____ (*number*) weeks months other _____

beginning on _____ (*date*).

Special payment instructions (*e.g. payments are due on the first of the month*):

These payments are in addition to any current rent that becomes due during this time period. The landlord will not charge any additional late fees for payments made under this Rent Repayment Agreement. Both parties are strongly encouraged to document payments with receipts.

Landlord
Initials

Tenant
Initials

3. **No eviction.** The landlord agrees not to file an eviction court case against the tenant for non-payment of rent as long as the tenant makes the payments required by this Rent Repayment Agreement plus current rent payments. If an eviction court case is already pending, the landlord agrees to dismiss that eviction case.

4. **Signatures.** This Rent Repayment Agreement is not valid until it is signed by both the landlord and the tenant. Both the landlord and the tenant should receive a fully signed copy.

5. **Changes.** Any changes to this Rent Repayment Agreement must be in writing and signed by both the landlord and the tenant.

Landlord printed name

Date

Landlord signature

Tenant printed name

Date

Tenant signature

Landlord
Initials

Tenant
Initials

Instructions for Completing the Motion to Dismiss Eviction Case: Violation of the Illinois Eviction Moratorium

Use this motion to ask the judge to dismiss the eviction case against you if your landlord filed the case in violation of the Illinois eviction moratorium.

How will I know if my landlord violated the Illinois eviction moratorium and/or the federal CARES Act?

The Illinois eviction moratorium prohibits landlords from filing most residential eviction cases between April 23, 2020 and November 14, 2020.

Your eviction case may have been filed in violation of the moratorium if:

1. Your landlord filed this case between April 23, 2020 and November 14 2020; AND
2. The reason for the eviction is something other than a direct threat to the health and safety of other tenants; an immediate and severe risk to property; or violation of any applicable building code, health ordinance, or similar regulation.

What should I do with the completed motion?

You will need to file the completed motion with the Circuit Clerk, give your landlord a copy, and schedule your motion for a hearing. More instructions and forms to help you do this are at <http://www.illinoiscourts.gov/Forms/approved/procedures/motion.asp>.

How to fill out the motion

- Case no.: You can find the case number on the complaint and any other court papers you received in this case.
- Paragraph 1: Fill in your address.
- Paragraph 2: Enter information about the eviction notice you received from your landlord. The notice might be called a 5-day, 10-day, or 30-day eviction notice, notice to quit, or notice to terminate tenancy. Attach a copy of the eviction notice to your motion if you have it. If your landlord did not give you an eviction notice before filing the eviction case, check that box.
- Paragraph 3: Enter the date that your landlord filed the eviction court case against you. You should be able to find the filing date in the upper right of the complaint.
- Paragraph 4: Check the box to indicate the reason for the eviction listed in your eviction notice and/or complaint.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____)	
)	
Plaintiff,)	
)	
vs.)	Case No. _____
)	
_____)	
)	
Defendant.)	

MOTION TO DISMISS EVICTION CASE: VIOLATION OF THE ILLINOIS EVICTION MORATORIUM

Defendant, _____ (*your name*), moves this Court to dismiss the Plaintiff’s eviction case pursuant to 735 ILCS 5/2-619. In support thereof, Defendant states as follows:

- I live at:
 _____ (*Street Address, Apt #*)
 _____ (*City*), IL _____ (*Zip Code*)

(“the property”).

- Eviiction notice (*check all that apply*):
 - On _____ (*date*), my landlord gave me an eviction notice.
 - A copy of my eviction notice is attached as Exhibit A. (*Attach a copy of your eviction notice if you have it.*)
 - My landlord did not give me an eviction notice before filing this court case.

3. On _____ (*date*), my landlord filed this eviction court case against me.

- The eviction notice or complaint says that I am being evicted because (*check all*

that apply):

- I owe past due rent;
- My lease has expired;
- Other: _____

5. On April 23, 2020, Illinois Governor J.B. Pritzker entered Executive Order 2020-30, as amended and extended by Executive Orders 2020-33, 2020-39, 2020-44, 2020-48, 2020-52, 2020-55, and 2020-59 which prohibits a person or entity from commencing a residential eviction action pursuant to or arising under 735 ILCS 5/9-101 et seq., unless a tenant poses a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation. This moratorium is in effect through November 14, 2020.

6. My landlord has filed this case in violation of the Illinois residential eviction moratorium, since:

- a. My landlord filed this case between April 23 and November 14, 2020; and
- b. This case is not based on a direct threat to the health and safety of other tenants; and
- c. This case is not based on an immediate and severe risk to property; and
- d. This case is not based on a violation of any applicable building code, health ordinance, or similar regulation.

7. This case should be sealed pursuant to 735 ILCS 5/9-121(b) because the plaintiff's action is sufficiently without a basis in fact or law, placing the court file under seal is clearly in the interests of justice, and those interests are not outweighed by the public's interest

in knowing about the record.

WHEREFORE, Defendant asks that this case be dismissed, and this matter be sealed by the Clerk of the Court.

I certify that everything in the Motion is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

_____ Signature	_____ Street Address
_____ Print name	_____ City, State, Zip
_____ Telephone number	

I agree to receive court documents at this email address during my entire case:

Routine and Agreed Orders Submission

You are encouraged to communicate with all parties prior to the Court status and case management dates and to submit proposed agreed orders. It is best for parties to confer jointly and submit proposed agreed orders before hearing. You must e-file your proposed agreed order unless you have an approved exemption from e-filing. Contact the Court Clerk to confirm the procedure for filing an agreed order. Depending on your county, you may need email your requests for entry of an agreed order, or ruling on uncontested matters, to the Circuit Clerk's Office before E-filing.

Documents

Proposed agreed orders, and uncontested motions and presentations, include but are not limited to the following:

- Dismissals
- Entry of Protective Orders (HIPAA) and otherwise
- Appointment of Special Process Servers;
- Agreed Briefing Schedules; and
- Extensions of Discovery Schedules

Most forms for civil matters are now available online in fillable PDF format at the Illinois Courts website under "Access to Justice > Standardized State Forms > Approved Statewide Forms." These can then be filed electronically in your case:

<http://www.illinoiscourts.gov/Forms/approved/default.asp>. Court forms may also be available on the website for your Judicial Circuit or Circuit Court.

Requirement for Submitting Proposed Orders:

- You must submit a cover letter, which has the following:
 - the case name and number
 - detail of the documents attached
 - summary of the action requested
 - a representation by you as to the agreed nature of the requests.
- The documents attached to the email shall include the subject motion, any supporting documentation and the proposed order.
- If notice to any party would be ordinarily required, you must also represent that the party to whom notice is required has received all submitted materials and has CONSENTED to the proposed action/order.
- All proposed orders must be submitted as a PDF.

Court's Response

Upon receipt of the submitted materials, the Circuit Clerk's Office will forward the filing and the proposed order to the assigned judge. If the assigned judge approves the order, the Circuit Clerk will present the order to the judge for signature. The Clerk will then email the signed order to the parties. If not approved, the Circuit Clerk will notify you and your case parties and provide further instructions as appropriate.

Date: _____

To: _____ County Circuit Clerk, _____

RE:

Plaintiff vs. Defendant

Kane County Case Number _____

Attached is a proposed **Agreed Dismissal Order: Pay and Stay** in my eviction case. I am requesting that the judge sign this Agreed Order and dismiss the case. The parties have agreed to and have received a copy of this proposed order.

I gave a copy of this letter to: _____ by
name of the other party

Mail at: _____
Mailing address

Email at: _____
Email address

Hand Delivery

Sincerely,

Signature

Street Address

Print name

City, State, Zip

Telephone number

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____)	
)	
Plaintiff,)	
)	
vs.)	Case No. _____
)	
_____)	
)	
Defendant.)	

AGREED DISMISSAL ORDER: PAY AND STAY

This cause coming before the Court; the Court being fully advised in the premises, having jurisdiction over the subject matter, and by agreement of the parties, FINDS AS FOLLOWS:

1. Plaintiff (landlord) and Defendant (tenant) agree that Defendant (tenant) owes Plaintiff (landlord) \$_____ total in past due rent, late fees if any, and costs if any. (If the property is covered by the CARES Act, no late fees can be charged for rent due between March 27 and July 24, 2020.)

2. Defendant (tenant) agrees to pay the amount listed in paragraph 1 by paying Plaintiff (landlord):

\$_____ (dollar amount) per week month other _____

for _____ (number) weeks months other _____

beginning on _____ (date).

Special payment instructions or additional provisions:

These payments are in addition to any current rent that becomes due during this time period.

3. Plaintiff (landlord) agrees to reinstate the tenancy and that Defendant (tenant) may remain in the unit, subject to the terms of the repayment agreement.

Plaintiff Initials

Defendant Initials

Attending Court by Phone or Video: Questions and Tips for Court Users



How do I know if my court date is by phone or video rather than at the courthouse?

The court will notify you if your hearing is remote. You may be contacted by mail, email, text message, or phone so check all of your messages regularly.

Can I ask to appear for court by phone or video?

You can request to appear remotely by phone or video. Call the Clerk's office for information.

How do I attend a remote hearing?

The court will send you instructions on how to join your remote hearing by phone or video. If you still have questions, you can call the Clerk's office.

Will it cost me money to attend remotely?

There are many free options for appearing remotely. If cost is a concern, you can ask the court to use a free service or ask for a fee waiver.

Can I reschedule my remote hearing?

You must contact the Clerk's office ahead of time if you cannot attend your scheduled remote hearing.

What if I don't have a computer or phone?

If you do not have a computer, you can ask to appear by phone. If you do not have a phone, ask the Clerk what other options are available.

Can I still get an interpreter or disability accommodation for a remote hearing?

Yes, the court should provide the same services they would provide at an in-person hearing. Contact the Clerk's office to let them know you need help.

What should I expect during the hearing?

- You may be placed on hold or in a "waiting room" before the hearing starts.
- If you are appearing by video, set your screen name to appear as First Name Last Name.
- Introduce yourself when the hearing starts.
- Your hearing is live, and everyone can hear what you say. It may even be recorded by the court or viewable by the public.
- You should ask what will happen next in your case and how to get a copy of the court order.

Getting Ready for Your Remote Hearing



Check your Internet or phone connection.



Download the program the court tells you to use (for example, Zoom or Skype). Practice until you feel comfortable using it.



Charge your computer or mobile device. Make sure your phone has enough minutes.



Use earbuds or headphone if you can. This makes it easier to hear you speak.



Check with the court ahead of time if you have evidence to share (including documents and photos) or witnesses to call.



If you communicate directly with the judge (not the clerk), you are required to also include the other party in your messages.



Use an empty, quiet place where no one will interrupt you and with no background noise.



Set the camera at eye level. If using a phone, prop it up so your hands are free.



Pause before speaking in case there is any audio/video lag. Mute yourself when not speaking to improve sound quality. Let the judge know immediately if you cannot hear what is being said.



Even if you are at home, remember that a remote hearing is still an official court hearing and you should dress and behave appropriately.

If you have any questions, reach out to the Clerk's office as soon as possible. If you wait until right before your hearing, it may be too late to get help.





How to Use Zoom for Court

What will I need to attend Court using Zoom?

You will need a **desktop computer, laptop, or smartphone that are equipped with a camera and microphone and a stable internet connection**. If you do not have access to those devices, see **Call-In Options** at the bottom of this document. The instructions for attending a remote hearing are as follows:

First Step: Install Zoom For Free

For **smartphones** and **tablets**, install ZOOM from the Play Store or App Store.

For your **desktop computer, laptop** or notebook device with webcam and microphone, please visit www.zoom.us and follow the instructions to download the app.

Second Step: Create an Account

Create a Zoom account by going to Zoom.us, and click, "sign up, it's free" and follow the prompts from there. You will need to use your email address and create a password. You only need to do this one time; this is the account you will use each time you enter a Zoom virtual hearing.

You should test audio and video at least 24 hours before the conference. This can be done in the "Preferences" or "Settings" window of the program. You will also want to test the program to be sure that you have a strong Wi-Fi connection. If your signal strength is too weak this may impact your ability to participate in the virtual hearing. If you are unable to participate by video, see the section titled "Call-In Options".

Third Step: Join the Zoom Call

Be sure to join the Zoom call 15 minutes before the start time.

To join, you will need to access the Zoom remote court session information, which includes the meeting ID and password. Follow the instructions you are given by the court for joining the This information may be available on the website for the Judicial Circuit which your county's circuit court belongs to. Find links to information on joining remote hearings under "**Court Specific Instructions**" below.

1. Go to <https://zoom.us/join> (Google Chrome is the best browser for this).
2. Select "Join Meeting" in the upper right hand corner of the screen.
3. Enter the Meeting ID provided to you by the court. These may be on the court website. Find a directory of remote hearing information and Zoom directories here: <http://illinoiscourts.gov/Media/remotehearings/default.asp>
4. Once these above steps have been completed, you will have joined the Zoom session and be placed into the Zoom Waiting Room. (When in the Waiting Room, you cannot hear or see the court proceedings.)
5. The name that you choose for yourself will be shown on the screen during the call. You **must** use your full name as it appears in your case as well as your case number so that you can be identified. If you fail to do so, you may not be admitted into the proceeding from the Waiting Room.
6. When the court is ready to hear your case, you will be allowed entry into the Zoom meeting from the Waiting Room.
7. A message box will then appear asking you to "**join with computer audio,**" or "**join with internet audio.**" Making your selection will allow you to hear the meeting and speak through your device.

Tips:

- Do not join the Zoom meeting while in a moving vehicle. Internet connectivity may affect your Zoom connection.
- You may join the Zoom court session if you join before the host is ready to start the session. **Please do not leave the meeting**; once the host begins the session, you will be placed into the Waiting Room
- Join the Zoom Court Session 15 minutes before the scheduled time. If you arrive late, you will end up waiting longer in the Waiting Room.
- When you are admitted from the Waiting Room, you should mute yourself by clicking on the microphone icon. If there is a red line through the microphone you are muted and cannot be heard by the people in the meeting. When it is your turn to speak, you will need to unmute yourself by clicking the microphone.
- If you have not previously clicked on the “Join by Video” button, you may click on “start video” after joining the meeting so that others can see you. If the “start video” icon on the bottom left corner has a red line through it, that means that no one else can see you.

Behave As You Would in a Courtroom

- You should be appropriately dressed if appearing by video for a virtual hearing.
- Be aware of your background (area behind you). Make sure it is appropriate; it will be seen by the Judge and other people attending the hearing. Make sure you are not sitting directly in front of or behind a window, because the light or reflection can affect the video.
- Choose a quiet place to participate in the hearing. Cell phones should be muted, doors to rooms closed and disruptions minimized.
- You should remain on mute until it is your time to speak. Do not speak over anyone and do not interrupt anyone. Use appropriate language as you would in a courtroom.
- If there is a court reporter or language interpreter present, be aware that he or she may interrupt from time to time to clarify who is speaking.
- If you do not follow the Court’s rules, you may be removed from the Court hearing, and the Judge can impose a fine or other punishment.
- **Recording/Photographs/Reproduction: Any video recording, audio recording, photographing, taking screenshots, and/or reproducing of the livestream is strictly prohibited. The recording, publishing, broadcasting or other copying or transmission of courtroom proceedings by video, audio, still photography or any other means is strictly prohibited by Illinois Supreme Court Rule 68(A)(8) and is subject to the penalties for contempt of court. Observers should keep their video off and sound on mute.**

Other Zoom Features

- Breakout Room: If two or more participants need to have a private conversation, the Judge can send them into their own meeting and then bring them back into the hearing when the conversation is over.
- Share Screen: This feature can be used to share documents that you have on your computer. The ability to present documents will depend on the courtroom. If a document needs to be shared with the participants, be prepared to show a PDF version from your computer with the “Share Screen” feature or in any other manner in which that court deems appropriate (i.e. Dropbox). The Host will be the only one to assign participants to share screen.

- Chat Room: This feature can also be used to send documents or messages. Some courtrooms may allow the chat rooms. However, you may not have a private chat with the judge at any time. If anyone uses the chat to have an ex parte communication (private chat) with the Judge, the Judge will let everyone know, and that person may be removed from the proceeding.
- Interpretation: An interpreter can join the Zoom meeting.

Call-In Options

If you are unable to join using a computer, laptop, or smartphone, you may join the hearing by calling in. While you will not be able to see the other participants, and they will not be able to see you, you will still be able to hear each other. The number to call to join the meeting should be provided for you, or it may be available on the court website.

You will join the meeting on mute. To unmute yourself when dialing in by phone you, will have to press *6. You should remain on mute except when it is your turn to speak. Please identify yourself when it is your turn to speak, please speak clearly and loudly so that everyone can hear you.

Court-Specific Instructions by County

- Boone – http://www.illinois17th.com/index.php?option=com_content&task=view&id=498&Itemid=263
- DeKalb – <https://www.illinois16thjudicialcircuit.org/Documents/Zoom%20Instruction%20and%20Protocol%20Sheet%20-%20Kane%20County.pdf>
- DuPage – https://cdn.ymaws.com/www.dcba.org/resource/resmgr/court_rule_amendments/law_division_instruction_upd.pdf
- Jo Daviess - https://www.jodaviess.org/vertical/sites/%7B7C77C92D-D4A3-4866-8D3D-FE560FE5CFC8%7D/uploads/Zoom_instructions_for_court.pdf
- Kane – <https://www.illinois16thjudicialcircuit.org/Documents/Zoom%20Instruction%20and%20Protocol%20Sheet%20-%20Kane%20County.pdf>
- Kendall – <https://www.illinois16thjudicialcircuit.org/Documents/Zoom%20Instruction%20and%20Protocol%20Sheet%20-%20Kane%20County.pdf>
- Lake - <https://19thcircuitcourt.state.il.us/2163/Remote-Court-Hearings>
- Livingston - <https://www.mcleancountyil.gov/circuit-court/remote-hearings>
- Marshall - <https://10thcircuitcourtil.org/306/COVID-19>
- McHenry - <https://www.mchenrycountyil.gov/county-government/departments-a-i/circuit-clerk/virtual-courtroom-information>
- McLean - <https://www.mcleancountyil.gov/circuit-court/remote-hearings>
- Peoria - <https://10thcircuitcourtil.org/306/COVID-19>
- Putnam - <https://10thcircuitcourtil.org/306/COVID-19>
- Stark - <https://10thcircuitcourtil.org/306/COVID-19>
- Tazewell - <https://10thcircuitcourtil.org/306/COVID-19>
- Whiteside - <https://www.whiteside.org/county-information/whiteside-county-courts-zoom-information/20200617478.html>
- Will - <https://www.willcountycourts.com/Portals/1/AO%202020-19%20Revised.pdf>
- Winnebago - http://www.illinois17th.com/index.php?option=com_content&task=view&id=498&Itemid=263

- [3](#)
Woodford - <https://www.mcleancountyil.gov/circuit-court/remote-hearings>

More Zoom Assistance

- For a short video on Joining a Zoom meeting for the first time (8:15 minutes in duration):
<https://www.youtube.com/watch?v=9isp3qPeQ0E>