Illinois Court-Based Rental Assistance Program Toolkit

Serving Residents Outside of Cook County*

Frequently Asked Questions (FAQs) Eviction Court Process

Disclaimer: Information included in this document will be updated on a regular basis when applicable.

1. Can landlords evict tenants at this time?

Yes. Governor Pritzker's eviction moratorium expired on Oct. 3, 2021. All eviction cases may be filed, and all eviction orders and judgments may be enforced.

2. For what reasons can a landlord evict a tenant?

A landlord **can evict** a tenant if the tenant:

- Fails to pay rent.

- Breaks any of the rules in the lease agreement.

- Damages the property.

- Does not have a written lease, but pays rent monthly, and the landlord gives a notice to move.

A landlord **cannot evict** a tenant for:

- Complaining to a building inspector, fire department, health inspector, or other governmental agency about unsafe, unhealthy, or illegal living conditions.

- Not paying rent, if the tenant left the property for a period of time because of domestic violence or the threat of domestic violence.

- Not paying rent, if the landlord accepted the rent due before the notice period ended.

- Race, color, national origin, ancestry, sex, disability, religion, familial status, military status, age, marital status, sexual orientation, or being a protected party under an order of protection.

3. How does the eviction process work in Illinois?

The eviction process involves the following steps:

1. **Notice to Terminate Tenancy (eviction notice):** A landlord must give a tenant written notice before starting an eviction case in court. This is often a 5-day notice, and if the tenant pays within the 5 days, the landlord must take the money.

2. **Filing an Eviction Case:** If the tenant does not pay the rent within the notice period, the landlord can file an eviction case in court. The landlord will file an Eviction Complaint, which starts the case, as well as an Eviction Summons, which informs the tenant the case has been sent to eviction court. While the Complaint creates the court case, it does not mean the eviction has been approved.

3. **Eviction Order Entered:** A hearing will be held and once the judge has enough information, they will make a decision and enter an order. If the judge rules in favor of the landlord, an Eviction Order will be issued, meaning the tenant has lost the right to stay in the unit and the eviction process will proceed. The order may also require the tenant to pay any past-due rent, which may include rent accumulated during the eviction process.Does not leave the property after the lease comes to an end.

4. **Eviction by the Sheriff:** After the judge issues an Eviction Order, the County Sheriff has the authority to remove a tenant from their home and prevent them from entering. After the Sheriff evicts a tenant, the landlord can remove any remaining belongings from the home. Eviction procedure changes from county to county, contact your Sheriff's office to find out what their process is.

4. How does a CBRAP application impact the eviction process?

Landlords and tenants should inform the judge that a CBRAP application is pending, and the judge may continue the case to allow time for the application to be processed. To check the status of applications submitted with the Illinois Housing Development Authority, visit **www.IllinoisHousingHelp.org**.

5. How can court partners help if there is no official eviction resolution program in the courthouse?

Court partners can take the following actions:

- Refer litigants to the Court-Based Rental Assistance Program as well as legal aid and mediation services:

    In Cook County: **www.cookcountylegalaid.org**

    Outside of Cook County: **evictionhelpillinois.org**

- Help litigants apply for the Court-Based Rental Assistance program and check the status of their applications.

- Ask for a case to be continued to allow parties to seek legal assistance and rent assistance and provide referral information for legal aid and rental assistance programs.

- Direct litigants to the statewide approved orders in eviction cases to help facilitate resolutions (e.g., Agreed Order Dismissing Eviction Case with Permission to Reinstate, Agreed order in Eviction Case (Pay & Stay), Agreed Order in Eviction Case (Defendants Agree to Move).