



## Executive Order 2020-72 Frequently Asked Questions

### **Q: What does Executive Order 2020-72 do?**

A: [Executive Order 2020-72](#) continues to protect many individuals from eviction. If an individual meets the definition of a “covered person,” their landlord may not initiate an eviction proceeding against them unless certain health and safety exceptions apply. However, this Executive Order does allow for limited evictions to proceed, under certain conditions. For example, if a tenant’s income is over the limit described below, an eviction action may be filed against them. In addition to prohibiting the filing of an eviction action against certain individuals, the Executive Order also prohibits enforcement of eviction orders by law enforcement officers against those individuals, unless they pose a direct threat to the health and safety of other tenants or an immediate and severe risk to property.

### **Q: Who is considered a “covered person” and protected from eviction under the Executive Order?**

A: A “covered person” is a tenant, lessee, sub-lessee, or resident of a residential property that provides their landlord, the owner of the property, or other person or entity with a legal right to pursue an eviction action against them with a declaration under penalty of perjury stating 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.



**Q: What is considered a non-discretionary expense?**

A: Non-discretionary expenses include, but are not limited to, food, utilities, phone and internet access, school supplies, cold-weather clothing, medical expenses, childcare, and transportation costs, including car payments and insurance.

**Q: As a landlord, what steps must I take before beginning an eviction action?**

A: A landlord, owner of a residential property, or anyone with the legal right to pursue an eviction action, must provide each tenant, lessee, sub-lessee, and other residents of the property who are signatories to the lease, with a declaration form prior to commencing an eviction action. The declaration form must be provided before the landlord can issue a notice of termination of tenancy (i.e., the 5-day notice).

**Q: Where can I find a copy of the declaration form?**

A: The form will be available on the [Illinois Housing Development Authority's](#) webpage. While the Executive Order requires landlords to provide their tenants with a copy of the declaration before initiating an eviction proceeding, tenants may submit a completed and signed declaration form to their landlords at any time.

**Q: I am an undocumented tenant, am I protected under this Executive Order?**

A: Anyone who meets the definition of a "covered person," is protected under this Executive Order, regardless of immigration status.

**Q: If I am a covered person, do I still owe rent to my landlord?**

A: Yes, nothing in this Executive Order relieves individuals of their obligations to pay rent or comply with any other obligation that they may have under their lease or rental agreement. Even if you are protected from eviction, you are still obligated to pay any and all rent that is due.

**Q: My tenant has created an unsafe environment for other tenants in the building, what are my options as a landlord?**

A: Under Executive Order 2020-72, landlords can continue to file orders of eviction if a tenant poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property. Law enforcement officers can also enforce eviction orders if the tenant has been found to pose these threats.

**Q: I am a landlord that received an eviction order against my tenant before the stay-at-home order was issued in March, can those evictions move forward?**

A: All eviction orders, including those that were entered before March 20, 2020, can be enforced if the tenant has been found to pose a direct threat to the health and safety of other tenants or an immediate and severe risk to property.



**Q: What resources are available for tenants who cannot afford to pay their rent?**

A: The Department of Human Services (DHS) operates the [Homeless Prevention Program](#), with help from local providers. This program assists with housing, like rent/mortgage payments, for eligible individuals who are at risk of eviction, at risk of becoming homeless, or are currently homeless. To find your local provider, [click here](#).

**Q: How long are tenants protected under this Executive Order?**

A: Executive Order 2020-72 will remain in effect for the next 30 days and is set to expire on December 12, 2020. However, this Executive Order may be extended or amended at any time prior to the date of expiration. For up to date information on the status of Governor Pritzker's Executive Orders, please visit the [State of Illinois Coronavirus \(COVID-19\) Response](#) webpage.