



Executive Order 2020-72 Frequently Asked Questions

Q: What does Executive Order 2020-72 do?

A: [Executive Order 2020-72](#), as amended and re-issued, continues to protect many individuals from eviction. The Executive Order provides the following protections:

For tenants who are unable to make full rent payments: If the tenant meets the definition of a “covered person” and returns a signed declaration form, their landlord may not initiate or continue an eviction proceeding against them unless certain health and safety exceptions apply. If the tenant does not meet the definition of a “covered person,” an eviction action may be filed against them for nonpayment of rent.

For tenants who do not owe rent: If the tenant is current on rent, their landlord may not file an eviction action against them unless certain health and safety exceptions apply.

For all tenants: The EO prohibits enforcement of eviction orders by law enforcement for all tenants, unless the court finds that the tenant poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property. Under Illinois law, only public law enforcement agencies can enforce eviction orders.

Q: Who is considered a “covered person” 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 (i.e. stimulus check);
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.

While individuals who are current on their rent do not fall under the definition of a “covered person,” they are also protected under this Executive Order. (See questions below).

Q: I am a month-to-month tenant who is up to date on my rent, am I protected from eviction?

A: Yes, you are protected if you do not owe rent and have remained in your unit beyond your lease or have a month-to-month tenancy. If this is your circumstance, you are not required to submit a declaration form to your landlord.

In this case, your landlord cannot file an eviction action against you unless you pose a direct threat to the health and safety of other tenants or an immediate and severe risk to property.

Q: Can my landlord evict me for a minor lease violation if I do not owe rent?

A: If you do not owe rent, your landlord cannot file an eviction action against you for a minor lease violation that does not rise to the level of a direct threat to the health and safety of other tenants or an immediate and severe risk to property.

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, dental, medical, and vision expenses, childcare, and transportation costs, including car payments, maintenance, and insurance.

Q: As a landlord, what steps must I take before beginning an eviction action for nonpayment of rent?

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 the 2-page declaration form prior to commencing an eviction action for nonpayment of rent.

The declaration form must be provided at least five days before the landlord issues a notice of termination of tenancy. Delivery by the landlord of the declaration to residents



must conform with the service requirements for termination notices in the Eviction Act (735 ILCS5/9-211).

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

A: The 2-page 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 form 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 either: (1) meets the definition of a “covered person” or (2) does not owe rent, 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. It is important for those who can pay to do so, which allows flexibility for those that cannot.

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 against a tenant who poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property. Law enforcement officers can enforce eviction orders if the tenant has been found to pose these threats.

Q: How much time should landlords provide to tenants to review the declaration form before issuing a termination of tenancy notice?

A: The Executive Order requires that landlords provide the declaration form to tenants at least five days prior to issuing a notice of termination of tenancy. A landlord cannot pursue an eviction proceeding until the notice period has lapsed.

If a tenant, lessee, sub-lessee, or resident of a residential property submits their signed declaration form following the commencement of a residential eviction action, the landlord may not continue the eviction action, unless the tenant poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property.

Q: If I applied for rental assistance, is that considered making “best efforts” to make payments?



A: Applying for a rental assistance can be considered “best efforts to make timely partial payments.” However, a tenant’s failure to apply for rental assistance should not be evidence of failure to make “best efforts.”

Q: What is considered a COVID-19 related hardship?

A: A COVID-19 related hardship can include, but is 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. Other examples include individuals who have had to leave their jobs to care for a child engaged in online-distance learning and individuals no longer receiving child support because a former partner has experienced a COVID-19 related financial hardship.

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](#).

In late December 2020, the Consolidated Appropriations Act was signed into law by the President, which provides \$25 billion in rental assistance funds to states across the country. Illinois is expected to receive approximately \$834 million in rental assistance funds, split amongst various counties and the state. In the coming weeks, the Illinois Housing Development Authority (IHDA) will be launching a statewide program to begin helping households who have fallen behind on their rent due to the COVID-19 pandemic.

Q: Where can I go if I need legal assistance?

A: The Illinois Attorney General’s Office has information regarding legal aid providers on [their website](#). The site includes providers available to assist you, depending on the area of Illinois in which you reside.

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 by law enforcement only 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.

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