



Illinois Supreme Court extends ban on eviction proceedings through September 18

Jerry Cavanaugh, CBAI General Counsel

August 31, 2021 --- If any landlords were contemplating whether a challenge to Governor Pritzker's extension of the moratorium on evictions should be challenged in court, the answer came down on August 30, when the Illinois Supreme Court, which has governing jurisdiction over procedures in the Illinois judicial system, updated its own Order to ban court filings in eviction cases until at least the current September 18, 2021 expiration date of the Governor's moratorium.

Exemptions from the Supreme Court's stay of eviction filings exist when a tenant "poses a direct threat to the health and safety of other tenants or an immediate and severe risk to property." Furthermore, the stay can be avoided if a rental assistance program has denied the tenant's application, if the tenant is clearly ineligible for a rental assistance program, or if the tenant can not legitimately demonstrate that (s)he is a "covered person" under the Governor's Executive Order #2021-13 (as amended). The landlord bears the burden of proof regarding any exception, although the Supreme Court's latest Order states that reliance on the eligibility determination made by a rental assistance program is generally accepted by Illinois courts.

Because the Supreme Court's August 30th Order dictates procedures that are effectively synchronized with the Governor's extension of the current eviction moratorium, suing to overturn the Governor's extension would likely be a waste of time and money.

Community Bankers Association of Illinois

901 Community Drive, Springfield, IL 62703
217/529-2265 or 800/736-2224