

Eviction Toolkit for Self Represented Litigants in Illinois

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www.pslegal.org

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PRAIRIE STATE LEGAL SERVICES

Equal Access to Justice

Updated October 12, 2021

EVICTIONS DURING COVID-19



The Illinois eviction moratorium ended on October 3

Beginning **October 4, 2021**, any eviction case can be filed and any eviction order can be enforced.

GET HELP!

- Visit www.helpillinoisfamilies.com (1-833-711-0374), www.illinoisrentalassistance.org, or <https://ilrpp.ihda.org/> to find rent assistance, or find your local Community Action Agency at www.iacaanet.org/members to apply directly. Applications take some time to process. You may also try contacting other local agencies, such as Catholic Charities or Salvation Army, to request help.
- Residents of many counties can call 2-1-1 for information about rent assistance resources (visit www.illinois211.org for more information).
- If you live in income-based housing and your income has changed, ask the landlord or the Housing Authority to "recertify" your income.
- For more information about evictions during COVID, visit www.pslegal.org or www.illinoislegalaid.org.

If you get an eviction notice, ask for free legal help by calling 855-631-0811 or visit evictionhelpillinois.org.

HELP WITH RENT IS NOW AVAILABLE



- Are you in eviction court because you fell behind on rent?
- Did you lose income or suffer financial hardship because of Covid-19?
- Are you at risk of becoming homeless?

If you answered "Yes" you may be eligible for rental assistance

Tenant Documentation Requirements:

- Government-issued photo ID
- Proof of address
- Proof of household income
- Proof of public assistance (if applicable)
- Amount of past due rent
- Eviction court papers (Complaint/Summons)
- Valid email address

Housing Providers/Landlords Documentation Requirements:

- Proof of ownership
- Proof of unpaid rent
- Written lease (if applicable)
- Eviction court papers (Complaint/Summons)
- Valid email address

NOTE: Proof of citizenship is not required. Rental assistance is not considered a "public charge" benefit.

Tenants and Housing Providers/Landlords should work together to apply online at ilrpp.ihda.org



Need additional support? Call 866-ILHELP1 (866-454-3571)



Need Legal Help?

Eviction Help Illinois provides free legal aid and mediation services to prevent evictions and increase housing stability. Visit evictionhelpillinois.org or call 855.631.0811 to learn more.



Eviction Help Illinois Offers Free Legal Help for Illinois Residents



Renters facing potential eviction



Landlords seeking legal information



TO FIND OUT IF YOU ARE ELIGIBLE FOR **FREE** LEGAL HELP



CALL:

855.631.0811



VISIT:

evictionhelpillinois.org



TEXT EVICTION TO:

844.938.4280

Text option is not available in Cook County.

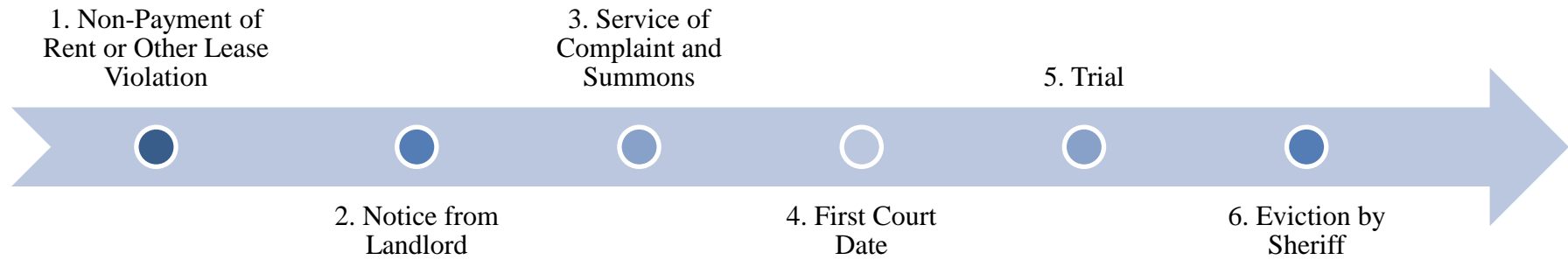
Eviction Help Illinois is a state-funded network of 16 non-profit organizations providing free legal aid, mediation services, and connections to other resources including rental assistance in response to the eviction crisis. Mediation is an opportunity for landlords and tenants to resolve issues with the help of a knowledgeable and neutral person.

These services are funded via a partnership between the **Illinois Department of Human Services** and the **Illinois Equal Justice Foundation**.



By texting 844-938-4280, I agree to get text messages about my requests and related legal information from Illinois Legal Aid Online (ILAO). I understand that my consent to get texts is not required to get this eviction help. To stop getting messages, text STOP. For help, text HELP. Message and data rates may apply.

The Eviction Process in Illinois



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, 14 or 30 days, depending on the legal issue and the type of housing you live in. 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. In some counties, the landlord and tenant may attend mediation before 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!**

Tips for Landlords and Tenants to Settle an Eviction Case

- Explore rent assistance options!
- 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.
- Talk to each other! If an eviction court case has already been filed, you don't have to wait for your court date to make an agreement. If you make an agreement before your court date, you might be able to submit an agreed order to the judge before court. Contact your local Circuit Court Clerk to find out the rules in your county.



Why should a landlord consider settling?

- Getting partial rent payments may be better than getting no rent, especially if it means keeping a good tenant.
 - Eviction court cases and finding new renters costs money.
 - An occupied unit may be safer than an empty unit.
- There may be a long delay in getting and enforcing an eviction order.



Additional Resources for Tenants

- **Court-Based Rental Assistance Program (CBRAP):** ilrpp.ihda.org
- **Rental assistance resources:** www.illinoisrentalassistance.org/
- 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](#))
- **Eviction Help Illinois:** Free legal help; visit evictionhelpillinois.org, call (855) 631-0811, or text 1-844-938-4280
- **Rentervention:** www.rentervention.com helps tenants with COVID-related issues like evictions, rental assistance, and emergency housing
- **Helpillinoisfamilies.com:** assistance with rent, utilities, food and more
- **Statewide court forms:** <https://atjil.org/>
(including Application for Waiver of Court Fees, Appearance, Notice of Motion, and Interpreter Request)
- **Illinois Courts' Remote Hearings Directory:**
<http://illinoiscourts.gov/Administrative/remotehearings/default.asp>
- **Prairie State Legal Services' Renters Handbook:** <https://www.pslegal.org/covid-resources/>
- **www.illinoislegalaid.org:** Free legal information
- Find your local community action agency here:
<https://www2.illinois.gov/dceo/CommunityServices/HomeWeatherization/CommunityActionAgencies/Pages/default.aspx>
- Find your local homeless prevention provider here:
<https://www.dhs.state.il.us/page.aspx?item=110583>
- **Township General and Emergency Assistance:** Townships may be able to provide General or Emergency Assistance to their residents. Find your township here: <https://www.toi.org/illinois-townships-map>
- **COVID-19 Housing & Utility Assistance Project:** If you are a refugee, immigrant, or have low English skills, you may be able to get rental, mortgage and utility assistance through this project. Call (312) 793-7120 or email dhs.bris@illinois.gov.
- **covidhelpillinois.org:** 24/7 free automated help for people facing housing and other problems during the pandemic

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 (if allowed by the lease)

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.

By signing this Rent Repayment Agreement, the parties agree that the tenancy shall continue, all prior eviction notices are rescinded, and the tenant may remain in the property.

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

In **6a-d**, check the boxes and/or fill in the blanks with your agreements.
In **6c**, a material violation is one that defeats the purpose of the agreement. For example, if the tenant is using the residence as a business location.

In **7**, enter the final date the Plaintiff may file a motion to request a hearing. This date can be agreed on by the parties or provided by the judge.

In **8a**, if you checked the third box, write in the number of days you agree on.

The amount in **8b** does not have to be the same as what is in section **3**.

Complete **9** only if applicable.

In cases that have not yet been sealed, the parties may agree to seal the court file in a residential eviction action under: ([735 ILCS 5/9 – 121.5](#)) The parties' right to seal by agreement expires on August, 1, 2022.

All parties (or their lawyer) who agree to this *Order* should sign it.

Enter the name and contact information of the person completing this *Order*. DO NOT complete the section to the right for Date and Judge.

- 6.** This case is dismissed. Plaintiff may file a Motion to reinstate this case only if Defendants (*check all that apply*):
- a. violate the repayment agreement in Section 3
 - b. do not move out by the date in Section 5
 - c. materially violate the lease after the date of this *Order* and before the date in Section 7
 - d. other: _____

7. Plaintiff may reinstate this case by filing a motion explaining how Defendants violated this *Order*. Defendants may assert relevant defenses to Plaintiff's motion. A motion to reinstate, and any defenses to the motion, must be based on events that occurred after the entry of this *Order*.
Plaintiff may not file a motion to reinstate this case after _____ .
Date

- 8.** If Plaintiff proves that Defendants violated the terms of this *Agreed Order*, the court will enter:
- a. an *Eviction Order* (if Defendants are still in the property). The *Eviction Order* can be enforced (*choose one*):
 - immediately (*meaning the sheriff can evict Defendants right away when the Eviction Order is entered*), OR
 - only after _____ days (*meaning the sheriff must wait that number of days after the Eviction Order is entered to evict Defendants*).
Number
 - b. a money judgment against Defendants for the agreed amount of \$ _____ minus any payments made.

9. Other agreed terms (*if applicable*): _____

The parties agree to seal the court file. The clerk shall place the file under seal upon entry of this *Order*. (*Note: In some counties, the court may enter a separate sealing order.*)

Signed and agreed to,

Plaintiff (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Name: _____
Address: _____
Telephone #: _____
Email: _____
Attorney # (if any): _____

ENTERED: _____
Date

Judge

In 6 and 7, "with prejudice" means the claim is forever dismissed.

In 7, this paragraph will not apply if no money is listed in 4. Include only those Defendants who have agreed to this *Agreed Order*.

In 8, check all that apply.

In 8a, if you checked the second box, write in the number of days you agree on.

The amount in 8b does not have to be the same as what is in Section 4.

Complete 9 only if applicable.

In cases that have not yet been sealed, the parties may agree to seal the court file in a residential eviction action under: ([735 ILCS 5/9 – 121.5](#)) The parties' right to seal by agreement expires on August, 1, 2022.

All parties (or their lawyer) who agree to this *Agreed Order* should sign it.

On the left, enter the name and contact information of the person completing this *Agreed Order*. **DO NOT** complete the section on the right for Date and Judge.

6. If Defendants have moved out and paid any amount owed as stated in Section 4 of this *Agreed Order*, this case will be dismissed with prejudice and Plaintiff may re-enter the property. Any of Defendant's personal property left behind after the move-out date will become the property of Plaintiff.

7. If Defendants have moved out but Plaintiff proves that Defendants have not paid the full amount listed in Section 4, the claim for possession will be dismissed with prejudice. A *Judgment for Money Only in Eviction Case* will be entered against the following Defendants for what is still owed: _____

Any money paid between now and the next court date will be subtracted from the full amount listed above in Section 4.

8. If Plaintiff proves that Defendants violated the terms of this *Agreed Order*, the court will enter:

- a. an *Eviction Order* (if Defendants are still in the property). The *Order* can be enforced (choose one):
 - immediately (meaning the sheriff can evict Defendants right away when the *Eviction Order* is entered), OR
 - only after _____ days (meaning the sheriff must wait that number of days after the *Eviction Order* is entered to evict Defendants).
Number

b. a money judgment against Defendants for the agreed amount of \$ _____ minus any payments made.

9. Other agreed terms (if applicable): _____

The parties agree to seal the court file. The clerk shall place the file under seal upon entry of this order. (Note: In some counties, the court may enter a separate sealing order.)

Signed and agreed to,

Plaintiff (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Name: _____

Address: _____

Telephone #: _____

Email: _____

Attorney # (if any): _____

ENTERED: _____
Date

Judge

7. If Plaintiff proves that Defendants violated the terms of this *Agreed Order*, the court will enter (*check all that apply*):

In 7a, if you checked the second box, write in the number of days you agree on.

- a. an *Eviction Order* (if Defendants are still in the property). The *Eviction Order* can be enforced (*choose one*):
 - immediately (*meaning the sheriff can evict Defendants right away when the Eviction Order is entered*), OR
 - only after _____ days (*meaning the sheriff must wait that number of days after the Eviction Order is entered to evict Defendants*).

The amount in 7b does not have to be the same as what is in section 3.

- b. a money judgment against Defendants for the agreed amount of \$ _____
Amount
minus any payments made.

Complete 8 only if applicable.

8. Other agreed terms (*if applicable*): _____

In cases that have not yet been sealed, the parties may agree to seal the court file in a residential eviction action under: ([735 ILCS 5/9-121.5](#))
The parties' right to seal by agreement expires on August, 1, 2022.

- The parties agree to seal the court file. The clerk shall place the file under seal upon entry of this *Agreed Order*. (*Note: In some counties, the court may enter a separate sealing order.*)

All parties (or their lawyer) who agree to this *Agreed Order* should sign it.

Signed and agreed to,

Plaintiff (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

On the left, enter the name and contact information of the person completing this *Agreed Order*. **DO NOT** complete the section on the right for Date and Judge.

Name: _____

ENTERED: _____

Address: _____

Date

Telephone #: _____

Email: _____

Attorney # (if any): _____

Judge

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	COMPLIANCE (FOLLOW-UP) ORDER IN EVICTION CASE	<i>For Court Use Only</i> _____ Case Number
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the full names of Plaintiff, Defendants, and the case number as listed on the <i>Eviction Complaint</i> .	Plaintiff (For example, the landlord or owner): _____ _____ _____ v. Defendants (For example, the tenants or occupants): _____ _____ _____ <input type="checkbox"/> Unknown Occupants (Check the box for Unknown Occupants if it was checked in the Eviction Complaint.)	

NOTE: Use this Order only if Defendants have complied with an earlier agreed order such as the *Agreed Order in Eviction Case (Pay & Stay)* or *Agreed Order in Eviction Case (Defendants Agree to Move)*. If Defendants have not complied or there has been partial compliance, use the *Eviction Order, Judgment for Money Only in Eviction Case, or a continuance order* as needed.

In 1, enter the date of the earlier agreed order.

In 2, check all who are present at today's court date.

1. This case was in court for compliance of the agreed order entered on _____ .
Date

2. People in court (check all that apply): Plaintiff Plaintiff's Lawyer
 Defendants: _____

 Defendants' lawyer Other: _____

3. The Court finds Defendants have complied with the earlier agreed order.

4. This case is dismissed with prejudice.

In 4, "with prejudice" means the case is over and the claims cannot be brought back to court.

On the left, enter the name and contact information of the person completing this Order. **DO NOT** complete the section on the right for Date and Judge.

Name: _____ **ENTERED:** _____
Date

Address: _____

Telephone #: _____

Email: _____

Attorney # (if any): _____
Judge

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.

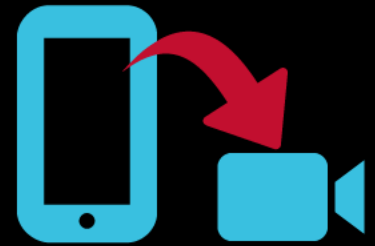
If you have any questions, reach out to the Clerk's office as soon as possible. If you wait until right before your hearing, it may be too late to get help.





ZOOM FROM YOUR PHONE

How to use Zoom on your smart phone
for your remote court hearing



1

GO TO YOUR APP STORE

On iPhones, it is called the App Store. On Androids, it is called Google Play. If the court gave you a link, click the link and follow the instructions.



2

DOWNLOAD THE ZOOM APP

Search for the Zoom Cloud Meetings app in the search bar and download the FREE app called "ZOOM Cloud Meetings."



ZOOM Cloud Meetings
Meet Happy
★★★★★ 965K



3

OPEN THE ZOOM APP

You can open the Zoom app immediately after downloading it by clicking the "Open" button in your App Store or you can open the Zoom app that is now on your phone.

OPEN



4

CLICK "JOIN A MEETING"

You do not need to "Sign Up" or "Sign In" to join a meeting.

Join a Meeting

5

TYPE YOUR INFORMATION AND CLICK "JOIN"

Type in the Meeting ID Number the court gives you in the box labeled **A**.
Type in your full name in the box labeled **B**.

Cancel Join a Meeting

Meeting ID **A**

Join with a personal link name

Screen Name **B**

Join

6

TYPE THE ZOOM MEETING PASSWORD

Type in the Zoom Meeting Password the court gives you in the box labeled **C** and click "Continue."

Please enter your meeting password

Password **C**

Cancel Continue

7

CLICK "JOIN WITH VIDEO"

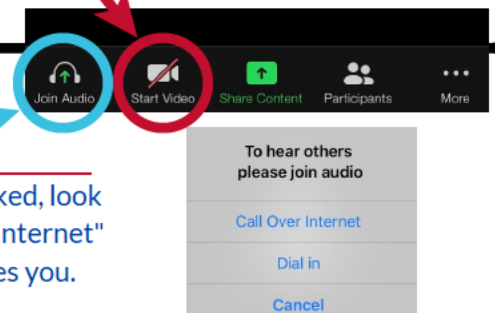
You will be automatically asked to connect to video. If you are not asked, look for the camera symbol and click "Start Video."

Join with Video

8

CLICK "CALL OVER INTERNET" OR "DEVICE AUDIO"

You will be automatically asked to connect to audio. If you are not asked, look for the headphones symbol, click "Join Audio," and select "Call Over Internet" or "Device Audio." "Dial in" requires the phone number the court gives you.



ZOOM FROM YOUR COMPUTER

How to use Zoom on your computer or laptop (with a webcam) for your remote court hearing



1

GO TO zoom.us/join

If the court gave you a link, click the link and follow the instructions.



2

TYPE YOUR INFORMATION AND CLICK "JOIN"

Type in the Meeting ID Number the court gives you in the box labeled **A** and click "Join."

Join a Meeting

3

CLICK "OPEN ZOOM MEETINGS"

If you don't have Zoom installed on your computer, click on "download and run Zoom" and open the .exe file to install Zoom.

4

TYPE YOUR INFORMATION AND CLICK "JOIN MEETING"

Type in the Meeting ID Number the court gives you in the box labeled **B**. Type in your full name in the box labeled **C**.

5

TYPE THE ZOOM MEETING PASSWORD

Type in the Zoom Meeting Password the court gives you in the box labeled **D** and click "Join Meeting."

6

CLICK "JOIN WITH VIDEO"

You will see a video preview before you join with video. If you do not want to appear with video, click "Join without Video."

7

CLICK "JOIN WITH COMPUTER AUDIO"

You can test your speaker and Microphone by click the words under "Join with Computer Audio."

Getting Ready for Your Remote Hearing:

- Check your internet or phone connection.
- Charge your computer or phone. Make sure you have enough minutes.
- Use earbuds or headphones if you can. This makes it easier to hear you speak.
- Look for the microphone symbol to mute and un-mute yourself.
- Keep yourself on mute when your case is not before the judge.
- Use an empty, quiet space 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 audio/video lag.
- Even if you are at home, remember that a remote hearing is still an official court hearing and you should dress and behave appropriately.