

Illinois Eviction Moratorium Declaration: Tips for Tenants

What is the Illinois tenant Declaration?

The Declaration is a form that a tenant must sign and give to their landlord in order to be protected by the Illinois eviction moratorium.

A tenant who gives their landlord a Declaration is a “covered person.” Beginning August 1, 2021, any eviction case can be filed in Illinois, but most eviction orders entered against covered persons cannot be enforced until October 4, 2021.

Who can sign the Illinois Declaration?

A tenant must meet four requirements to be able to sign the Declaration:

1. **Financial eligibility:** You (i) earned no more than \$99,000 in 2020 (or no more than \$198,000 if you filed a joint tax return), (ii) were not required to report any income to the IRS in 2019, or (iii) received a CARES Act stimulus payment (for most people, this means you received a stimulus payment in 2020);
2. **COVID-related hardship:** You are unable to pay your full rent due to a COVID-19 related hardship. A COVID-related hardship could include, but is not limited to, substantial loss of income, a decrease in hours or pay, or an increase in out-of-pocket expenses directly related to the COVID-19 pandemic;
3. **Best efforts:** You are using your best efforts to make timely partial rent payments that are as close to your full rent as possible, taking into account your non-discretionary expenses. Examples of non-discretionary expenses are food, utilities, phone and internet access, school supplies, cold-weather clothing, medical expenses, child care, and transportation costs, including car payments and insurance; and
4. **Likely to be homeless:** If you are evicted, you would likely be homeless or forced to share living space.

You must meet all four of these requirements to be able to sign the Declaration form.

The Declaration is signed under penalty of perjury, so it is very important that you only sign if all four statements are true. It is a good idea to talk to a lawyer before you sign the Declaration, to get legal advice about how each of the four requirements applies to you.

Keep in mind that your rent is still due, even if you sign the Declaration. Even if you are protected from an eviction during the moratorium, your landlord will likely be able to evict you after the moratorium ends.

www.pslegal.org

Where can I get the Declaration form?

Your landlord is required to give you a Declaration form at least 5 days before giving you an eviction notice. But you don't have to wait for your landlord to give you the Declaration. You can also get the Declaration form online at www.ihda.org.

What do I do with the signed Declaration?

You must give the signed Declaration to your landlord before October 4, 2021 to be protected by the Illinois eviction moratorium.

You should keep a copy of your Declaration and proof that you gave the Declaration to your landlord, in case you later need to prove that you did this. Some ways you might prove that you gave the Declaration to your landlord are by emailing it, sending it by certified mail, or having your landlord sign a statement saying that they received it.

What should I do if my landlord challenges my Declaration?

Your landlord can challenge your Declaration in court. If the judge schedules a hearing on the challenge, it is very important that you attend this hearing (which may be in-person or by Zoom). If you do not attend this hearing, the judge might automatically decide that your Declaration is not valid. You can check with the Circuit Clerk to confirm whether the hearing will be in-person at the courthouse or by Zoom.

At the hearing, your landlord will have to prove that your Declaration is not valid and that you are not protected by the moratorium. You should be prepared to explain how you meet each of the four Declaration requirements. (It's a good idea to make notes about this for yourself before the hearing.) You should bring with you any documents that help prove that you meet the requirements. This might include rent receipts showing that you've paid partial rent, proof that you lost your job or that your hours were cut, rental assistance applications, information about how you spent a stimulus payment or tax refund, and information about your non-discretionary expenses.

You are strongly encouraged to talk to a lawyer if your landlord challenges your Declaration.