

## DOCUMENTS REQUIRED FOR RESIDENTIAL EVICTION (02/24/2021)

### Prior to filing an Eviction:

- The Plaintiff/Landlord **MUST** provide the tenant with the **TENANT DECLARATION FORM** at least 5 days prior to giving the tenant a Notice of Termination
- The Plaintiff/Landlord **MUST** give the tenant the appropriate **Notice of Termination** prior to filing an Eviction case
- Information/Forms for Residential Evictions can be located on our website:

**[boonecircuitclerk.us](http://boonecircuitclerk.us) / Forms / Eviction Forms / Eviction – Approved Statewide Forms (visit link)**

### To file an Eviction, you will need:

- Eviction Complaint
  - Possession and rent due over \$15,000.00 (\$335.00 filing fee)
  - Possession and rent due less than \$15,000.00 (\$285.00 filing fee)
  - Possession only (\$110.00 filing fee)
- Plaintiff's Certification of Compliance with the Governor's Executive Order on Eviction's form
- Notice of Termination (copy)
- Affidavit of Proof of Service of Notice
- Once case is filed, all documents will be sent to the Judge for approval to proceed with the case. Summons will be issued when approval is given.

<https://www.ihda.org/about-ihda/covid-19-housing-resources-information/>

### *Illinois Eviction Filing Moratorium*

Per Governor Pritzker's [Executive Order 2020-72](#), as amended by [Executive Order 2020-74](#), [Executive Order 2021-01](#) and [2021-04](#) landlords are prohibited from initiating eviction actions against covered persons unless they pose a direct threat to the health and safety of other tenants or an immediate and severe risk to property. A "covered person" is defined as a tenant who provides their landlord with a [certification under penalty of perjury](#) stating that:

1. They expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or \$198,000 if filing jointly);
2. They are 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. They are 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 them homeless—or force them to move into and live in close quarters in a new congregate or shared living setting—because they have no other available housing options.

In addition to largely prohibiting the filing of eviction actions against covered persons, the Executive Order also prohibits the enforcement of eviction orders against all individuals unless they have been found to pose a direct threat to the health and safety of other tenants or an immediate and severe risk to property. The Executive Order does not relieve any individual of the obligation to pay rent or comply with any other obligation that they may have pursuant to a lease or rental agreement. This moratorium is in effect until March 6, 2021 (subject to further extension or amendment by the Governor).

### *National Eviction Moratorium*

The Centers for Disease Control and Prevention (CDC) issued a temporary [national moratorium](#) on most evictions for nonpayment of rent due to COVID-19 in order to help prevent the spread of coronavirus. Evicted renters must move, which leads to multiple outcomes that increase the risk of COVID-19 spread. The moratorium takes effect **September 4, 2020** and will last until **March 31, 2021** covering tens of millions of renters at risk of eviction nationwide.

An eligible tenant must execute [a declaration form](#) under penalty of perjury to the landlord certifying that:

- The tenant does not expect to earn more than \$99,000 (or \$198,000 if filing a joint tax return) in 2020 or has received a CARES Act stimulus check;
- Has used their best efforts to obtain government assistance for rent or housing;
- Is unable to pay rent due to a substantial loss in income or because of extraordinary out-of-pocket medical expenses;
- Is making their best effort to make partial rent payments;
- Has no other available housing options if evicted; and
- Understands they may need to pay back rent and fees once the moratorium expires.

If you meet all of these conditions listed above, you must send a signed declaration to your landlord.

The emergency order applies only to those unable to make full rent payment and does not prohibit evictions resulting from issues other than nonpayment of rent. The eviction moratorium does not require landlords to forgive housing payments or preclude the charging or collection of fees, penalties, or interest for failure to

make rent and housing payments. The National Low Income Housing Coalition has [developed an FAQ](#) for renters interested in participating in the moratorium.