



MANAGEMENT BULLETIN #512

DATE: January 14, 2020

TO: Owners and Agents of IHDA Assisted and Financed Rental Properties

CC: Asset Management Department Staff

FROM: Asset Management Department, IHDA

RE: Update on State and Federal Prohibitions on Evictions

SUMMARY:

State and federal prohibitions on evictions that were scheduled to expire have been extended into 2021. Property owners and agents should check for additional extensions during the duration of the COVID-19 pandemic.

Federal Restrictions:

As described in [IHDA Management Bulletin #508](#), the Centers for Disease Control (CDC) issued a national prohibition on residential evictions for nonpayment of rent. Tenants seeking protection under the federal order must provide their landlord with a signed declaration that they meet certain qualifying criteria.

In December, [the CDC extended these protections through January 31, 2021](#). The CDC indicates its extension specifically protects tenants who are not protected under similar state or local prohibitions.

State Restrictions:

In the State of Illinois, Governor Pritzker's [Executive Order 2020-72](#) prohibits the commencement and enforcement of residential evictions, except in cases where the tenant poses a direct threat to the health and safety of other tenants, or an immediate and severe risk to the property. [Executive Order 2021-01](#) extends the prohibition **through February 6, 2021**. Landlords should check the State of Illinois web-page for [Executive & Administrative Orders](#) for additional extensions.

To claim protections under Governor Pritzker's order, tenants must provide the landlord with a declaration that they meet certain qualifying criteria that are also addressed in the model [Declaration Form](#) provided by the CDC. Specifically, the Governor's order requires that the covered person declare that:

- they meet certain income criteria,
- they are unable to make their full rent payment due to COVID related hardship,

- they are using their best efforts to make timely partial payments as close to the full amount as possible, and
- if evicted, they are likely to become homeless because they lack other available housing options.

Tenants are not required to use the form provided by the CDC, but their Declaration must be made under penalty of perjury.

Executive Orders [2020-74](#) and 2021-01 further clarify that **landlords are required to provide the tenant a copy of the required declaration** at least 5 days prior to moving to terminate tenancy.

Tenants who are not behind in rent do not need to submit the declaration to be protected against the order's prohibition on evictions that do not involve direct threat or severe risk.

ATTENTION:

Due to concerns surrounding COVID-19 (i.e. Coronavirus), IHDA will not be accepting visitors at our offices until further notice. Many on-site meetings are being held remotely or have been postponed. With no on-site meetings or visits, IHDA staff will continue to be available via email and telephone. We also urge you to check the IHDA website or call (312) 836-5200. Your patience is appreciated as we all adjust to this new work environment.