

IN THE CIRCUIT COURT
OF THE SEVENTH JUDICIAL CIRCUIT
STATE OF ILLINOIS

JUN 30 2020 1

 Clerk of the
Circuit Court

Sangamon County Administrative Order 2020-14
Sangamon County Courthouse Procedures for COVID-19 Coronavirus

WHEREAS, The Sangamon County Courts will take all reasonable measures to minimize personal contact to prevent the spread of the COVID-19 coronavirus.

Whereas, The Illinois Supreme Court has entered an Order in M.R. 30370 instructing the courts to continue to establish and periodically update temporary procedures to minimize the impact of COVID-19 on the court system, while continuing to provide access to justice.

Whereas, the Sangamon County courts have implemented extensive safety precautions and procedures to ensure that increased caseloads can be processed in a healthy and safe environment.

Whereas, residential eviction docket calls, subject to specified filing limitations, may now be safely processed within the Sangamon County Complex, as recommended safety precautions have been fully implemented to accommodate the expected increase in pedestrian traffic that is anticipated with the continued expansion of essential court proceedings, and docket size limitations have been otherwise established to minimize crowd congestion.

Whereas, Evictions may now proceed on a limited basis. Specifically:

- A. Governor Pritzker's Executive Orders 2020-30, 2020-33 and 2020-39, the first of which was entered on April 23, 2020, and which 2020-44 extended through July 26, 2020, generally prohibit the commencement of an eviction "unless a tenant poses a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation" (hereinafter the "Emergency Exceptions"), and prohibit the enforcement of a residential or nonresidential eviction order unless a finding is made that it falls within the Emergency Exceptions.
- B. On March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) became law, section 4024(b) of which prohibits the following from March 27, 2020, to July 25, 2020:
 - i. Filing an eviction action "to recover possession of [a] covered dwelling from the tenant for nonpayment of rent or other fees or charges";
 - ii. Charging "fees, penalties, or other charges to the tenant related to such nonpayment of rent";
 - iii. Issuing "a notice to vacate" a "covered dwelling"; and
 - iv. Requiring "the tenant to vacate [a] covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate" (effectively extending the prohibition against filing an eviction action "to recover possession of [a] covered dwelling from the tenant for nonpayment of rent or other fees or charges" to August 24, 2020).
- C. On May 22, 2020, the Illinois Supreme Court issued an Administrative Order amending M.R. 30370 to provide for efficient court administration given the requirements of the CARES Act. This Order applies to "any eviction action

involving a residential premises brought pursuant to the Eviction Act”, and requires, for evictions filed from May 22, 2020, until August 24, 2020, that the plaintiff must “affirmatively state in the complaint or in a supporting affidavit whether the dwelling unit of which the plaintiff seeks possession is a ‘covered dwelling’ within the meaning of . . . the CARES Act”; and for evictions filed after March 27, 2020, but before May 22, 2020, that the plaintiff “must amend the complaint or supplement it with a supporting affidavit stating whether the dwelling unit of which the plaintiff seeks possession is a ‘covered dwelling’ within the meaning of . . . the CARES Act.” The Administrative Order included an attached model Certification Form that meets the Order’s “supporting affidavit” requirement.

Whereas, limiting in-person court appearances still is essential.

- A. On May 29, 2020, the Governor reissued his Disaster Proclamation, which will last through June 27, 2020, and, while Executive Order 2020-38 eased some earlier restrictions pursuant to the Governor’s reopening plan, still it advised that “Because in-person contact presents the greatest risk of transmission of COVID-19, Illinoisans are encouraged to continue limiting in-person contact with others”.
- B. On May 20, 2020, the Illinois Supreme Court promulgated Guidelines for Resuming Illinois Judicial Branch Operations during the COVID-19 Pandemic, noting that “Most individuals do not come to court by choice” and admonishing courts to limit in-person appearances.
- C. Sangamon County Courts have declared that “whenever feasible, and subject to constitutional limitations, all essential matters and proceedings shall be heard remotely, via telephone or video, or other electronic means.”

Whereas, Trials require the attendance not only of parties, but also of an unknown number of testifying witnesses. Holding trials in eviction cases where a successful plaintiff can only obtain an unenforceable order is inconsistent with the goal of minimizing in-person court appearances and is not an efficient or effective use of Court time, especially considering the quick basis on which eviction trials are accommodated in Sangamon County.

Whereas, there is a considerable amount of confusion in the community regarding the status of evictions in light of the Governor’s orders, which are unprecedented measures in an unprecedented time, and it currently is not reasonable to equate a defendant’s failure to appear in response to an eviction summons with an agreement that an unenforceable eviction order may be entered immediately.

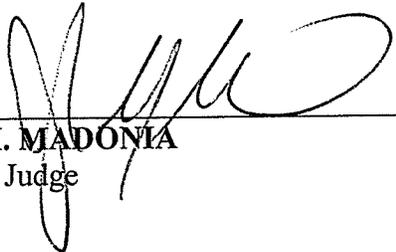
WHEREFORE, IT IS HEREBY ORDERED, that in order to comply with the requirements of the orders above, to protect health and safety while still providing for the orderly operation of the Court’s essential functions, and to further the efficient and effective administration of eviction orders and court time in Sangamon County, the Court has established the following:

EVICTION PROTOCOL

- a. **Filing Eviction Complaints**
 - i. **Evictions filed before March 27, 2020:** There is no additional requirement for a filed Complaint to remain pending.
 - ii. **Evictions filed on or after March 27, 2020, but before April 23, 2020:** CARES Act Affidavit is required. Plaintiff must amend the Complaint or supplement it with a Supporting Affidavit pursuant to the Illinois Supreme Court's Administrative Order stating whether the dwelling unit of which the plaintiff seeks possession is a "covered dwelling" within the meaning of the CARES Act.
 - iii. **Evictions filed on or after April 23, 2020:** Plaintiff must file both:
 - 1. **CARES Act Affidavit:** A Supporting Affidavit pursuant to the Illinois Supreme Court's Administrative Order stating whether the dwelling unit of which the plaintiff seeks possession is a "covered dwelling" within the meaning of the CARES Act; and
 - 2. **Emergency Exception Affidavit:** An affidavit stating that the action falls within one of the Emergency Exceptions to the Governor's orders.
 - iv. **Limitations on scheduling:**
 - 1. **Pro Se Landlord cases:** First appearances will be docketed on Fridays at 9:00 a.m. in Courtroom 6C and shall be limited to a total of five (5) cases per Plaintiff per docket.
 - 2. **Attorney Landlord cases:** First appearances will be docketed at 10:00 a.m. on Fridays in Courtroom 6C and shall be limited to a total of 20 cases per attorney per docket.
 - 3. **Violations of scheduling limitations:** The judge presiding over the Friday first appearance call shall monitor the number of cases set by the parties and any cases set in excess of the established limitations shall be subject to the court's continuance and violators may be subject to additional scheduling limitations as the judge deems appropriate.
- b. **First Appearances While Governor's Orders Suspend Enforcement**
 - i. **Defendant appears and agrees to Eviction Order:** If the filing requirements are met, the Court will enter an Eviction Order, but unless it falls under one of the Emergency Exceptions to the Governor's orders, the Court will modify the Order's title to add "Non-Emergency by Defendant's Agreement" and will modify the line ordering Sheriff's enforcement to add "only upon lifting of Governor's orders suspending enforcement".
 - ii. **Defendant appears and objects to eviction order:**
 - 1. **Plaintiff does not claim Emergency Exception:** The Court will continue the First Appearance hearing to a date after the Governor's orders suspending eviction enforcement expire.

2. **Plaintiff claims Emergency Exception:** See “Trials While Governor’s Orders Suspend Eviction Enforcement” below.
- iii. **Defendant does not appear after proper service of sufficient Complaint:**
 1. **Plaintiff does not claim Emergency Exception:** The Court will note that defendant is in default and will take the motion for default judgment under advisement until the Governor’s orders suspending eviction enforcement expire.
 2. **Plaintiff claims Emergency Exception with supporting affidavit:** The Court will enter an Eviction Order for immediate enforcement.
 3. **Plaintiff claims Emergency Exception without supporting affidavit:** The Court will take the motion for entry of default judgment under advisement pending the filing of a supporting Emergency Exception Affidavit.
- c. **Trials While Governor’s Orders Suspend Eviction Enforcement**
 - i. **Evictions filed before March 27, 2020:** No trial will be scheduled unless plaintiff has filed an **Emergency Exception Affidavit** stating that the action falls within one of the Emergency Exceptions to the Governor’s orders.
 - ii. **Evictions filed on or after March 27, 2020:** No trial will be scheduled unless Plaintiff has filed both:
 1. **CARES Act Affidavit:** A Supporting Affidavit pursuant to the Illinois Supreme Court’s Administrative Order stating whether the dwelling unit of which the plaintiff seeks possession is a “covered dwelling” within the meaning of the CARES Act; and
 2. **Emergency Exception Affidavit:** An affidavit stating that the action falls within one of the Emergency Exceptions to the Governor’s orders.
 - iii. **Timing for eviction trials:** Any trials held in compliance with this Order shall commence on the next Tuesday following the first appearance held on Plaintiff’s complaint and shall be docketed in stages throughout the morning to avoid unnecessary crowd congestion at the eviction trial call.
- d. **Monetary Relief Requests May Proceed Unless Eviction Unresolved:** Requests for monetary relief within eviction actions may proceed as usual with consent and default judgments, but no trial will be scheduled on monetary relief alone if a request for eviction is unresolved.

ENTERED THIS 30th DAY OF June, 2020.



JOHN M. MADONIA
Presiding Judge