

COVID-19 Emergency Orders Affecting Real Estate Illinois

Last updated October 19, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

- No specific official action has been enacted at the state level in Illinois or at the county level in Cook County or at the city level in Chicago that would limit mortgage enforcement actions within their respective jurisdictions except for any impact to enforcement actions that may be caused as a result of any limitations on access to court houses based on COVID-19 considerations.

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

October 16, 2020 – State of Illinois – Office of the Governor Executive Order 2020-59

- Extending and revising Executive Order 2020-30: Clarifications to ceasing evictions. A person or entity may not commence a residential eviction, and all law enforcement are instructed to cease enforcement of orders of eviction for residential and non-residential premises, *unless* the tenant has been found to pose a direct threat to the health and safety of other tenants. Executive Order 2020-30 extended through November 14, 2020. For more information on exceptions to these rules please see the links below.

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-30.aspx>

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-33.aspx>

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-52.aspx>

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-59.aspx>

October 16, 2020 – Cook County – GAO No. 2020-12

- Extending the stay on foreclosure judgements, evictions in furtherance of a foreclosure and foreclosure sales for both residential and commercial foreclosures. No Orders of Default, Judgments of Foreclosure, or other Orders in furtherance of a foreclosure may be entered. These measures (initially set forth in GAO No. 2020-11) will apply indefinitely until further order of the Court.

July 29, 2020 – Cook County – Court-Ordered Evictions Suspended

- Cook County Sheriff's Office suspended all court-ordered evictions through the end of the year except for emergency orders from the court stemming from health and safety concerns.

<https://www.cookcountysheriff.org/covid/evictions-information/>

June 26, 2020 – Cook County – Chief Judge Evans Postponement Announcement

- The Circuit Court of Cook County will be conducting more court proceedings on July 6, with most matters to continue to be held remotely via video conference.
- Matters involving evictions will not be heard through July 31 and until further order. Eviction matters may proceed if there are allegations involving 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. In mortgage-foreclosure matters, no final judgments and executions of judgments shall be entered before July 31, 2020.

<http://www.cookcountycourt.org/HOME/INFORMATIONREGARDINGCORONAVIRUS.aspx>

City of Chicago – June 15, 2020 – Provisional moratorium on tenant eviction notices for failure to pay rent due to Covid-19

- This moratorium will stay in effect until 60 days after the State Executive Order on evictions (Executive Order 2020-30) is expired (which is currently set for October 17, 2020).

https://www.chicago.gov/content/dam/city/depts/doh/covid/covid_19_eviction_ordinance.pdf

NON-ESSENTIAL BUSINESS RESTRICTIONS / SHELTER IN PLACE ORDERS

June 26, 2020 – State of Illinois – Office of the Governor Executive Order

- Phase Four Reopening. Individuals may use shared spaces but must maintain social distancing when possible and wear a face covering in public places or when working. Any gathering more than fifty people is prohibited unless exempted by the Order.
- Businesses must prominently post the guidance from the Illinois Department of Public Health and Office of Attorney General regarding workplace safety during the Covid-19 emergency. Businesses must also encourage social distancing and face coverings as further detailed in the Order.
- This Order does not apply to an election authority, polling place, or individual performing duties related to or voting in the 2020 general election.
- This Order is extended until October 17, 2020 via Executive Order 2020-52.

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-43.aspx>

September 18, 2020 - State of Illinois – Gubernatorial Disaster Proclamation:

- An extension of the state's disaster proclamation for an additional 30 days.

<https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-9-18-2020.pdf>

EMERGENCY RELIEF FUNDS

State of Illinois – Illinois Small Business Emergency Loan Fund:

- Fund that will support low-interest loans of up to \$50,000 for small businesses in every industry—businesses with fewer than 50 employees and less than 3 million in revenue in 2019 will be eligible.

<https://www2.illinois.gov/dceo/SmallBizAssistance/Pages/IllinoisSmallBusinessEmergencyLoanFund.aspx>

August 25, 2020 – City of Chicago – Loan Programs for small Businesses:

- City of Chicago Financial Resources Hub Home:
https://www.chicago.gov/city/en/depts/bacp/sbc/financial_resourceshome.html

August 6, 2020 – City of Chicago – BACP Announces \$500,000 RFP for Regional Business Centers:

- Five regional business centers will receive funding to serve as resource hubs for businesses
https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/july/RegionalBusinessCenters.html

March 27, 2020 – City of Chicago – COVID-19 Housing Assistance Grant Program:

- DOH will deploy \$2 million from the Affordable Housing Opportunity Fund (AHOF) to fund one-time grants to help impacted Chicagoans with rent and mortgage payments. Money will be disbursed in 2000 individual grants of \$1000 through a lottery system.
https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/march/HousingAssistanceProgram.html

August 25, 2020 – Cook County – Rental Assistance Recovery Program

- Helps Cook County residence rental payments (application period currently closed)
<https://www.cookcountyil.gov/service/covid-19-recovery-rental-assistance-program>

March 26, 2020 – Cook County – COVID-19 Taxes, Fines and Fees Relief

- Cook County is moving to waive various County fines, fees and deferring tax collections. Due dates for Home Rule Taxes like Alcoholic Beverage Tax, Amusement Tax, Tobacco Tax and Gasoline and Hotel Accommodations Tax will be pushed back. So will numerous fines and fees under the jurisdictions of the Departments of Transportation and Highways, Environment and Sustainability, Revenue, Building and Zoning and Public Health.
<https://www.cookcountyil.gov/sites/default/files/service/covid-19-financial-relief-package.pdf>

March 19, 2020 – City of Chicago - \$100 Million Relief Package for Chicago's Small Businesses

- The new fund will provide more than \$100 million in low-interest loans to severely impacted small businesses over the coming months, targeting historically under-resourced communities with an emphasis on minimizing hardship for those businesses and their employees. To further provide relief for businesses over the coming weeks, the City is also extending due dates for tax payments until April 30, 2020 for the following City taxes:
 - Bottled Water tax
 - Checkout Bag tax
 - Amusement tax
 - Hotel Accommodation tax
 - Restaurant tax

- Parking tax

Announcement:

https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/march/SmallBusinessReliefPackage.html

Further Information:

<https://www.connect2capital.com/partners/chicago-small-business-resiliency-fund/>

March 18, 2020 – City of Chicago – Debt Suspension Program

- City of Chicago will be temporarily suspending debt collection practices and non-safety related citations and impounds, as well as penalties for late payment. This penalty relief package directs a temporary suspension of late fees and defaults on payment plans, including city tickets, utility bills, parking and red-light citations, booting and other non-public safety related violations. Additionally, there will be no new interest accumulated on current compliance plan (March 18, 2020 through April 30, 2020).

https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/march/SuspensionTicketingDebtCollection.html

COURT ACCESS / JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

<http://illinoiscourts.gov/SupremeCourt/Announce/default.asp>

<http://www.illinoiscourts.gov/Administrative/covid-19.asp>

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:

<https://www.uscourts.gov/news/2020/07/02/coronavirus-covid-19-response-and-recovery>

<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=IL>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

- Any act of notarization or witnessing required by Illinois law may be completed remotely by via two-way audio-video communication technology provided that the acts follow specific guidelines set forth in the Executive Order.

Executive Order:

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-14.aspx>

Secretary of State Guidance for Notaries:

<https://www.cyberdriveillinois.com/departments/index/notary/electronicnotary0320.pdf>
