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Short update on Matters: 1. State of Illinois Eviction Moratorium - Exceptions for non-payment of rent and substantial Lease Violations. On 8 January 2021, Governor Pritzker issued the Executive Order 2021-01, extending the exceptions for limited storage deposits in the 2020-74 Executive Order until 6 February 2021. To expel a tenant based on the lack of payment of the rent of the tenant, the landlord must first provide the tenant with a statement (available from IHDA or his lawyer) at least five days before serving the tenant a notice of termination of the lease. If the tenant does not return the declaration to the landlord, the landlord may submit an action of avoidance according to the lack of payment of the tenant's rent. If the tenant returns the statement, but the landlord believes that the statement contains false declarations, the landlord should consult a lawyer to discuss the possibility of depositing an action of avoidance to challenge the statements of the tenant in the statement and obtain an order of avoidance. Owners can present actions of avoidance against any tenant or occupant who poses "a direct threat to the health and safety of other tenants" or who poses "an immediate and serious risk to property." Landowners should still serve the declaration to these tenants before serving a notice of termination of the lease. The landlord must serve the statement in accordance with Section 9-211 of the Illinois Eviction Act, which means that the landlord must deliver the statement to someone in the premises at least 13 years old or through another admissible method. The lords of the earth are strongly encouraged to consult a lawyer about this requirement. Unless the tenant is a direct threat to the health and safety of other tenants or an immediate and serious risk to the property, the landlord cannot present an action of avoidance against (1) a tenant who refuses to launch the premises at the expiry of the tenant's lease; (2) a tenant who violates the lease in minor ways; o (3) a tenant who does not pay the rent that returned the statement to the statement of the locator the locator is. The lords of the earth can now be able to present actions of avoidance against squatter. A squatter is an occupant without a lease, rental contract, or a deposit agreement to occupy the premises. Commercial avoidance cases based on non-payment of rent or any other breach of lease contract may still be deposited. The orders of avoidance for residential property cannot be applied through 6 February 2021. Exciting orders for commercial property and residential cases that meet the exceptions of safety/property damage are currently being implemented. Landlords should be aware that local court systems such as Cook County have imposed additional requirements to file owners avoidance actions. Consult a lawyer with questions. 2. Prohibition of national CDC avoidance - extended by Congress and President until 31 January 2021. On September 4, 2020, the United States Center for Disease Control/prevention (cdc) has published an order that plans to stop all residential expulsions in the United States (order.) the order prohibits any person to expel a tenant who provides the person with an oath statement that the tenant cannot pay the rent. the order expired on 31 December 2020, but in January 2021 the president of the United States signed a bill extending the order of the cdc until 31 January 2021. the order of the cdc does not prohibit the avoidance of (1) unpaid tenants who do not provide the landlord with the required oath statement; (2) tenants who engage in criminal activity while in the premises; (3) tenants that threaten the health or safety of other residents; (4) harmful tenants or inflict an immediate and significant risk of damage to property; (5) tenants who violate any applicable building code, health order, or similar health delay regulation; (6) the order contains criminal penalties for its violation. the order applies only in jurisdictions with less tenant protections, so it is unlikely that this order applies in illinois, as the executive orders of the governor pritzker provide greater protection of tenants than the order of the cdc. 3. Federal law on tanks. act prohibits a owner or a minor of a "covered house" of late chargingat the service of a notice to vacate, or deposit a case of avoidance until 27 July 2020, against a tenant based on the non-payment of the rent. A "covered house" is, essentially, a property with federal funds or insurance, such as a federal mortgage or section 8 funds. The law does not apply to properties that are not "covered homes" as defined in the law. When the ban expires on July 27, 2020, the tenant must be given a notice of 30 days (instead of a notice of 5 days) to pay rent or vacate. As a result, the first case of avoidance can be deposited against a tenant subject to the law is August 27, 2020, taking timely and correct communication service of 30 days. In spring 2020, the Illinois Supreme Court promulgated a rule requiring the attachment of a affidavit to any residential avoidance complaint that identified whether the CARES Act does or does not apply to the property of the object. If the claim does not attack the affidavit, then the plaintiff must provide testimony in court about whether the CARES Act is or is not an indoor property. This rule expired on 24 August 2020. If a landlord has a property covered by the CARES law and is trying to recover for a lease invalidity that occurred between March 27, 2020, and July 27, 2020, the owner can still be subject to the law. You should consult a lawyer with questions. 4. Chicago Eviction Protection Ordinance. Chicago Eviction Protection Ordinance offers tenants seven more daysa 5 day notice expires to pay the rent due or stipulate an agreement with the owner for, among other things, refund the rent not less than 60 days. The order requires the landlord to serve a declaration of rights to the tenant with the notice of 5 days, and requires the owner to engage in good faith negotiations with a tenant who claims a loss of income related to COVID-19. If you are a Chicago landlord, you want to consult a lawyer to understand your obligations based on this new ordinance. The order is currently due for the expiry of 7 April 2021. 5. Cook County Circuit Court "Real Resolution Program". The Cook County Circuit Court recently established a program to assist tenants and other debtors. The program changes how avoidance cases are heard and disposed of in Cook County. The program will have the practical effect of adding procedural obstacles to the owners who regain possession of their property, slowing down the process of avoidance, and increasing the legal expenses of the owners. The lords of the earth are encouraged to consult a lawyer regarding this new program. 6. Illinois Supreme Court Affidavit Requirement for Evictions. On December 22, 2020, the Supreme Court of Illinois issued an order requiring applications for avoidance actions to allege a complaint file to claim that Governor Pritzker's orders of avoidance do not apply to the case. The lords of the earth are encouraged to consult a lawyer regarding this new order.Chicago Fair Notification Change of the RLTO. Owners of land subject to the Chicago residence and tenant order are now required to give tenants greater notice before not renewing the lease or increasing rent of the tenant. For detention from six months to three years, the landlord must give the tenant 60 days notice of the landlord's intention not to renew the lease or increase the rent. For tenancies over three years, the landlord must give the tenant 120 days notice of the intent of the landlord not to renew the lease or increase the rent. Other duties of the landlord may apply. As a result, the owners are encouraged to consult a lawyer to understand their obligations under this new ordinance, especially if the owner lacks a deadline to serve unrenewable notice and/or rent-increase. 8. Chicago Destra-da-Cure Edit of the RLTO. The tenants whose rents are subject to the Landlord and the Chicago Residential Locazione Ordinance now have a right of once to take care of a failure to pay default until the point where an order of avoidance is registered against the tenant if the tenant pays (1) all unpaid rentals due to the date of termination to the payment date, (2) court fees to present the cause of expenses and expenses (3) Unfortunately, the tenant has a right of once to treat the default even without paying the owner's attorney fees. Other rights of the tenant and duties of the landlordapply. As a result, the owners are encouraged to consult a lawyer to understand their obligations under this new ordinance. 9. Notice and lease contract for eviction claims. A new rule of the Supreme Court of Illinois requires owners to allege termination notice to the deposit claim. When the avoidance action is based on the violation of a tenant of the lease contract (other than the lack of payment of the rent), the landlord must also attach relevant parts of the lease agreement to the complaint. This new rule applies to all owners in Illinois. As a result, the owners should immediately consult a lawyer to understand their obligations under this new rule. 10. Indiana Eviction Filings. Indiana's moratorium on eviction rifles expired on 14 August 2020. As a result, we returned to help our customers with Indiana properties in strengthening their rights against default tenants. If you have property in Northwest and North-Central Indiana, we can help you! You! chicago 5 day notice form pdf

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