



Legal Services

Chinese American Service League
華人諮詢服務處



Landlord-Tenant Disputes: Eviction

• Illinois •



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FAQ's

What is Eviction?

Eviction is the civil process by which a landlord can legally remove a tenant from their rental property. Landlords cannot evict tenants without good cause. An eviction may occur when:

- Tenant owes rent
- Tenant's lease is about to expire, and the landlord does not want to renew it
- Tenant has violated the terms of the lease
- Tenant has no written lease, and the landlord would like them to move
- An occupant is living on the property, and they refuse to leave.

Who are the parties involved in an Eviction case?

If you file a case, you are called the plaintiff. If a case has been filed against you, you are called the defendant. Sometimes, the plaintiff is called the petitioner/complainant, and the defendant is called the respondent.

The Plaintiff: Landlords or Property Owners:

- The Plaintiff files the lawsuit and is usually the landlord or owner of the property. They can be individuals, businesses, or other entities.
- A person cannot represent another person's interest in court if you are not a lawyer.
- If a corporation or LLC owns the property, it must hire a lawyer. Property managers cannot file on behalf of the owner.

The Defendant(s): Tenant(s) or Occupant(s)

- The Defendants are being sued and are the tenants or occupants of the landlord's property.
- A tenant is someone with an oral or written lease.
- An occupant does not have an oral or written lease but lives on the property (including squatters and trespassers).

As a landlord, why would I need to file an Eviction case?

There is only one way for landowners to evict a tenant or an occupant who does not agree to leave: file an eviction case, win the case, get an eviction order, and ask the sheriff to enforce this order by performing an eviction.

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Trying to evict a person without a court order is AGAINST THE LAW! Landowners may not change locks, turn off utilities (gas, water, electricity), or take any other action on their own to try to force a person to move.

By filing an eviction case, landowners can not only make the tenants move out but also ask for unpaid rent.

What are some valid reasons for me to evict a tenant?

Before starting an eviction process, a landlord must have good cause to decide to evict a tenant. A landlord can evict a tenant if the tenant:

- Fails to pay the rent
- Violates the terms of the lease
- Damages the property
- Does not leave the property after the lease comes to an end
- Does not have a written lease but pays rent monthly, and the landlord gives a notice to move

Does it cost to evict someone from my property?

Yes. The Circuit Clerk charges a filing fee, and the sheriff charges a service fee. Contact your Circuit Clerk and sheriff to ask what filing an eviction case costs in your county.

If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the Application for Waiver of Court Fees found at <https://www.illinoiscourts.gov/forms/approved-forms/forms-approved-forms-circuit-court/fee-waiver-civil>.

As a tenant, how would an Eviction impact my life?

Being evicted doesn't erase any money you owe to your landlord. If you owe back rent, the court that issued your eviction may give your landlord a judgment that allows them to collect the money you owed, plus court and other collection costs.

An eviction itself won't appear on your credit report, but it still has the potential to hurt your credit. If you've been evicted for non-

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payment of rent, then the landlord may hire a collections company to pursue your debt. This debt will appear on your credit report and hurt your credit score.

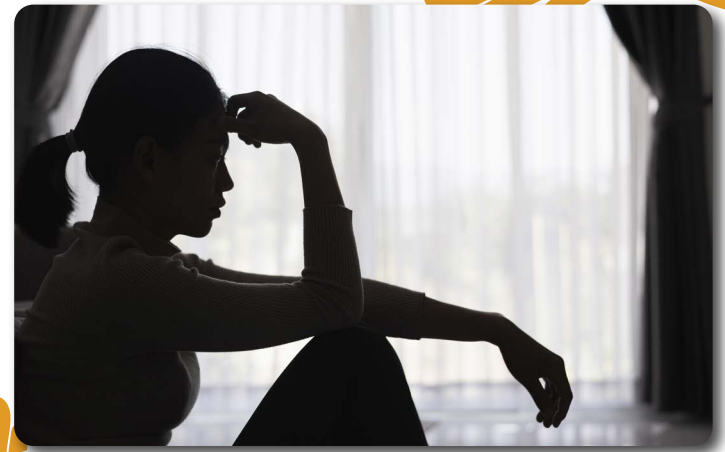
An eviction order can also appear in public records, which could be discovered by future potential landlords. Many landlords conduct background and credit checks, and many will not be willing to rent to someone with an eviction on their record.

What are some reasons my landlord cannot legally evict me?

A landlord cannot evict a tenant for the following reasons:

- Complaining about the unit or building that a building inspector determines is valid.
- Not paying rent if the tenant left the property for a period of time because of domestic violence or the threat of domestic violence. This only applies once the tenant has given written notice to the landlord.
- Not paying rent, but the landlord accepted the rent due before the notice period ended.
- The tenant's race, color, national origin, ancestry, sex, disability, religion, familial status (that is, being pregnant or having children under the age of 18), source of income (for

example, if the tenant receives public assistance or housing voucher), unfavorable discharge from the military, military status, age, marital status, sexual orientation, or being a protected party under an order of protection.



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STEP ONE: Termination Notice and Service

A Plaintiff/Landlord must start the Eviction process by serving the Defendants/Tenants with written notice. The Notice may be served by:

- Handing it directly to the Defendant
- Handing it to a person who is at least 13 years old and lives in the property
- Sending a copy of the notice to the Defendant by certified or registered mail, with a returned receipt from the addressee
- Posting it on the door, but ONLY if no one lives in the property

There are various types of notices to choose from. Each notice has a different notice period, which is the number of days the Plaintiff/Landlord must wait after the Notice is served and before filing the Eviction Complaint. If the Plaintiff/Landlord files the Eviction Complaint before the notice period ends, the judge may dismiss it, and the Plaintiff/Landlord will have to start over. The Plaintiff/Landlord can file the case the day after the notice period ends.

Common types of notices include:

5-Day Notice of Termination for Non-Payment of Rent

- If the tenant has not paid rent, this Notice demands that the overdue rent be paid within five days. This Notice is often called a "5-Day Notice."
- If the tenant offers the landlord the full amount of the rent demanded in the Notice within five days, the landlord must accept it and cannot file the Eviction Complaint.

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- If the tenant offers the landlord the full amount of the rent demanded in the Notice after the five days have passed but before filing an Eviction Complaint, the landlord may accept the money, but the landlord will not be able to file the Eviction Complaint.
- Depending on the location and type of property, if the tenant offers the full amount of the rent demanded in the Notice after the landlord files an Eviction Complaint, the tenant may have a one-time “right to cure.” If the tenant pays all of the rent owed (and potentially some other costs) before an Eviction Order is entered, the tenant may be able to ask the Judge to dismiss the case.

10-Day Notice of Termination for Lease Violation (Other than Non-Payment of Rent)

- If the tenant has violated the lease in another way other than the non-payment of rent, this Notice states that the landlord is terminating the lease. This Notice should specify how the tenant violated the lease. If possible, the landlord should name the person who violated the lease, describe the violation, and state when the violation happened.
- Some local landlord-tenant laws and leases give the tenant a right to fix the problem before the notice period expires (if the problem can be fixed). This is sometimes called the right to “cure.” If the tenant has this right, the Notice must inform the tenant of this right. If the tenant has the right to fix the problem and the tenant fixes the problem before the notice

period expires, the landlord may not evict the tenant for that lease violation. If the tenant does not have the right to fix the problem or has the right to but does not fix the problem within the notice period, the landlord can file the Eviction Complaint after the notice period ends.

30, 60, or 120-Day Notice of Non-Renewal of Lease or Termination of Tenancy

- Landlords who wish to file an eviction against a month-to-month tenant (or a tenant whose lease expired) who is current on rent should use a 30, 60, or 120-day Notice of Non-Renewal of Lease or Termination of Tenancy.
- The amount of notice a Landlord needs to give a month-to-month Tenant may depend on (a) where the property is located; and (b) how long the Tenant has lived in the property.
- For additional information on new notice requirements, Landlords with property in the City of Chicago should review the [Fair Notice Ordinance](#). For properties in Suburban Cook County, Landlords should review the [Cook County Residential Tenant Landlord Ordinance \(RTLQ\)](#). Particular cities or counties may have their own guidelines.

Demand for Immediate Possession

- If the people living in the landlord’s property do not have a lease and the landlord never accepted rent from them or agreed to let them stay on the property, the landlord can serve them with a Demand for Immediate Possession. The

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landlord can file the Eviction Complaint immediately after he/she serves this demand.

Affidavit of Proof of Service of a Demand or Notice

- Whoever serves the Notice or Demand should fill out an Affidavit of Service of a Demand or Notice describing how and when they served the Notice on the Defendants. This Affidavit may make it easier to prove in Court that the Notice was served.
- The Plaintiff/Landlord only needs to prepare one Notice or Demand and one Affidavit of Service of a Demand or Notice, even if the Plaintiff/Landlord has more than one tenant or unknown occupant to serve. Be sure to keep a copy of each one for the records.

STEP TWO: File for Eviction

If the notice period ends without a resolution, the Plaintiff/Landlord may file an Eviction Complaint against the tenants and unauthorized occupants. In addition to the eviction, the Plaintiff/Landlord can seek financial restitution for unpaid rent, “use and occupancy” values, attorney fees, and court costs. Compensation for damages to property and other claims against the Defendants/Tenants not related to possession of the property are not to be included in the Complaint.

What Forms Do I Need?

For each Eviction case filing, the Plaintiff/Landlord will need to submit the following two forms at least:

(1) Eviction Complaint

The Plaintiff/Landlord asks the court for an eviction and gives the information needed to begin the eviction. If there is any past due rent when the Plaintiff/Landlord files the Complaint, the Plaintiff/Landlord may ask for this rent in the Complaint. The Plaintiff/Landlord may also ask for any rent that will come due during the case.

The Plaintiff/Landlord **MUST** attach the following to the Eviction Complaint:

- A copy of the Notice or Demand (if any)
- Affidavit of Proof of Service of a Demand or Notice
- Written lease if the Eviction Complaint is based on a lease violation other than non-payment of rent. If the Plaintiff/Landlord had a written lease that ended and the Plaintiff/Landlord accepted rent from the tenants, the Plaintiff/Landlord must attach the most recent lease to the Eviction Complaint.
- Affidavit about Missing Documents: If the Plaintiff/Landlord does not have a Notice, Demand, or Affidavit of Service of a Demand or Notice, or lease, they must attach an “Affidavit – Supporting Documents Not Attached to Complaint”. This document explains why the Plaintiff/Landlord did not attach a Notice, Demand, or lease to the Eviction Complaint.

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If the Plaintiff/Landlord does not attach the necessary documents to the Eviction Complaint, the case may be dismissed.

(2) Eviction Summons

The Summons tells the Defendants/Tenants that the Plaintiff/Landlord is asking the court for an eviction and gives the court date. The court hearing may be held in person or over Zoom. This is called a "Remote Appearance." Call the Circuit Clerk or visit their website to find out how to do this.

STEP THREE: Service

An important part of the eviction process is known as "service." Service is often how the defendant is made aware that an eviction case has been filed against them and when the next court date will be. Typically, service is first attempted by the sheriff. As the landlord, you can start the service process by filing documents with the sheriff's office. There are a number of available resources regarding service, like the [Cook County Sheriff's website](#).

Each of the Defendants/Tenants must be served Eviction Summons & Eviction Complaint at least 3 days (7 days in Cook County) before the first court date (also known as the "return date"), which is on the Eviction Summons. There are a number of ways to serve:

By Sheriff

- The Plaintiff/Landlord can submit copies of the Eviction Summons and Eviction Complaint (one for each Defendant, including "Unknown Occupants" if applicable) to the Sheriff via Sheriff E-File Portal, in person or by mail.
- Include the Letter/Notes to the Sheriff (Serving an Eviction Summons and Eviction Complaint).
- Include a copy of the Order for Waiver of Court Fees (if the Plaintiff/Landlord has one) or pay the portion of the Sheriff's fee.
- After the Sheriff serves the other party with an Eviction Summons & Eviction Complaint, they will fill out the Affidavit of Service of Eviction Summons & Eviction Complaint section of the Eviction Summons form and file it with the Circuit Clerk.

By Special Process Server

- If the Plaintiff/Landlord does not wish to use the Sheriff, the Plaintiff/Landlord may be able to use a special process server to serve the Eviction Summons instead.
- If the sheriff is unable to serve the defendant, the plaintiff may request to use a Special Process Server to serve the defendant.
- For information about how to use a special process server, see How to File & Send a Motion to Appoint Special Process Server at <https://www.illinoiscourts.gov/documents-and-forms/approved-forms>.

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STEP FOUR: Court Hearings

A court hearing may happen in person at the courthouse or online over Zoom. The Plaintiff and Defendant attend the court date by phone or video. This is called a "Remote Appearance." Call the Circuit Clerk or visit their website to learn how to do this. To find the phone number for your Circuit Clerk, visit [illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/](https://www.illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/).

For Pro Se Plaintiff/Landlord

Get ready for your court date:

- Email the judge a copy of the filed documents one week ahead of the court date, including the Eviction Complaint, Eviction Summons, Affidavit of Proof of Service, and written lease.
- Decide and write down what you will say to the judge if asked to tell your side of the case:
 - ❖ If the Plaintiff/Landlord is evicting the Defendants/Tenants for nonpayment of rent, provide a copy of the rent ledger, receipt book, and any other documents to show how much the Defendants/Tenants owe.
 - ❖ If the Plaintiff/Landlord is evicting the Defendants/Tenants for a lease violation other than nonpayment of rent, provide any documents, photographs, or other evidence showing that the Defendants/Tenants committed the lease violation.
 - ❖ Gather and make copies of pictures and documents

you want the judge to see. Emailed documents to the judge before the court. Be prepared to explain why the pictures or documents are important.

- Before a trial, talk to anyone you want as a witness and ask them to come to the court date with you. Decide and write down the questions you will ask the witnesses at the court date.

For Pro Se Defendants/Tenants

Appearance

The Defendants/Tenants must file an Appearance form after receiving the Summons and Eviction Complaint. The Appearance form lets the court know the defendants want to participate in the case. There is a fee to file this form. If the Defendants cannot afford to pay the fee, they can ask the court to file for free or at a reduced cost by filing the Application for Waiver of Court Fees found at <https://www.illinoiscourts.gov/forms/approved-forms/forms-approved-forms-circuit-court/fee-waiver-civil>. The Defendants need to show up on the first court date and present the judge with the Application for Waiver of Court Fees. The judge will review and decide whether to grant or deny.

At the first court date, the judge may continue the case for any number of reasons, such as:

- The Plaintiff/Landlord cannot show properly served the Eviction Summons.
- The Defendants may ask for time to get a lawyer.

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- The Defendants may file a jury demand (asking that the case be decided by a jury instead of a judge).
- The judge may grant either party more time to gather necessary evidence.

In Cook County, if anyone appears at the hearing without an attorney, the judge usually assigns the case to the Early Resolution Program (ERP). The program is available to all residents of Cook County free of charge. ERP includes free legal aid, mediation services, and connections to other resources, including rental assistance. If the parties cannot solve the dispute via ERP, the case will return to the court.

Jury demands

If the Defendants/Tenants decide to participate in the case, they must decide whether they want to make a jury demand. The Defendants/Tenants should check the jury demand box (6 or 12 Jurors) on their Appearance form to make a jury demand. The judge will organize the number of jurors who will hear the tenants' case. The jury will decide the case.

No jury demand

If the Defendants/Tenants do not make a jury demand, the trial will happen in front of a judge. The judge will make a ruling. This is called a "bench trial."

Eviction Defenses

A defendant in an eviction case could ask the judge to dismiss the

case for a number of reasons. Common eviction defenses include rent payment, errors in service of eviction notice or eviction case, no lease violation or fixed lease violation, utilities or building conditions needing repairs, renewal of tenancy, illegal landlord actions, domestic or gender-based violence or abuse, and others.

STEP FIVE: Court Order

During a bench trial without a jury, the judge hears testimony and reviews evidence before deciding to evict or deny a landlord's case for eviction. The judge may also decide whether to award monetary damages and, if so, how much.

If the judge rules in the landlord's favor, the order will give the landlord possession of the property. The order may also award the landlord the rent due, court costs, and attorneys' fees. The order will give a date and time by which the Defendants/Tenants must move out. If the Defendants/Tenants do not move by that time, The Plaintiff/Landlord may contact the Sheriff. **ONLY THE SHERIFF MAY EVICT THE DEFENDANTS!**

If the judge rules against the Plaintiff/Landlord, the case will be dismissed. If the Plaintiff/Landlord believes that the circuit court made an error in denying an eviction, the Plaintiff/Landlord can appeal the circuit court's decision.

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If the defendants do not appear in court after being served, the plaintiff may be able to get a “default judgment.” The defendant typically has 30 days after the default judgment order is entered to ask the court to vacate it.

STEP SIX: Enforcement

After court, the Plaintiff/Landlord must take the Eviction Order to the Sheriff’s office if the Defendant/Tenants refuse to move out by the date and time in the Eviction Order. The Plaintiff/Landlord may need to fill out extra forms, make copies, get certified copies, and/or pay fees. If the Plaintiff/Landlord has an Order for Waiver of Court Fees, all or a portion of any fee the sheriff charges will be waived. Give a copy of the Order to the Sheriff.

The Plaintiff/Landlord will need to ask the Sheriff’s office what their process is for:

- Telling the Plaintiff/Landlord when they will come to do the eviction (the Plaintiff/Landlord or someone on the Plaintiff’s behalf must be at the property when the Sheriff goes out)
- Having the locks changed
- Removing any personal property from the unit
- Any other requirements

If the Plaintiff/Landlord does not follow the Sheriff’s office procedures, it could delay the eviction.

On the day of enforcement of the Eviction Order, the Sheriff’s personnel will remove all persons evicted from the premises but will not remove personal property. The Sheriff’s personnel will then tender possession of the real property to the landlord or the landlord’s representative and post a “No Trespassing” order on the door to the premises. The landlord can then take the tenants’ or occupants’ belongings out of the premises and leave them outside.

If the tenant does not pay the Plaintiff/Landlord the money listed on the Eviction Order, the Plaintiff/Landlord may have to go back to court to try to collect the money.



Other Options

If the Defendants/Tenants received a Complaint and Summons saying that the Plaintiff/Landlord has started an eviction case, the Defendants/Tenants have a few options besides going to court:

Early Resolution Program (ERP)

As mentioned above, if the Defendants/Tenants appear at the hearing without an attorney, the judge usually assigns the case to the Early Resolution Program (ERP). The program is available to all residents of Cook County free of charge. The other counties in Illinois have similar resources. ERP includes free legal aid, mediation services, and connections to other resources, including rental assistance. In Cook County, ERP is being provided through Cook County Legal Aid for Housing and Debt (CCLAHD), a county-wide initiative to help resolve eviction, foreclosure, debt, and tax deed issues. Visit www.cookcountylegalaid.org for information about the programs and services.

Negotiation

The Defendants/Tenants can avoid being evicted by coming to an agreement with the Plaintiff/Landlord. The Plaintiff/Landlord does not have to agree to a settlement, but the Defendants/Tenants may be able to convince them to work out a settlement. Both sides have more control over the outcome because a judge or jury is not making the final decision.

Most settlement agreements are submitted to the court through an Agreed court order. The judge will almost always enter an order if the

parties agree to it. The Illinois courts have published a set of [Agreed Order forms in eviction cases](#). These forms can help landlords and tenants reach agreements in eviction cases. They are written in plain language and come with instructions on how to use them.

Mediation

Mediation is a voluntary process in which two or more parties involved in a dispute work with an impartial party, the mediator, to generate their own solutions in settling their conflict. Unlike a judge or an arbitrator whose decisions subject one party to win and the other party to lose, mediation is about finding a solution that works for both parties.

Reach an agreement with the landlord with the help of a neutral third party. The mediator does not decide what happens. The mediator helps both parties reach an agreement documented in a contract that both parties must follow. The landlord must agree to the mediation. When the Defendants/Tenants go to court, the Defendants/Tenants can ask the judge to send the case to mediation so that it can occur.

Mediation would be a Zoom call where the landlord and the tenants, with a mediator, would try to come to an agreement to resolve the issue in this case. In Cook County, Mediation can be done through the [Center for Conflict Resolution \("CCR"\)](#). Their website provides useful information about that process. Mediation is often a faster option than court, allowing both sides to share their concerns.

Other Options

Parties are not required to come to an agreement during mediation. You can find outlines of what potential mediation agreements may look like on "[Approved Statewide Forms – Eviction](#)" under "Orders in Eviction Cases."

Catch up on your rent (Chicago)

If you live in a building covered by the Chicago Residential Landlord Tenant Ordinance (RLTO), you have a one-time chance to stop an eviction case. If you pay the landlord all the rent you owe plus the eviction filing fees and costs (not attorneys fees), the court must dismiss the eviction case. You can do this anytime before an eviction order is entered. This only applies if your eviction case was filed for non-payment of rent.



Local Resources

CASL Legal Services

If you have any questions about the contents of this brochure or if you would like to speak to an attorney, contact CASL Legal Services at (888) 764-6125 or request an appointment through our website. Eligibility for services is based on the applicant's household income and residency.



CASLservice.org/Legal

CASL Housing Program

CASL Housing Program has HUD-certified housing counselors who can provide renters or landlords with rental housing counseling and help them apply for IL/Chicago rental assistance programs if available. For homeowners or buyers, the services include pre-purchasing counseling, finance coaching, home mortgage delinquency and default counseling, and home improvement services. To request the services, please email Housing@CASLservice.org or (312)791-0418 and transfer to the Housing Program.



CASLservice.org/Housing

Local Resources

Early Resolution Program (ERP) in Cook County

ERP in Cook County is provided through Cook County Legal Aid for Housing and Debt (CCLAHD), a county-wide initiative to help resolve eviction, foreclosure, debt, and tax deed issues. Visit www.cookcountylegalaid.org for information about the programs and services.

Cook County Legal Aid for Housing and Debt

Do you have questions about eviction in Cook County? Call Cook County Legal Aid for Housing and Debt at 855-956-5763 to speak with a lawyer for free, or visit www.cookcountylegalaid.org for more information.

Illinois Emergency Rental Assistance Programs

Rental assistance programs are available to qualifying Landlords and Tenants. To learn more, check out <https://chicookilrenthelp.org/>. If you live in Suburban Cook County (not Chicago), you can also call 833-221-9821 for more information. If you live in Chicago, you can call (866) 454-3571 for more information.

E-filing Service Provider Database and Guidance

Visit <https://efile.illinoiscourts.gov/EFSPs-Page/> to select a service provider. Some service providers are free, while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: <https://www.illinoiscourts.gov/self-help/how-to-e-file/>

Local Resources

Approved Standardized IL Statewide Forms

- Eviction Complaint
- Eviction Summons
- Affidavit of Service of A Demand or Notice
- Application for Waiver of Court Fees
- Certification for Exemption from E-Filing
- Motion to Appoint Special Process Server
- Motion to Reconsider
- Motion to Appeal

Find the forms described in this brochure on the official Illinois courts website: <https://www.illinoiscourts.gov/forms/approved-forms/forms-approved-forms-circuit-court/eviction>

Remote Appearance Guidance

You may be able to attend court from home by telephone or video conference. For detailed information, click the link or contact your local circuit court clerk: <https://www.illinoiscourts.gov/self-help/court-by-phone-or-video>

Circuit Clerk Directory

To find the Circuit Clerk's phone number, visit: [illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/](https://www.illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/)

