



## Illinois Legislative News

# End of Illinois' eviction moratorium means focus on aid

By **JERRY NOWICKI**  
Capitol News Illinois

SPRINGFIELD – The state's moratorium on enforcement of residential evictions was set to expire on Oct. 3, according to Gov. JB Pritzker's latest COVID-19 executive order.

Pritzker had extended the order each month with minor to substantial revisions since March 2020. The extensions have come in 30-day windows, coinciding with his monthly reissuance of a disaster proclamation in response to the pandemic.

While most of the provisions in Pritzker's latest executive order were extended through Oct. 16, the section providing for the eviction moratorium is scheduled to be rescinded just two weeks into the 30-day order which was issued Friday, Sept. 17.

The most recent iteration of the moratorium allows for court proceedings but prevents law enforcement from carrying out an eviction. It also allows for evictions in health and safety circumstances, and for "uncovered persons," which include those who refuse to fill out paperwork for assistance, who can't prove loss of income from COVID-19 or who earn more than \$99,000 individually or \$198,000 as a joint-filing household.

In a statement, Pritzker's office pointed out that Illinois remains one of the top states in distributing emergency rental assistance funding from the federal government. Illinois has distributed almost \$330 million of \$630 million allotted, placing it sixth out of all states, according to a database maintained by the National Low Income Housing Coalition.

"In 2020, more than \$230 million was disbursed to renters through an inaugural pandemic rental assistance program, and in 2021, an additional \$500 million was made available through the Illinois Rental Payment Program, more than half of which has been already distributed," Alex Hanns, a Pritzker spokesperson, said in an email. "While the eviction moratorium has kept families suffering hardship from losing their homes during the pandemic, these programs and additional resources will ensure families have a roof over their heads while they regain their financial footing into the future."

A state Supreme Court order preventing certain judgments in covered eviction cases expired on Sept. 18. Action on an extension was not taken as of press time.

In mid-September, the Supreme Court announced a court-based rental relief program received \$60 million in funding

to provide a "safety net for litigants who are on the brink of eviction," according to the court. That program is available outside of Cook County, which is expected to launch its own court-based assistance program sometime in October.

Per the latest Supreme Court order, any summons in an eviction case must be accompanied by a form informing the tenant and landlord of the court-based program. It includes information on the program, what documentation is needed and the web address for the court-based aid, [ilrpp.ihda.org](http://ilrpp.ihda.org). The Illinois Housing Development Authority call center can be reached at (866) 454-3571.

Those who have lost income due to COVID-19 may be eligible for up to 12 months of past due rent and three months of future rent to prevent eviction, per the program. The check would be paid directly to the landlord, who would be required to agree not to evict the tenant for nonpayment of the rent that is repaid.

The funds come from the federal government, which means applicants must be under certain income limits as defined by the U.S. Treasury. Those earning 80 percent of the area median income or less are eligible. That threshold differs based on the county, ranging from \$35,700 in Alex-

ander County to \$52,200 in Cook County. It goes up about \$5,000-\$6,000 for each additional person in the household.

"As we continue with the planned sunset of the eviction moratorium in coordination with the court system, the Illinois Housing Development Authority will continue to review the pipeline of completed applications, and the Illinois Department of Human Services will continue to accept applications for additional rental assistance until funding runs out," Hanns said in the statement.

Assistance may also still be available in certain areas through the Illinois Department of Human Services and the Illinois Housing Development Authority, the two state agencies overseeing disbursement of federal funding, at <https://www.illinoisrentalassistance.org/providers>.

Free legal assistance may be accessed through Eviction Help Illinois by visiting [evictionhelpillinois.org](http://evictionhelpillinois.org) or calling (855) 631-0811.

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# New energy law includes sweeping regulation overhaul

By **CAPITOL NEWS ILLINOIS**

SPRINGFIELD – Gov. JB Pritzker signed into law a sweeping energy regulation overhaul that aims to phase out carbon emissions from the energy sector by 2045 while diversifying the renewable energy workforce.

The governor mentioned Hurricane Ida's destruction to the South and fires at the Boundary Waters wilderness area in Minnesota, describing the energy bill, Senate Bill 2408, as "the most significant step Illinois has taken in a generation toward a reliable, renewable, affordable and clean energy future."

The law forces fossil fuel plants offline between 2030 and 2045, depending on the source and carbon emissions level, although the Illinois Commerce Commission, Illinois Power Agency and Illinois Environmental Protection Agency would have the authority to alter plant closure timelines in order to ensure energy grid reliability.

It subsidizes three nuclear plants with \$694 million paid over a period of five years, and increases subsidies for renewable energy by more than \$350 million annually. The latter is the driving piece in an effort to increase state's renewables output from 7-8 percent of the energy mix currently to 40 percent by 2030 and 50 percent by 2040.

Another goal aims for 100 percent carbon-free energy by 2050, elevating the importance of the nuclear plants, which will continue to operate as a result of the massive subsidy.

Estimates for the cost of the bill have ranged from \$3 to \$4 monthly added to ratepayer bills according to the Citizens Utility Board, to \$15 according to the senior advocacy group AARP. In terms of percentages, bill sponsor Sen. Michael Hastings, D-Frankfort, said residential electric bills would increase by about 3-4 percent, commercial bills by about 5-6 percent, and industrial bills by about 7-8 percent.

Exelon Corporation, which owns the state's six nuclear plants, had threatened

to close two of its six nuclear plants in the coming days and months without the legislative action to make nuclear more competitive and cost-effective compared to fossil fuels and highly subsidized renewables. Five of the six Exelon plants will now receive subsidies.

The new law mandates project labor agreements for large-scale renewable projects and requires a prevailing wage be paid on non-residential renewable projects.

The bill aims to put 1 million electric vehicles on Illinois roads by 2030, partially by offering incentives up to 80 percent of the cost of charging stations that were built by labor paid at the prevailing wage, based on a number of factors.

It also provides for a \$4,000 rebate on an electric vehicle purchase starting in July 2022, which Pritzker said would be available to all Illinoisans, not just those in certain counties, as had been discussed during floor debate of the bill.

The law also provides subsidies to convert coal-fired plants to solar or energy storage facilities at about \$47 million annually starting in 2024.

The law also creates \$180 million annual investment in clean energy workforce diversification programs, as well as training programs aimed at providing the fossil fuel workforce with inroads into renewable energy.

## School mask rules passed by panel

Expressing concern that the Illinois State Board of Education might have overstepped its bounds by threatening to withhold funding from school districts that do not enforce its mask mandate, a legislative panel urged the agency to put its policies into formal rules.

The unanimous vote by the Joint Committee on Administrative Rules, or JCAR, represented one of the few times that Illinois lawmakers have pushed back against the enforcement of Gov. JB Pritzker's executive orders since the start of the COVID-19 pandemic, and it came after intense questioning of ISBE officials, especially

from Republican members of the panel.

Sen. Don DeWitte, R-St. Charles, said he personally has no problem with wearing masks or getting vaccinated and that he encourages others to get vaccinated as well.

"Having said that, I do have concerns with government overreach and those who act outside their authority," he said

On Aug. 4, Pritzker issued an executive order requiring all public and nonpublic PreK-12 schools to follow joint guidance from ISBE and the Illinois Department of Public Health by requiring all students, staff and visitors to wear masks indoors at school.

Since then, the state board has taken an aggressive stance in enforcing that rule by either placing districts on probation or, in the case of nonpublic schools, revoking their official state recognition.

According to data from the state board, 47 public school districts have been placed on suspension for refusing to comply, although all but four of them have since agreed to come into compliance. Beecher City CUSD 20, Hutsonville CUSD 1, Cowden-Herrick CUSD 3A and Nauvoo-Colusa CSD 325 were all on probation, meaning they are at risk of losing state recognition and state funding.

A total of 15 nonpublic school systems have had their state recognition revoked for noncompliance, although six of those have since had their recognition restored. Losing recognition can mean, among other things, that their graduation diplomas are not recognized by state colleges and universities and they are ineligible to take part in interscholastic events.

DeWitte and other Republicans on the panel questioned whether the state board had any statutory or administrative authority to take enforcement action against schools that refuse to comply with "guidance" issued by state agencies.

## Supreme Court FOID case heard

The Illinois Supreme Court is being asked to consider the laws of the state

of California and the U.S. Constitution in ruling on one man's eligibility to be issued a Firearm Owners Identification card by the Illinois State Police.

The high court heard oral arguments Thursday, Sept. 16, in Springfield in Thomas Brown v. the Illinois State Police.

Brown was a FOID cardholder for several years, most recently applying for and being granted renewal in 2013. But in 2016, he tried to purchase a gun at a federal firearm licensee, leading the Illinois State Police to conduct a background check. That unearthed a 2001 conviction in California on a "misdemeanor offense of inflicting corporal injury on a spouse" that he did not disclose on his FOID application, according to a filing before the Supreme Court.

The conviction ultimately qualified as a misdemeanor crime of domestic violence, prohibiting Brown from possessing a firearm under federal law. Because Illinois' FOID Act states that a card may not be issued "contrary to federal law," the State Police revoked his card upon the failed background check.

Federal law does, however, allow exceptions for gun ownership if a person convicted of a domestic violence misdemeanor has had their "civil rights restored" in the jurisdiction that convicted them – in this case, California.

Brown's legal team specifically noted that California only penalizes gun possession for 10 years following a misdemeanor conviction. That means, they argue, Brown had his civil rights restored under California law in 2011, qualifying him for the federal exception which would in turn qualify him for a FOID card.

But Katelin Buell, a lawyer for the attorney general's office which represents the Illinois State Police, said California's 10-year window is "a matter of forbearance, not forgiveness."

If the Supreme Court does not determine that the California law equates to a restoration of civil rights, Brown's lawyers have asked it to consider the case through the lens of the U.S. Constitution.