



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1444

Introduced 1/31/2023, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-123 new

Amends the Eviction Article of the Code of Civil Procedure. Requires the court to appoint an attorney for an indigent tenant in an eviction action. Provides that the Supreme Court Access to Justice Commission is responsible for the implementation of such appointments, and the State shall pay the costs of legal services provided by an appointed attorney. Requires the Supreme Court Access to Justice Commission to enter into contracts with attorneys and agencies for the provision of legal services. Requires the Supreme Court Access to Justice Commission to submit to the General Assembly a plan to fully implement the indigent tenant representation requirements within 12 months of the effective date of the amendatory Act.

LRB103 05099 LNS 50113 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 adding Section 9-123 as follows:

6 (735 ILCS 5/9-123 new)

7 Sec. 9-123. Indigent tenant right to counsel.

8 (a) As used in this Section, "indigent" means any person
9 who, at any stage of a court proceeding:

10 (1) receives public assistance;

11 (2) has been involuntarily committed to a public
12 mental health facility;

13 (3) has an income of 125% or less of the current
14 federally established poverty line; or

15 (4) has insufficient funds to retain counsel.

16 (b) Subject to the availability of amounts appropriated
17 for this specific purpose, the court shall appoint an attorney
18 for an indigent tenant in an eviction action under this Code.

19 The Supreme Court Access to Justice Commission is responsible
20 for the implementation of this Section as provided in
21 subsection (c), and the State shall pay the costs of legal
22 services provided by an attorney appointed under this Section.

23 In implementing this Section, the Supreme Court Access to

1 Justice Commission shall assign priority to providing legal
2 representation to indigent tenants in those counties in which
3 the most evictions occur and to indigent tenants who are
4 disproportionately at risk of eviction.

5 (c) Moneys appropriated for legal services provided by an
6 attorney appointed under subsection (b) shall be administered
7 by the Supreme Court Access to Justice Commission. The Supreme
8 Court Access to Justice Commission shall enter into contracts
9 with attorneys and agencies for the provision of legal
10 services under this Section to remain within appropriated
11 amounts.

12 (d) Within 90 days of the effective date of this
13 amendatory Act of the 103rd General Assembly, the Supreme
14 Court Access to Justice Commission shall submit to the General
15 Assembly a plan to fully implement the indigent tenant
16 representation requirements under and consistent with this
17 Section within 12 months of the effective date of this
18 amendatory Act of the 103rd General Assembly.