



Rep. Anna Moeller

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10300HB1444ham001

LRB103 05099 LNS 58132 a

1 AMENDMENT TO HOUSE BILL 1444

2 AMENDMENT NO. _____. Amend House Bill 1444 by replacing
3 everything after the enacting clause with the following:

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. Access to legal assistance in evictions.

8 (a) As used in this Section:

9 "Eligible full representation client" means an individual,
10 not a business entity, who is a residential tenant involved in
11 an eviction matter, has been found eligible for representation
12 by a participating legal aid organization, and has an annual
13 income that does not exceed 200% of the prevailing poverty
14 guidelines issued by the United States Department of Health
15 and Human Services.

16 "Eligible unrepresented party" means an individual, not a

1 business entity, who is a residential landlord or a tenant in
2 an eviction action in a State circuit court and who is not
3 represented by an attorney.

4 "Participating legal aid organization" means a nonprofit
5 legal organization that provides free legal assistance to
6 low-income State residents and is eligible for funding under
7 the Illinois Equal Justice Act.

8 (b) Subject to the availability of funding appropriated
9 for this specific purpose:

10 (1) The Illinois Equal Justice Foundation, through the
11 Department of Human Services, shall establish a statewide
12 program for providing legal assistance and related
13 services for eviction prevention that, subject to
14 eligibility and available resources:

15 (A) ensures all eligible unrepresented parties in
16 eviction cases in State circuit courts have access to
17 free legal assistance that includes legal advice and
18 where appropriate, limited scope legal representation
19 and negotiation assistance;

20 (B) ensures that where appropriate and available,
21 eligible full representation clients have access to
22 full legal representation from a participating legal
23 aid organization;

24 (C) provides access to free mediation upon
25 referral from a State circuit court or by agreement of
26 the parties;

1 (D) provides community outreach and education;

2 (E) connects with other available resources and
3 services such as emergency rental assistance, housing
4 counseling, and social services; and

5 (F) where applicable, works in concert with other
6 Department of Human Services programs to promote
7 housing stability and prevent homelessness.

8 (2) Any eligible unrepresented party in an eviction
9 matter shall receive the level of legal assistance from a
10 participating legal aid organization that the
11 participating legal aid organization deems appropriate,
12 subject to available resources and the client's
13 eligibility for services.

14 (3) Priority for full representation for eligible full
15 representation clients shall be given to tenants who the
16 participating legal aid organization determines:

17 (A) have meritorious legal claims or defenses; or

18 (B) are particularly vulnerable to becoming
19 homeless if evicted and would not be able to
20 effectively assert their legal rights on their own.

21 (c) In addition to its statutory authority under the
22 Illinois Equal Justice Act, the Illinois Equal Justice
23 Foundation is authorized to make grants to counties that are
24 operating eviction prevention programs with its circuit courts
25 that are consistent with the purposes of this Section.

26 (d) In distributing funding under this Section, the

1 Illinois Equal Justice Foundation shall:

2 (1) strive to provide support that as much as
3 practicable matches the geographic distribution of
4 population and eviction cases in the State; and

5 (2) prioritize programs where the circuit court is a
6 partner in the program and local governments are also
7 providing resources to support the program and the
8 nonprofit partners.

9 (e) The General Assembly encourages the Supreme Court to
10 adopt rules and policies for eviction cases in State circuit
11 courts to:

12 (1) facilitate access to legal assistance, mediation,
13 and other relevant services such as emergency rental
14 assistance; and

15 (2) promote negotiated, fair resolutions among the
16 parties to eviction cases when possible."