

Court-Based Rental Assistance Program “Pay and Stay”

Illinois Housing Development Authority
Special Needs Housing: Combating Homelessness

HFA Staff Contact

Andrew Field

afield@ihda.org

Nimble Response to Change

The Illinois Court-Based Rental Assistance Program (CBRAP) is the latest program developed by the Illinois Housing Authority (IHDA) in response to the COVID-19 pandemic and the impact it had on many renters’ ability to make their monthly payments. CBRAP continues to play a critical role in preventing evictions, promoting housing stability, and supporting vulnerable populations throughout Illinois.

Through its collaborative approach, IHDA leverages resources, expertise, and partnerships to intervene effectively in eviction proceedings and connect tenants with the support they need to remain housed. As housing instability persists, the program’s continued expansion and enhancement are essential to ensuring that all Illinois residents have access to safe, decent, and affordable housing options.

A key component of this was IHDA’s agile response to local legislative initiatives. Specifically, both the city of Chicago and Cook County enacted local “stay and pay” ordinances to assist renters facing eviction. The structure of the ordinances did not properly align with CBRAP, possibly allowing for individuals to go through the eviction process and become homeless when they could be made whole.

IHDA quickly took action to quickly create a new pathway to ensure this group of tenants did not fall through the cracks and get evicted when they otherwise may not have.

Helping Renters

CBRAP operates within a collaborative framework involving IHDA, the judiciary, legal aid organizations, social service agencies, and community partners. Tenants facing eviction are referred to the program by judges, court personnel, legal aid attorneys, or social service providers. IHDA works closely with these stakeholders to identify eligible participants and streamline the referral process.

IHDA provides up to \$10,000 in rental assistance to eligible tenants to cover past due rent, court fees, and other housing-related expenses. Payments are made directly to landlords on behalf of tenants; therefore, landlords are required to participate in the program should the tenant want to receive the full amount.

IHDA does offer tenant direct payments for up to two months of future rent payment to assist with moving into a new home following an eviction or a terminated lease. To qualify, tenants must locate a new unit, sign a lease (or complete a lease attestation) with a new landlord for at least six months.

To assist us in administering CBRAP, IHDA has partners with community-based Housing Stability Service organizations and legal aid organizations to offer supportive services, including financial counseling, budgeting assistance, tenant education, and access to social service programs.

Local Housing Ordinances

At both the state and local level, many legislative bodies were enacting legislation to provide additional rights to tenants in response to the housing crisis spurred by the pandemic. This was especially true in Illinois. Specifically, the city of Chicago and Cook County established various tenant remedy ordinances to give further protection to vulnerable tenants. These “stay and pay” ordinances allowed tenants a one-time path to cure their past due rent obligations prior to an eviction order being entered. Should a tenant

*Illinois Housing Development Authority
Special Needs Housing – Combatting Homelessness
Court-Based Rental Assistance Program “Pay and Stay”*

be able to pay the full amount owed, the court would stop the eviction and dismiss the case outright. Should a landlord violate this ordinance, the tenant may sue the landlord to get back into the unit, attorney’s fees, and damages.

The issue with these two ordinances was that they ran counter to previously established CBRAP rules and procedures. Under the program, tenants were required to have landlord participation to receive the full amount of assistance and dismiss the eviction. IHDA could not coerce, or otherwise force, a landlord to participate in the emergency rental assistance program. IHDA had established a tenant-direct payment route, but it would result in the tenant having to relocate to a different unit and only receive two months of future rent payments.

Adapting to Change

IHDA knew that being able to pair these “stay and pay” ordinances with CBRAP was something that must be done to keep potentially eligible tenants safely housed. CBRAP was not technically in violation of the local laws but there were landlords who were unwilling to participate in the program which would result in the tenant being forced vacate their units/ become homeless.

IHDA quickly got to work internally to formulate a plan to enact changes to CBRAP to allow for renters in Chicago and Suburban Cook County to apply with different circumstances as those in the other 101 counties throughout Illinois. IHDA did not have the time or resources to make necessary edits to the CBRAP application website with our technological vendors. In lieu of that, IHDA relied on our partnership with legal aid organizations to assist with potential applications.

Any tenant attempting to apply for CBRAP from Cook County through the tenant direct payment application were immediately flagged as a potential “pay and stay” client. IHDA would then immediately refer the applicant to one of our legal aid partners who would initiate the verification process for eligibility. If a tenant was able determined they were able to exercise their right to “stay and pay” per the ordinance, and they qualified under the guidelines for CBRAP, IHDA and the legal aid agency coordinated to ensure payment in the proper amount was issued and presented in court prior to the eviction order being entered.

IHDA has continuously worked with our HSS partners and the courts to ensure there is proper education and messaging so Cook County and Chicago tenants are made aware of this program change.

Results

Since its inception, CBRAP has made a significant impact on housing stability and eviction prevention in Illinois. The program has helped 9,137 tenants with more than \$73 million to avoid eviction and remain housed, preserving their stability, dignity, and well-being. By providing financial incentives and mediation services, the program has encouraged landlord participation and cooperation, leading to successful resolution of eviction cases. Of the more than 9,000 approved applications, nearly 270 have gone through the “stay and pay” process to continue living in their units with \$2.2 million in assistance that otherwise may not have been made available. This is the importance of enacting this policy change to CBRAP.

*Illinois Housing Development Authority
Special Needs Housing – Combatting Homelessness
Court-Based Rental Assistance Program “Pay and Stay”*

These renters were now eligible for 18 months in past due rent and \$500 in court costs to exercise their intention to stay in their units regardless of mandatory landlord participation. They no longer had to be concerned with housing instability while they regained their financial footing.

IHDA is proud of the quick action it took to help these families stay in their home. Throughout our partnerships with the judiciary, legal aid organizations, and community-based agencies, we were able to develop a coordinated response to prevent homelessness and strengthen the social safety net for vulnerable populations in Cook County.

Illinois Court-Based Rental Assistance Program

Right to Cure

(City of Chicago and most of suburban Cook County)

Right to Cure Payment Terms

The Illinois Court-Based Rental Assistance Program (CBRAP) will provide funds for eligible tenants to exercise their [Right to Cure](#) in the City of Chicago under Municipal Code 5-12-130 and in suburban Cook County under Cook County Code Sec. 42-105(f). See eligibility criteria for more information below.

- Assistance will pay up to 18 months in past due rent and \$500 in court costs for the tenant to exercise their Right to Cure.
 - Total assistance, including court costs, received by a household cannot exceed \$10,000. If a tenant has previously received rental assistance, the amount of that rental assistance will count against the \$10,000.
 - Court costs in excess of \$500 will need to be paid directly by the tenant.
- Tenants must work with a legal aid agency in order to determine if they may qualify for Right to Cure. If you are currently working with legal aid, please contact your legal aid attorney directly for more information. If you are not currently working with legal aid, please contact the Cook County Legal Aid for Housing and Debt (CCLAHD) Hotline at 855-956-5763 to determine your potential eligibility. Please have your eviction court case number ready to give to the Hotline when you call.
- If the legal aid organization accepts your case and determines that you may be eligible for Right to Cure rental assistance, they will send your application to IHDA. If IHDA approves your application, the legal aid organization will receive the check, payable to the landlord, and assist eligible tenants in exercising their Right to Cure.

Tenant Eligibility

- Tenants must live in the City of Chicago or suburban Cook County (not including Evanston and Mount Prospect) and be eligible to exercise their Right to Cure under the relevant Ordinance.
- The tenant household must meet all CBRAP eligibility criteria.

TENANTS – KNOW YOUR RIGHTS

FAIR NOTICE ORDINANCE

The Fair Notice Ordinance was approved by the Chicago City Council in July 2020 and creates new rights and responsibilities for tenants and landlords to give Chicago renters more stability in their homes.

Most importantly, the ordinance increases the amount of notice a landlord must give in order to non-renew or terminate a lease, or to raise a tenant's rent. The ordinance also extends the amount of time during which a tenant may end an eviction filing against them by paying the rent they owe and their landlord's court filing fees.

If Your Landlord Moves to Terminate Your Lease

Under the ordinance, landlords must provide:

- **60 days** of notice to terminate your lease if you have lived in your apartment for more than six months but less than three years
- **120 days** of notice to terminate your lease if you have lived in your apartment for more than three years

If Your Landlord Moves to Raise Your Rent

Under the ordinance, landlords must provide:

- **60 days** of notice to raise your lease if you have lived in your apartment for more than six months but less than three years
- **120 days** of notice to raise your rent if you have lived in your apartment for more than three years

These rules apply to all tenants, whether they have a written year-long lease or an informal month-to-month lease. It does not apply if the eviction process has begun to due to nonpayment of rent or another violation of the lease.

If a landlord fails to give the required notice, tenants have the right to remain in the apartment for the required notice period or pay the prior rent for the required notice period.

If You Have Been Given an Eviction Notice for Nonpayment

You now have the right to remain in your apartment and end the eviction case against you if you:

- Pay all of your back rent owed
- Pay any court filing fees your landlord has paid in your eviction case
- Do not live in the same building as your landlord if the building has six units or fewer

You are free to make these payments until a judge issues a formal eviction order against you, also known as an "order of possession."

For further assistance, see the resources listed at chicago.gov/fairnotice.