




Pandemic Recovery Funds Support Court-Based Eviction Prevention Programs in Cook County, Illinois

 To help prevent millions of unnecessary evictions brought on by the health and economic impacts of COVID-19, Congress launched the **Emergency Rental Assistance Program (ERA)**¹ with a total of \$46.5 billion, enabling state and local governments, courts, legal aid programs, and other social service providers to team up and help Americans unable to pay rent or utilities to stay housed.

 The American Rescue Plan Act (ARPA) also included the **\$350 billion in emergency funding known as the Coronavirus State and Local Fiscal Recovery Funds (FRF)**.² This infusion of resources has been used for an array of local priorities including, in some jurisdictions, additional funding for housing-related programs that sometimes included court partners.

 The Chicago Bar Foundation, in partnership with the Circuit Court, the County and City Government, legal aid and pro bono organizations, and community partners worked quickly to help launch the Cook County Legal Aid for Housing and Debt (CCLAHD) initiative.

Pandemic Response Funds Help Prevent Evictions

"The court system should be a last resort for landlords seeking to resolve tenant issues. CCLAHD exists to help landlords and residents efficiently reach a resolution that's fair for everyone involved. Before filing, reach out and consider all of your options."
-Chief Judge Timothy C. Evans, Circuit Court of Cook County

When courthouse doors closed around the country, many courts joined coalitions of civil justice system stakeholders to accelerate an array of short- and long-term solutions to pre-existing and COVID-exacerbated legal issues. These include potential evictions, foreclosures, debt claims, and tax deed disputes. As local, state, and federal law and policy kept evolving, and the numbers of tenants behind on rent grew, the courts were often the last stop in the nation's attempts to connect both tenants and small landlords with services to mitigate the devastating impacts of eviction. Enabled by the infusion of federal funds, the judicial branch pivoted to launch new or deepen existing eviction prevention strategies via rule changes, program innovations, and community partnerships.

In "normal" years, state and local governments receive a significant influx of federal funds to advance public policies and programs. Many opportunities to financially support access to justice and court innovations flow from states' powers to administer these federal pass-through funds.³ Responding to the pandemic, Congress passed the March 27, 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act, including the Coronavirus Relief Fund); December 27, 2020 Omnibus Consolidated Appropriations Act; and March 11, 2021 American Rescue Plan Act (ARPA), providing unprecedented means for financial relief, establishing new programs, and supplementing existing state- and local-administered grant programs.

These included [ERA1](#) and [ERA2](#) which totaled \$46.5 billion to states, U.S. territories, local governments, and (in the case of ERA1) Indian tribes to assist households unable to pay rent or utilities. Grantees use the funds for assistance to eligible households through existing or newly created rental assistance programs. ERA2 funding is available until September 30, 2025.

In addition, the \$350 billion appropriated for the State and Local Fiscal Recovery Fund (FRF) is ARPA's largest and most flexible source of funds to help states, counties, cities, and tribal governments cover increased expenditures, replenish lost revenue, and mitigate economic harms from the COVID-19 pandemic. The U.S. Treasury also made clear grantees could use funds for legal aid and court-based eviction prevention or diversion programs, and to address COVID-related court backlogs. Grantees must obligate their FRF dollars by December 31, 2024, and spend by December 31, 2026.

The Chicago Bar Foundation, Circuit Court, city government, and legal aid partners launch Cook County Legal Aid for Housing and Debt (CCLAHD) program

*Treasury strongly encouraged ERA grantees to take steps to prevent evictions by collaborating with, among others, "judges, magistrates, court clerks, and other relevant court officials" about the availability of ERA programs and housing stability services, as well as to work with eviction courts and to engage providers of legal services and other housing stability services.*⁴

The Chicago Bar Foundation (CBF), well known in Cook County as a leading access to justice funder and collaborator,⁵ sprang into action as it became clear they would face a wave of pandemic-related eviction and debt collection lawsuits. The CBF reached out to partners in the Circuit Court of Cook County, Cook County and city governments, and numerous bar association, community, and legal aid partners to develop an integrated response. Recognizing both the new challenges created by the pandemic for people facing housing and debt issues as well as the unique opportunities to create a fairer and better process now and into the future, the CBF hosted a series of meetings with stakeholder

representatives during the spring and summer of 2020 that led to the design, funding, and launch of the court-based Early Resolution Program (ERP) for eviction and consumer debt cases as part of the broader Cook County Legal Aid for Housing and Debt (CCLAHD) program.⁶

In November 2020, with an initial \$1 million of the County's CARES Act Coronavirus Relief Fund allocation as seed funding, the CBF and the other partners announced that ERP⁷ would provide legal help through eight legal aid and mediation partners⁸ for thousands of people in Cook County facing eviction and consumer debt issues. That funding soon grew to more than \$3.5 million/year with additional Local FRF funds for the program's first full year and an ongoing Local FRF commitment at that level through 2024. ERP aims to prevent evictions and consumer debt judgments by modifying court processes and utilizing remote technology to connect unrepresented tenants, small landlords, and debtors, to legal aid, mediation, case management, and rental assistance services at the earliest possible stage of their disputes.

The package of comprehensive support included active case management, legal aid, and mediation both before and during court proceedings for landlords, tenants, and consumers throughout Cook County. ERA fund allocations from both Cook County and the City of Chicago deepened this support in the short-term with a court-based rental assistance program. This program provided staff to screen for rental assistance during eviction court calls, facilitate referrals to other agencies, and expedite the ERA application review process.

The CBF's role included bringing the partners together in the program development phase; serving as the funding intermediary and coordinator for the ERP's case management, legal aid, mediation, and community outreach services; and managing the interplay among the government, court, and nonprofit partners. However, the ERP's ultimate success is grounded in the Circuit Court and County government's active engagement and leadership. They recognized that everyone wins when resources, policies, and services converge to try to resolve disputes before resorting to litigation. They also agreed that even when litigation starts, it's best for both sides to receive legal, rental, and mediation assistance to reach a fair resolution as early as possible in the court process.

Their response included a series of court orders that involved the courts in all stages of eviction and debt collection proceedings from pre-filing to judgments. For example, the Circuit Court's General Administrative Order 2020-09 (Amended)⁹ changed the status quo for how courts handle these cases by:

- ▶ Clearly stating that ERP's goal is to encourage "early agreements and resolutions in cases where an agreement is attainable."
- ▶ Requiring landlords initiating an eviction action to alert tenants of the availability of rental and legal assistance by attaching a court-prepared form notice of ERP with the summons in English, Spanish, and Polish.
- ▶ Informing all parties that courts would only accept orders negotiated out-of-court and involving an unrepresented litigant if that litigant had an opportunity to meet with an ERP attorney.

Other CCLAHD program innovations included:

- ▶ Case management hearings and accompanying legal aid and mediation services available remotely for all six courthouses covering Cook County;
- ▶ Robust community outreach and community partnerships to educate people about their rights in housing and consumer disputes and connect them to legal aid and mediation services; and
- ▶ Well-publicized and court-linked [CCLAHD website](#)¹⁰ for landlords, tenants, community partners, and lawyers with plain language assistance including an [Eviction Checklist](#)¹¹ for landlords laying out options to exhaust before filing for eviction in court.

Recognized by the White House as a national model at its [Second White House Eviction Prevention Convening](#),¹² CCLAHD and its collective programs helped more than 20,000 litigants in its first full year — a number that keeps rising as short-term pandemic-related protections expire — and helped connect many thousands more to rental assistance and other resources.

Tips and Lessons Learned from Cook County

"It can sound like a cliché, but a program of this magnitude that involves significant change to prior systems can only work through a public/private partnership and collaboration among all key stakeholders. And that collaboration needs to be ongoing, constantly assessing how the program can be improved and adapting as necessary."

-Bob Graves, Executive Director, The Chicago Bar Foundation

- ▶ **Involve a broad range of public/private stakeholders in the planning, launch, and evolution of programs.** The key to success included getting input from all stakeholders from the start, especially both tenants and landlords. This also played a crucial role in securing court and county support. Similarly critical is having in the stakeholder mix a CBF-like entity able to bring everyone together and coordinate the overall effort.
- ▶ **Keep court and local government at the collaboration's forefront.** CCLAHD and ERP's success depended on the leadership of Chief Judge Evans, County Board President Toni Preckwinkle, and several County Commissioners to provide the necessary funding and to adopt policies and rules such as mandating the ERP, coordinating mediation, facilitating legal services to litigants, and ensuring language access.
- ▶ **Secure multiple types of legal help for litigants to ensure fair and just resolutions.** CCLAHD includes a combination of limited and full legal representation; a legal hotline for brief service; legal rights and education programs; rental assistance; and pre-and post-filing mediation services to parties. That assistance needs to be available both for tenants and small landlords.
- ▶ **Incorporate remote access to the courts and services.** Cook County has over five million residents in its large geographic area served by six courthouses. By making court, mediation, and related services available through Zoom — a necessity during the pandemic era that will continue for the long term — all partners could more efficiently and cost-effectively serve a higher volume of parties from central locations.

Endnotes

1. U.S. Department of the Treasury (n.d.), *Emergency Rental Assistance Program*, at <https://home.treasury.gov/policyissues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>

2. U.S. Department of the Treasury (n.d.), *Coronavirus State and Local Fiscal Recovery Funds*, at <https://home.treasury.gov/policyissues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

3. For a more complete list of federal block, formula, and open-end reimbursement funds potentially available to courts, see State Justice Institute Funding Toolkit at <https://fundingtoolkit.sji.gov/funding/> and NCSC *Tiny Chat 3: Federal Pass-Through Funding*, at <https://vimeo.com/410000945>

4. U.S. Department of the Treasury, *Emergency Rental Assistance Frequently Asked Questions*, Revised Aug. 25, 2021, FAQ 36, at <https://home.treasury.gov/system/files/136/ERA-FAQ-8-25-2021.pdf>

5. See e.g., Mortgage Foreclosure Mediation Program, <https://chicagobarfoundation.org/blog/circuit-court-cook-county-mortgage-foreclosure-mediation-program-renewed-three-years/>

6. *County Officials Announce New Legal Assistance Initiative: Cook County Legal Aid for Housing and Debt*, Nov. 23, 2020, at <https://www.cookcountylil.gov/news/county-officials-announce-new-legal-assistance-initiative-cook-county-legal-aid-housing-and>. See also Board of Commissioners of Cook County, *Board Agenda*, June 24, 2021, CCLAHD budget allocation at pages 55-56, <https://cookcounty.legistar.com/View.ashx?M=A&ID=821070&GUID=7FF97444-9960-4BA9-AFE5-0EC7211BB6AB>

7. *CBF Joins Cook County, Circuit Court, and Other Partners to Launch Groundbreaking Program for Eviction and Consumer Debt Cases*, Nov. 24, 2020, at <https://chicagobarfoundation.org/blog/groundbreaking-program-for-eviction-and-consumer-debt-cases/>

8. CBF partners include CARPLS, the Center for Conflict Resolution, Legal Aid Chicago, Lawyers' Committee for Better Housing, Chicago Volunteer Legal Services, Greater Chicago Legal Clinic, Center for disability & Elder Law, and the Legal Aid Society of Metropolitan Family Services.

9. *Circuit Court of Cook County, Illinois, General Administrative Order 2020-09 (Amended)*, April 22, 2021, at [https://www.cookcountycourt.org/Portals/0/Chief%20Judge/General%20Administrative%20Orders/4.22.21%20GAO%202020-09%20Amended%20\(with%20attachment\).pdf](https://www.cookcountycourt.org/Portals/0/Chief%20Judge/General%20Administrative%20Orders/4.22.21%20GAO%202020-09%20Amended%20(with%20attachment).pdf)

10. *Cook County Legal Aid for Housing and Debt*, at <https://www.cookcountylegalaid.org>

11. *Cook County Eviction Checklist*, at https://www.cookcountylegalaid.org/images/pdf/Covid%20Eviction%20LL%20Checklist_FINAL%202-21-22.pdf

12. *Second White House Eviction Prevention Convening*, July 22, 2021, at <https://www.youtube.com/watch?v=AedcPrqgPUY>