

Chicago Housing Justice League



Frequently Asked Questions

Substitute Just Cause for Eviction Bill

October 2021

What is Just Cause for Eviction?

Just Cause for Eviction is an important policy to promote tenant stability and keep renters in their homes. It is estimated that, each year, more than 10,000 households face displacement via eviction, termination, or non-renewal *without cause*. That means that the tenant has fulfilled all requirements of their lease including staying current on their rent, yet still lost their homes where they lived for years or decades. Under the current law, landlords have the power to remove someone from their home with just a one-to-four month notice, depending on the length their tenancy, without having to prove that the tenant has done anything to violate their lease agreement. As housing organizers who have seen the worst consequences of mass no-fault displacement on our communities, we understand the vital need to minimize the unnecessary disruption of people's housing, uprooting them from friends, neighbors, school, and their sense of place in the world.

Has Just Cause to Evict been tried elsewhere?

Just Cause isn't new! The real estate industry often speaks of the "unintended consequences" of housing stability policies, but the truth is that Just Cause is already in use in some form for more than 10 million units nationwide, across entire states like New Jersey, California, Oregon, Washington, and New Hampshire, and in cities, large and small, like Philadelphia, Washington D.C., St. Paul, and Seattle, and in all federally-assisted units nationwide, including over 30,000 units in Chicago. [Research](#) drawn from the Eviction Lab at Princeton found that, when compared with cities with similar traits, four cities saw their eviction filings and eviction rates fall by approximately 20 percent or more compared to rates in matched cities. These policies have been on the books in many places for decades, and nowhere is there evidence that they create harmful impacts on housing markets or raise rents. (If they were raising rents, you probably wouldn't hear landlords complaining!) Chicago's 1.4 million renters, more than half our city's total population, deserve the kinds of assurance that renters in other places are granted.

Why would a landlord displace a tenant who has done nothing wrong?

Landlords often use no-fault termination, non-renewal, eviction, or renewal with an untenable rent increase as tactics to turn over their units in favor of renters who can pay more to occupy a unit. These displacements are sometimes referred to as "[invisible evictions](#)," because they happen swiftly and leave tenants little recourse. Indeed, tenant can't fight them because they're entirely legal! In a society where housing is not viewed as a human right but is instead treated as a commodity, we are

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left with landlords looking for the highest bidder, while working people either struggle to pay ever-higher rents or find new shelter with short notice after living in a unit for years or decades, or leave the City altogether, as have over 200,000 African Americans and over 30,000 Latinx Chicagoans over the past decade. Unsurprisingly, these kinds of evictions can often end with families living doubled-up or in homelessness, with severe social and health impacts that can include illness and death.

Landlords often use no-fault terminations and non-renewals as a way to retaliate against a tenant who has requested repair, requested a building inspection from the City, or even had a child poisoned by lead paint in the home. The landlord, rather than make the repair, “fix” the problem by getting rid of the complaining tenant, effectively silencing tenants who often have serious concerns about the livability of their homes. No-fault displacement is thus used by landlords as leverage that they hold over tenants to keep them quiet while properties and the neighborhoods around them deteriorate. Unsurprisingly, these kinds of evictions often end in homelessness.

But there must be legitimate reasons why a landlord would want to empty out a unit. What if they want to move their parent into the downstairs unit of a two-flat, for example?

Just Cause recognizes that there are reasons outside of financial gain for a landlord to compel a tenant to move. It thus creates a widely-recognized list of acceptable reasons. Three cover all the traditional tenant-fault reasons – such as nonpayment of rent, disruption to neighbors, or damage to property. In these instances, no relocation assistance is required. The Bill also recognizes four reasonable landlord-side causes for compelling a family to move – desire to move in or have a family member move in, condominium conversion, desire to conduct substantial renovations, or desire to remove the unit from the market. In these four instances, tenants are made whole through our relocation assistance provision. Because the tenant has done nothing wrong, being compelled to uproot their family is an unexpected, unplanned expense, burdensome for families regardless of their income.

What about when a tenant has violated their lease? Will the Just Cause for Eviction ordinance stop a landlord from evicting them?

Just Cause does not change the traditional reasons for needing to remove a tenant for cause. If a tenant has not paid rent, has caused significant damage, uses the unit for an illicit purpose, or disturbs their neighbors, or is otherwise violating the terms of their lease agreement, a landlord still has recourse to file an eviction and remove a tenant. These are all common-sense, understandable reasons for a landlord to end a relationship with their tenant, and Just Cause merely ensures that the process is fair, and that the eviction is not being used to mask illegal discrimination or retaliation on the part of the landlord.

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Is a landlord required to pay relocation assistance if the tenant is moving out voluntarily?

No! If a tenant is seeking to move, no relocation assistance will be paid to the tenant. Relocation assistance is triggered only where the landlord seeks to end the relationship with a tenant who has done nothing wrong.

Some mom-and-pop landlords cannot afford to pay relocation assistance. Why should they be asked to pay for a tenant to move?

We recognize that there are different classes of landlords, with different restraints and circumstances shaping their experience. Unfortunately, the real estate industry often uses the image of the “mom and pop” landlord to block change, when their real interests lie with investor-class owners. Recognizing that smaller landlords are more at risk of facing economic hardship than larger property owners, especially in Black and Brown neighborhoods, our relocation assistance provision asks that they pay less than larger landlords, gives them flexibility in how it is paid, and works to ensure that any owner-occupied property with six units or fewer receives partial reimbursement for relocation assistance paid to faultless tenants. The Bill assumes that where a landlord seeks to condo-convert, substantially rehab the unit, or take the unit off the market, there is money available to pay relocation assistance. And where the reason for compelling the tenant to move is for the landlord to move-in or have a family member move-in, then the amount of relocation assistance is even less.

These smaller landlords are compensated through funds raised through creation of a rental registry program. Whether reimbursed through a rental registry or a different source of city funds, small landlords would need to access these funds on only rare occasions. Condo conversion, substantial repairs and taking the unit off the rental market are one-time events, and the need to move-in a family member occurs infrequently.

What about COVID? Does this bill provide any specific protections for renters dealing with the effects of the pandemic?

Just Cause for Eviction was being planned well before the pandemic, and its benefits extend far beyond the specific circumstances brought on by the last year. While it is not meant to serve as a direct response to the needs of tenants behind on rent due to COVID-19, as numerous rental relief programs are intended to do, housing advocates recognize the urgent need for Just Cause in the post-pandemic period, an essential tool to ensure that tenants are more likely to stabilize within their current homes, rather than be forced to move without cause.

One tangible example of how Just Cause can help as Chicago reopens: this bill would extend the right to cure a tenant’s unpaid rent until the moment they are removed from their home, removes the exemption from the right-to-cure provision for renters living in owner-occupied buildings of six units or fewer, and removes the limit of using right to cure one time per landlord. Given the delays

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in rental relief programs, it is imperative that tenants have all opportunities to pay off their rental debt. Passing Just Cause would increase the likelihood that a tenant has the time to settle their rental balance, and ensures that landlords are also more likely to receive all back rent owed, plus reimbursement for court costs.

Another example: a tenant may have struggled to pay rent earlier in the pandemic when an eviction moratorium was in place, but was able to get caught up with their landlord and are now paying rent consistently each month. This is also true if a tenant is able to secure rental assistance from the state of Illinois, or some other emergency source. Even after a landlord has been paid thousands of dollars in back rent via these outside means, nothing currently prevents them from waiting a month or two and then evicting the tenant at that point, a grave injustice that must be addressed proactively, rather than after the fact. We need laws on the books to prevent this kind of bad outcome. We are already seeing this happening

We also know that building owners under financial distress might sell their buildings to investor firms, who commonly use no-fault terminations and no-cause non-renewals to empty out a building. This total disregard for the tenants is exactly why we need Just Cause, especially in this moment of uncertainty.

What happens to people who are evicted?

A 2018 [report](#) from the National Law Center on Homelessness and Poverty cites research that found 12 percent of unsheltered homeless New Yorkers blame eviction for their homelessness, 14 percent of homeless residents in Santa Cruz, California, blame eviction, and 12 percent of homeless residents in San Francisco say eviction is the primary cause. A 2018 [report](#) by the Seattle Women's Commission and the King County Bar Association found that of the evicted renters surveyed: 37.5 percent ended up living on the streets, 25 percent moved into shelter or transitional housing, and 25 percent moved in with family or friends.

Rarely do we have the chance to grasp the full magnitude of housing instability in this country. While the pandemic has reminded plenty of people of the precarity of their housing, mainstream media has failed to capture the full magnitude of housing insecurity experienced by millions in America, made significantly worse since the housing crisis that began in 2007. The [official count](#) of those sleeping on Chicago's streets was 5,390 people in January 2020, already an increase from previous years, and that number is likely higher today because of the pandemic. As of now, without significant policy change, these numbers are likely to only keep getting worse.

Those forced to the streets are only a small fraction of those who deal with housing insecurity brought on by eviction and involuntary displacement, however. The Chicago Coalition for the Homeless [estimates](#) that almost 80,000 Chicagoans could be considered homeless at any given time, including those living 'doubled up' in cramped conditions with others. Again, these numbers have

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likely worsened during the pandemic, an outcome that's especially concerning with family members working outside of the house and potentially bringing COVID-19 back into cramped living conditions.

Whenever households face evictions, their health is immediately significantly impacted. Recent [research](#) conducted in Chicago found worse health outcomes as a result of evictions on several key health indicators, including “binge drinking, current smoking, lack of leisure time and physical activity, obesity, and sleeping fewer than seven hours.” Other [research](#) shows that nearly 15 percent of children have experienced an eviction by the age of 15, traumatic experiences that can cause [significant distress](#) and keep children locked in poverty as they grow older. And these adverse health effects of displacement burden over-taxed services in health care, education, and employment.

Isn't this an infringement on the owner's property rights?

This is a line of attack we're often made by the real estate lobby. In a country that's long equated property ownership with citizenship, we've often acted as if those who own property are solely entitled to legal support, and that renters and the homeless are *de facto* less responsible or suitable for political participation and legal protection. However, the problem with this line of thinking is clear: when one person's property rights come up against a tenant's basic need for secure shelter, policies have been far more likely to defer to the building owner than the renter in nearly every case. While a building owner can know that staying current on their mortgage means security of shelter, renters are never afforded that certainty without Just Cause, even if they're a model tenant in every way.

As advocates for the rental population and for those who we've left unhoused, despite having thousands of vacant homes and apartments available in our city, it is our responsibility to challenge this line of thinking, however engrained it is within our nation's political psyche. Lest we believe that the right to shelter is somehow unamerican, we can remember FDR's Second Bill of Rights [speech](#), in which he called for “The right of every family to a decent home,” an aspiration embodied in the National Housing Act of 1937. Reclaiming this historical mandate, we push back against the unlimited right to private property when it means the disruption of someone else's right to their home. Practically speaking, one must ask: If just cause is so damaging to private property interests, then why are there landlords, rental properties, and development aplenty in jurisdictions with just cause laws on the books?

With rights comes responsibilities. We argue that landlords have social obligations to tenants, their neighbors, and community members at large. An owner cannot build a smelter in the middle of a residential neighborhood for obvious health concerns that it raises to neighbors. Business owners can no longer put “Whites only” signs at their place of business. Given the huge health and social impacts of involuntary displacement and eviction, it is reasonable and fair to ask landlords to

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provide a justification for harming a tenant and the community at large. It does not diminish their “right” to collect a fair market rent or make a reasonable return on their investment.

Will a Just Cause ordinance make eviction cases take longer?

No. The eviction court process is one of the quickest legal proceedings known to Illinois law and that of most states. As a practical matter, most Chicago evictions end within one to two months of filing. In a small set of cases (e.g., where the tenant has a valid defense) the process may take up to three months. While eviction has always been “speedy and summary,” the current one-to-three-month timeframe has been strictly adhered to by the Circuit Court of Cook County since the process was streamlined in 2014. A very high percentage of cases are resolved by agreement for the tenant to move by a date certain, or to “pay and stay.” Very rarely does a case go to trial. Once the judge signs an eviction order, it generally takes two to three weeks for the sheriff to lock the tenant out of their home (in the dead of winter, it can take longer). In sum, there is simply no shorter case known to the court system than an eviction. Indeed, Just Cause may help improve the efficiency of the court system by removing a decent chunk of the no-fault/no-cause eviction filings, which we estimate to be 20 percent or more of the 24,000 filings in Chicago each year.

Will the passage of Just Cause prompt rent increases or deter development?

No. Discontinuing no-fault and no-cause terminations, non-renewals, and evictions has no effect on rent. Where a landlord has a legitimate reason to end the landlord-tenant relationship with a faultless tenant, the payment of relocation assistance – to humanize the unexpected transition – has no or a negligible effect on rent. If the landlord seeks to remove the unit from the market or convert it to a condominium, then it is no longer a rental. If the landlord seeks to substantially rehab the property, then, typically, the landlord is seeking to increase rent and the payment of relocation assistance has a minimal effect on any new rental rate.

How will the Just Cause for Eviction ordinance protect and promote public health in Chicago?

Having good shelter is essential to health. Having a home enables us to thrive, connect with and contribute to our communities, and live a healthy life. Without a home, threats to our health abound. Unjust, no-cause, no fault evictions pose a public health threat and contribute to health inequities, the systemic patterns of difference in health status and outcomes measured across different populations that are unfair, unjust, and remediable.

This ordinance will protect Chicagoans from facing unjust evictions that are at no fault on the part of tenants. Evictions cause many public health harms, which the Just Cause for Eviction ordinance will protect against. Those harms include: 1) stress, trauma, and mental health problems such as anxiety and depression; 2) high blood pressure, cardiovascular disease, and obesity that are causally

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linked to stress; 3) reduced likelihood of multiple moves, reduced quality of housing, and homelessness; 4) health hazards from low-quality housing, such as lead and asthma triggers; 5) loss of belongings that are essential to daily needs and can be costly to replace or, in some cases, irreplaceable; 6) disruption of travel to workplaces and ability to work, which contributes to economic instability and associated health harms; 7) maternal depression and negative effects on children's health and safety; 8) displacement, community destabilization, and loss of neighbors; 9) reduced civic engagement, social cohesion and trust in most impacted communities; and 10) reflected and exacerbated structural racism and class inequity, which function as fundamental root causes of health inequities.

On the positive side, the Just Cause for Eviction ordinance will reduce the number of people facing the above public health risks and harms at no fault of their own, help people remain housed, and help stabilize our communities. By reducing and counteracting public health risks and harms, Just Cause for Eviction can support the citywide goal of eliminating health inequities in Chicago.