

# 2018-2019 Chicago Evictions Data Released



Lawyers' Committee for Better Housing's (LCBH) mission is to provide free legal and supportive services to improve housing stability for lower income renters while advocating for the rights of all renters until everyone in Chicago has a safe, decent, and affordable place to call home. For over 40 years LCBH has exclusively served Chicago renters living in private (non-subsidized) rental housing who are facing unjust evictions or living in substandard housing. Using a fundamentally different approach to prevent homelessness, LCBH intervenes before renters are forced out of their homes and holistically addresses the short-term housing crisis and its underlying causes by combining legal aid with social services and public policy initiatives.

**December 2020**

In May 2019, LCBH launched the Chicago Evictions Data Portal (<https://eviction.lcbh.org/>) as a resource to help researchers, policy makers, and advocates investigate Chicago's chronic eviction problem using eviction court data for the years 2010 to 2017.

LCBH is expanding its look at Chicago's ongoing eviction crisis with a new release of data for the years 2018 and 2019.

In this short report, we provide updates on key findings from our three initial "Opening the Door on Chicago Evictions" reports:

- [Chicago's Ongoing Crisis](#): quantifying eviction filings and outcomes in Chicago and the troubling racial disparities found in eviction filings.
- [Most Families Forced Out for Less Than \\$2,500 Back Rent](#): exploring the most common reason for eviction: non-payment of rent.
- [Legal Aid Attorneys Make the Difference](#): looking into the impact attorneys have on eviction outcomes.

We also discuss some recent policy changes that will have impact on future evictions and announce a new report, [Eviction Filings, Unemployment, and the Impact of COVID-19](#), in partnership with Loyola University Chicago's Center for Urban Research and Learning (CURL).

## Updated Findings

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### Eviction Filings and Eviction Filing Rate

Over the past decade, Chicago has seen close to a quarter of a million residential eviction filings. Our initial release of data (2010-2017) showed an 8-year average of more than 23,000 eviction filings per year in Chicago. We noted a decrease in eviction filings of about 20% in recent years. With this new release of data, we see a continuation of this decline. With both 2018 and 2019 showing just over 18,000 eviction filings each, the average since 2010 has dropped to just over 22,500.

The overall eviction filing rate (eviction filings per 100 rental units) was 3.9. With the addition of the 2018-2019 data, the filing rate fell to 3.7. Notably, both 2018 and 2019 had filing rates slightly below 3.0. While the recent downward trend may be a positive sign, we are mindful that over the past decade, about 1 in 25 Chicago renters faced eviction each year.

We had speculated that the decline in eviction filings may be partially attributed to the drop in foreclosure related evictions stemming from the subprime mortgage crisis, but could not

readily account for the declines observed in more recent years. We take a closer look at this ongoing trend in a new report, [Eviction Filings, Unemployment, and the Impact of COVID-19](#), in partnership with Loyola University Chicago’s Center for Urban Research and Learning (CURL).

## Racial Disparities

With our first release of data (2010-2017), we found landlords filed for evictions at substantially higher rates in majority Black Community Areas than in other parts of the city. This troubling trend continues to be seen in the 2018-2019 data where we still find that majority Black areas had eviction filing rates that were much higher than majority Asian, Latinx or White areas. In fact, the most recently available data from the US Census Bureau suggest the disparity may be widening. The new data show that majority Black areas had eviction filing rates five times higher than majority White areas, while rates in majority Latinx areas were twice as high as those in majority White areas.

Race	Number of Community Areas	Filing Rate (# evictions per 100 rental units)	
		2018	2019
White	20	1.3	1.2
Black	28	6.0	6.1
Latinx	17	2.6	2.4
Asian	1	0.5	0.9
No Majority	11	1.9	1.8
Citywide	77	2.9	2.9

Data on race were obtained from American Community Survey 5-year estimates (2014-2018).

## Eviction Orders

About 60% of cases ended in eviction orders. An eviction order allows the landlord to have the tenant forcibly removed by the sheriff if the tenant has not moved out by a specified date. The data continue to show little year-over-year fluctuation from this average rate of 60% in cases ending in eviction orders, even with the recent declines in eviction filings. Small differences though were present across Chicago’s Community Areas. As we noted in our first reports, while about 40% of tenants did not receive an eviction order it does not mean that those tenants were able to stay in their homes. Many tenants either move out prior to their court date or make in-court agreements with their landlord to move out voluntarily and avoid an eviction judgment. As a result, the rate of eviction orders likely underrepresents the displacement of renters due to eviction filings in Chicago.

## Attorney Representation

The disparity in legal representation between landlords and tenants continues to increase. Overall, 81% of landlords were represented by attorneys in eviction court, while only 11% of tenants had attorney representation. Interestingly, landlord representation has steadily increased each year from 76% in 2010 to 87% in 2019, whereas tenant representation has remained fairly constant, fluctuating between 10% and 12%.

## Benefits of Representation

The new data continue to show that having an attorney significantly reduces the chances that a tenant will receive an eviction order. Overall, tenants reduced their likelihood of receiving an eviction order by about 25% when they had an attorney. With a private attorney, a Chicago tenant's likelihood of getting an eviction order was about 52%. With a legal aid attorney, it was about 28%.

## Back Rent Sought

Eviction cases with claims for back rent remain at about 80%, supporting the common belief that most evictions are filed for non-payment of rent. Our initial findings (2010-2017) showed that almost two thirds of eviction cases claiming back rent were filed for less than \$2,500 – an important marker as that was the upper limit on emergency rental assistance funds that the state Homeless Prevention program would provide per family in Chicago. As rents have steadily increased over the decade, that limit has recently been raised to \$5,000. Nearly 85% of eviction cases filed in 2018 and 2019 fall under that threshold and may have been preventable if the inability to pay rent had been caused by a short-term financial crisis.

## What's Happened Since

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### Chicago's Fair Notice Ordinance

Chicago's Fair Notice Ordinance, [passed into law in July 2020](#), made two substantial amendments to Chicago's Residential Landlord Tenant Ordinance.

First, the ordinance increases the length of the notice period for lease terminations and rent increases. Previously, landlords were only required to provide 30-days' notice. With the new

ordinance, 60-days' notice is now required for renters who have lived in their apartments for more than six months, and 120-days' notice is required for renters who have lived in their apartments for more than 3 years. As [Mayor Lori Lightfoot said](#), "30 days to find a new place to live, that you can afford, that's close to work and other responsibilities, is barely any time at all."

Second, the ordinance extends the amount of time a tenant has to stop an eviction by paying the rent they owe. State law requires a landlord to serve a written demand that a renter pay the amount owed within a certain period — typically 5 days — before filing an eviction. After the expiration of this "cure" period, Chicago landlords were not previously required to accept the rent owed and stop the eviction. Under the new ordinance, most Chicago renters can now stop an eviction by paying the amount owed (plus court fees) at any time prior to a judge issuing a formal eviction order.

Prior to this change in Chicago law, little could be done to keep renters in their homes after an eviction filing because the 5-day eviction notices would have expired well before renters had time to obtain legal help or be screened for rental assistance. This extension of the right to pay back rent will provide advocates with more time to connect renters with emergency rental assistance. We anticipate this will disincentivize eviction filings when there is a likelihood that a renter will be able to come current with the rent before an eviction judgment. We also expect it to change the kinds of outcomes we will see in court so long as adequate short-term rental assistance is made available. These evictions resolved with rental assistance will be dismissed, and potentially sealed from the public record.

## **Illinois Supreme Court Rule 139**

A new procedural rule, [Illinois Supreme Court Rule 139](#), now requires that the demand for possession or notice of termination of tenancy, affidavits of service of the demand or notice, and relevant lease provisions be attached to the eviction complaint. Even though the landlord is required to serve a valid notice alleging the basis for the eviction prior to filing an eviction, the Eviction Act does not require that the landlord include the notice or allege specific facts in the eviction complaint. Instead, the law only requires that an eviction complaint state that the plaintiff is "entitled to the possession of such premises (describing the same with reasonable certainty), and that the defendant (naming the defendant) unlawfully withholds the possession thereof from him, her or them." Without knowing the specifics of the landlord's allegations or examining the essential documents, legal aid attorneys were forced to make decisions to accept cases for representation without complete information. These documents will now be part of the court record, allowing advocates to more easily triage cases and employ appropriate levels of resources.

Under the new Rule, we anticipate that cases premised on defective notices will be more readily identified, dismissed, and sealed from the public record. Additionally, these notices will allow researchers to determine the landlord’s purported basis for filing each eviction case. While labor-intensive, a review of these attachments to eviction complaints should allow us to answer, among other things, a question that has long fascinated us: how many cases are “for cause” evictions, filed because the tenant is alleged to have breached the lease, and how many are “not for cause,” filed because the landlord wants to end the lease, and not due to any wrongdoing on behalf of the renter?

## **Chicago Housing and Health Dashboard**

Data from our Chicago Evictions Data Portal have been incorporated into the new Chicago Housing and Health Dashboard created through a collaboration between Enterprise Community Partners and the Illinois Public Health Institute. This new tool brings together publicly available data from various sources to allow practitioners to visualize the relationships between housing and health as they begin to devise strategies to reduce health disparities as they relate to the built environment. Visit <https://www.enterprisecommunity.org/where-we-work/chicago/housing-and-health-dashboard> for more information.