

The Cook County Early Resolution Program and CDEL's Role



Center for Disability
and Elder Law

Agenda

- ❖ The Early Resolution Program (“ERP”)
- ❖ CDEL’s Role in the ERP
- ❖ Background on Evictions
- ❖ Background on Consumer Debt
- ❖ Q & A

The Early Resolution Program

What is the ERP?

- ❖ Part of Cook County Legal Aid for Housing and Debt (CCLAHD) - countywide partnership between the Courts, Center for Conflict Resolution, and legal aid orgs
- ❖ Free program available to all Cook County residents who are self-represented litigants
- ❖ Cook County residents can access ERP services before and after a case has been filed
- ❖ Types of cases in CCLAHD:
 - Eviction
 - Consumer debt
 - Tax deed
 - Foreclosure
- ❖ Access to legal aid, mediation, and connections to other resources (e.g., rental assistance & housing resources)
- ❖ Goals: Level the playing field & resolve cases involving self-represented litigants more efficiently

Cook County Legal Aid for Housing and Debt ERP Partners

EVICTION	CONSUMER DEBT
<ul style="list-style-type: none">• CARPLS• CDEL• Center for Conflict Resolution• Chicago Volunteer Legal Services• Lawyers' Committee for Better Housing• Legal Aid Chicago• Legal Aid Society	<ul style="list-style-type: none">• CARPLS• CDEL• Center for Conflict Resolution• Greater Chicago Legal Clinic• Legal Aid Chicago

CDEL's Role in the ERP

EVICTIONS

Who we help: Tenants & landlords who are 60+ or living with a permanent disability

Examples of services:

- Brief assessment of their situation
- Advice as to which docs to file
- Advice about rental assistance
- Advice about new housing assistance
- Representation in mediation or settlement negotiations

Court calls:

- Wednesday & Friday AM
- Tuesday & Thursday PM

CONSUMER DEBT

Who we help: Debtors who are 60+ or living with a permanent disability

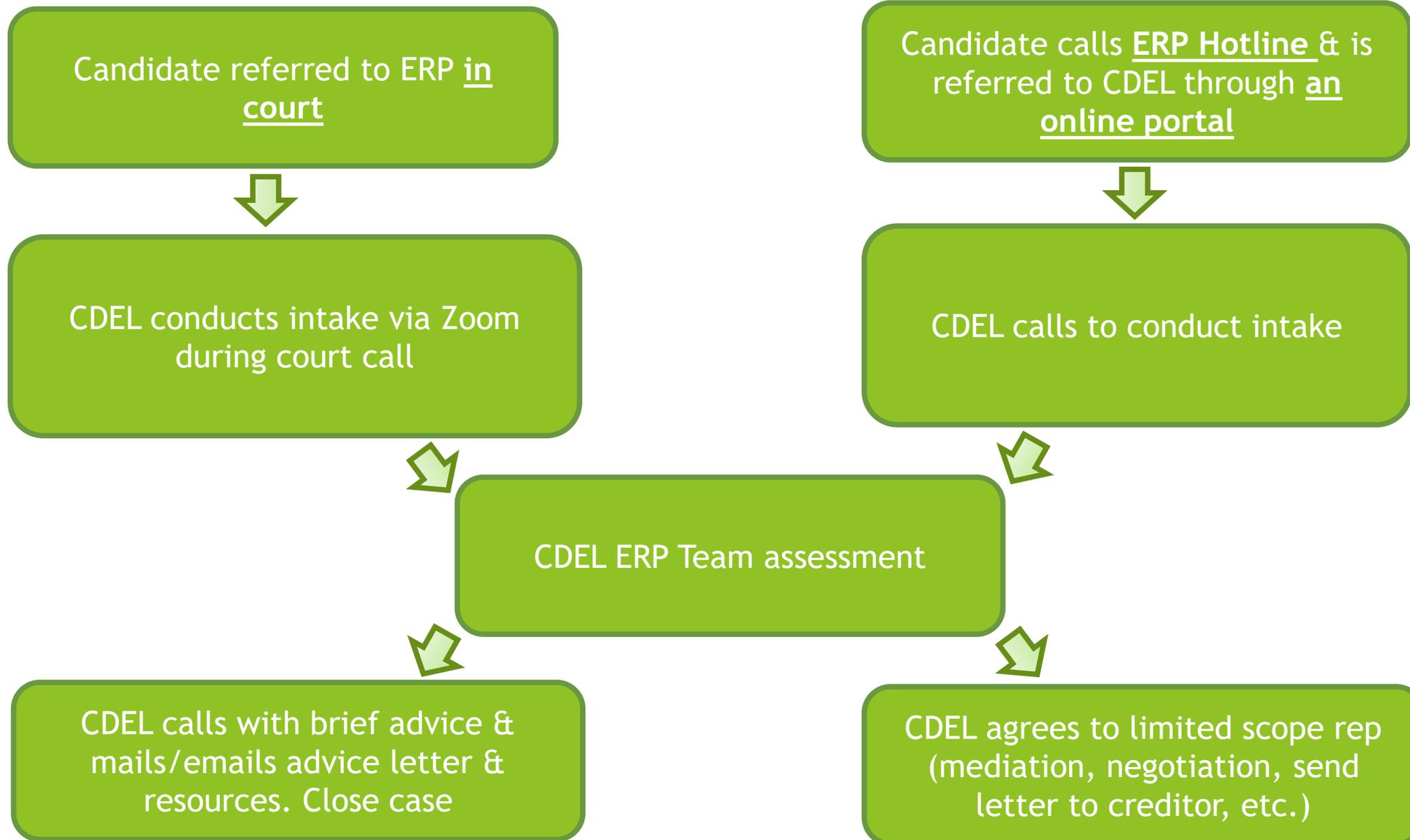
Examples of services:

- Brief assessment of their situation
- Draft letters to send creditors to request hardship dismissals, settlements, or identity theft
- Representation in requesting hardship dismissals or settlements

Court calls:

- Monday-Friday AM
- Monday, Tuesday, & Thursday PM

ERP Process



Evictions

Housing Considerations for Seniors and People with Disabilities

- ❖ Mobility and independence challenges
 - Living with family/friends
- ❖ Elder Transfer Trauma or Relocation Stress Syndrome
- ❖ Accessibility of existing versus new housing
- ❖ Court barriers
 - Physical barriers
 - Access to technology
 - Difficulty accessing social services and rental assistance
- ❖ Fixed-income
- ❖ Power of Attorney

Evictions: Basic Laws

- ❖ Applicable law generally depends on (1) where the person lives geographically, (2) the type of property, and (3) whether it is landlord-occupied.
- ❖ **Where the person lives:**
 - Chicago RLTO and Fair Notice Ordinance
 - Cook County RTLO
 - IL Condominium Property Act
- ❖ **Typical properties:**
 - Apartments in multi-unit buildings
 - Single-family homes
 - Condos and units with homeowner associations
 - Motels and extended stay hotels
 - **Subsidized housing
- ❖ **Other important laws/rules:**
 - IL Eviction Act - 735 ILCS 5/9
 - IL Code of Civil Procedure

Evictions: Types of Notices

- ❖ LL must give Notice before filing an eviction. Type and amount of Notice required depends on (1) why the LL wants to evict, and (2) the applicable law.
- ❖ **Non-Payment of Rent: 5-Day Notice**
- ❖ **Lease or Ordinance Violation: 10-Day Notice**
- ❖ **Non-Renewal of Tenancy**
 - Chicago
 - Less than 6 months: 30-Day Notice
 - 6 months to 3 years: 60-Day Notice
 - Over 3 years: 120-Day Notice
 - Cook County: 60-Day Notice
- ❖ **Demand for Immediate Possession (“squatter”)**

Evictions: Paths to Resolution

❖ Negotiation

- Move-out agreement
- Payment plan
- Some other agreement (e.g., remedy lease violation)

❖ Litigation: Motions or Trial

- Motion to Dismiss (e.g., improper Notice)
- Trial. Good for factual disputes and defenses. Examples:
 - Conditions issues (devalued unit or withheld rent due to repairs)
 - Retaliation

❖ One-time Right to Pay and Stay/Right to Cure

- Permitted under both CCRTLO and CRLTO
- Rental assistance is key

Consumer Debt

What is Consumer Debt?

❖ **Examples:**

- Credit card debts
- Vehicle or furniture loans
- Personal or payday loans
- Medical and assisted living bills
- Timeshares

❖ **Does not include:**

- Child support
- Maintenance/alimony
- Criminal or civil fines
- Accident damages

- ❖ Frequently a creditor sells the debt to a debt collection agency and the collection agency sues the debtor

Consumer Debt Considerations for Seniors and People with Disabilities

- ❖ Collection Proof Debtors
 - Income: No income, take-home pay is less than \$585 a week, or income is from a protected source;
 - No real estate or equity in the real estate > \$15,000;
 - No car or car is worth > \$2,400; AND
 - Personal property is worth \$4,000 or less (wildcard)
- ❖ Ability to pay on the debt
- ❖ Identity theft
- ❖ Other debts & bankruptcy history
- ❖ Court barriers

Consumer Debt: Paths to Resolution

❖ Negotiation

- Hardship Dismissal Request
- Payment Plan or Lump Sum Payment

❖ Litigation: Motions or Trial

- Motion to Dismiss. Examples:
 - Deficient pleadings
 - Debtor was under a guardianship when debt originated
 - Statute of limitations
- Trial. Good for factual disputes and defenses. Examples:
 - Identity theft
 - Issues with a third-party, like a debt settlement company or insurance company

Q & A