



Student Legal Services

STUDENT AFFAIRS

# STUDENT TENANTS AND COVID-19

Your rights and responsibilities  
during the Covid-19 pandemic  
and Illinois' Stay-at-Home Order

By Emily Vock and Anthony Allegretti,  
Staff Attorneys, Student Legal  
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# Legal Disclaimer

- ▶ The information contained in this presentation does not constitute legal advice nor is it intended to constitute legal advice. It is not a substitute for consulting an attorney regarding one's particular case.
- ▶ The information and opinions contained herein are those of Student Legal Services and are not necessarily those of the University of Illinois at Urbana-Champaign.



**Covid-19 is  
changing  
everything.  
Do I need to  
pay my rent?**

- ▶ The university moved to online-only instruction, Illinois issued a Stay-at-Home Order, and I moved away from Champaign-Urbana for the rest of the semester.
- ▶ Can I end my lease and stop paying rent?

# Does Covid-19 end my lease?

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**No. You must continue to pay rent.**

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A lease is a binding contract for both the landlord and tenant.

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As long as the landlord is providing habitable housing, the tenant must pay rent.

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You still owe all rent due for the remainder of the lease period, whether you are living in the unit or not.



# I moved in with my parents back home. Is there any way to get out of my lease right now?

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- ▶ Probably not. As long as your landlord is providing you with habitable housing you must pay rent.
- ▶ Tenants can try negotiating with landlords to end their leases early—but the landlord would need to agree in writing.
- ▶ Sometimes leases will have a *Force Majeure* clause. However, these clauses are rare and often these clauses favor the landlord.



# What happens if I stop paying my rent for the rest of my lease term?

- ▶ If you do not pay your rent, your landlord could serve you with a Five Day Notice demanding payment. If you are not able to pay within five days, your landlord can file an action to demand possession in court—a/k/a eviction.
- ▶ You will owe more than just rent—interest will accumulate for late and unpaid rent along with court costs and attorney fees.
- ▶ There are some landlords that will turn your nonpayment of rent over to collection agencies and credit agencies, which may destroy your credit rating.



# I already moved out. Why does it matter if I get evicted? Can I just stop paying rent?

- ▶ You must continue to pay rent, even if you have moved out, to avoid a legal judgment and protect your credit history.
- ▶ If your landlord knows that you have vacated your unit, they will likely not pursue an eviction. **However, your landlord can still sue you for any rent due for the rest of your lease and any damages.**
- ▶ AND, your landlord could also turn your nonpayment of rent over to collection agencies and credit.
- ▶ Not paying your rent will negatively impact your credit report for many years. It will be more difficult and expensive to get car loans, mortgages, credit cards, etc.



# Wait, why do I need to pay rent? I thought there was a moratorium on evictions?

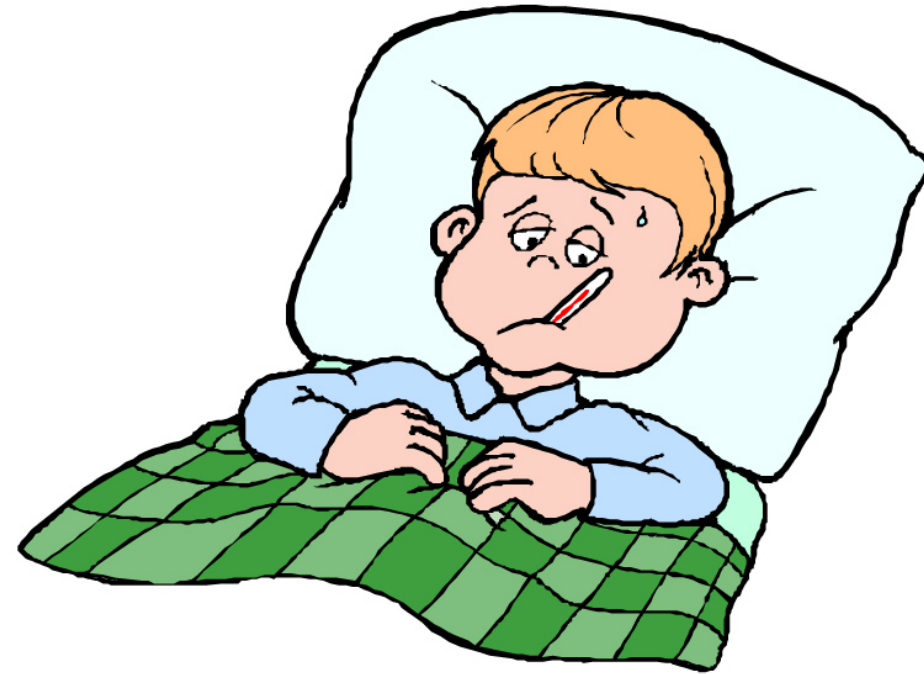
- ▶ Evictions themselves have been put on pause. You still owe your rent in the meantime.
- ▶ The Illinois Stay-at-Home Order suspends evictions for the time being. However, this will only last for the duration of the order, and evictions will resume at that time.
- ▶ If you don't pay rent, your landlord can serve you with a 5 Day Notice during the Order.
- ▶ If you don't pay rent, late fees and interest will continue to accumulate.





# What if my roommate tests positive for Covid-19 or starts to exhibit symptoms? Can I break my lease then?

- ▶ Unfortunately, no.
- ▶ Try asking your landlord if you can move to another unit.
- ▶ Consider moving somewhere else for a few weeks before returning to your apartment.
- ▶ Use common sense and follow guidelines from the CDC.



# I lost my job and I cannot pay my rent. How do I talk to my landlord?

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- ▶ Reach out to your landlord as soon as possible. Ideally, you want to have this conversation with your landlord before you owe a lot of money and before they have contacted their attorney.
- ▶ Contact the property manager or the owner. It can be hard now because some offices are closed. You can try calling, emailing, or texting.
- ▶ In general, tell the truth and explain your situation. Your landlord may be willing to reach an agreement to delay payment for a short amount of time or to create a payment plan.
- ▶ Get any agreements in writing, signed by the landlord.



# What if my roommates doesn't pay rent?

- ▶ It depends on what kind of lease you have.
- ▶ If you and your roommates all signed a joint lease, you are responsible for your roommates' portion of the rent. Your landlord could serve you with a 5 Day Notice demanding payment of your roommates' portion of the rent.
- ▶ You should reach out to your landlord now and try to come up with an agreement now.
- ▶ If you signed a lease for a single bedroom in a unit you are likely not liable for your roommates' non-payment of rent.



## What are my landlord's duties during Covid-19?

- ▶ Tenants continue to have a duty to honor their lease and pay rent during the Covid-19 pandemic and Illinois' Stay-at-Home Order.
- ▶ Your landlord also must continue to honor the lease and fulfill their legal duties to you.

# Can my landlord refuse to make repairs?

What if my landlord claims they cannot make repairs due to the Stay-at-Home Order? Or because they fear for their safety?

- ▶ Your landlord must make repairs required by law or lease, especially if repairs are needed to ensure your health and safety.
- ▶ The Illinois Stay-at-Home Order specifically exempts plumbers, electricians, exterminators, HVAC, painting, moving services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
- ▶ You can call Champaign or Urbana for an inspection—both offices are ONLY doing inspections when safety is at issue. They are not doing inspections for routine maintenance issues at this time.



# Can I refuse to allow my landlord to enter my unit for repairs?

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- ▶ No. Your lease likely provides your landlord with the right of entry. However, depending on your lease, your landlord may have to provide you with advance notice. In Urbana, your landlord is required to give you 24 hours notice unless there is an emergency.
- ▶ Under the Illinois Stay-at-Home Order the following are allowed to continue working: plumbers, electricians, exterminators, HVAC, painting, moving services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
- ▶ If you feel uncomfortable with maintenance workers in your unit you call your landlord and find out when they will be in your unit and leave your unit for a walk or grocery shopping at that time.
- ▶ You can disinfect your unit upon your return.

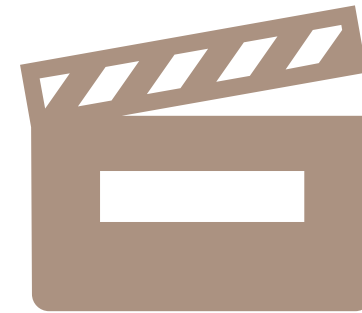


# Can my landlord show the apartment to prospective tenants?

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Showing apartments are probably not allowed under the Illinois Stay-at-Home Order.



Good solution: offer to film a video walkthrough and send it to your landlord.

# Does my landlord need to disinfect common areas because of Covid-19?

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- ▶ Your landlord needs to keep common areas in good repair, but they probably do not need to use additional disinfectants in common areas.
- ▶ Use common sense and follow guidelines from the CDC.





# Usually I pay rent at the office, but the office is closed. There is a service fee to pay online - is that allowed?

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- ▶ First, consider practical solutions. For example, can you mail the check?
- ▶ Review your lease and the allowed payment options, if the lease allows for rent to be paid via mail there should not be an issue but give yourself additional time for check to arrive on time via mail. \*Note, in Urbana a rent check cannot be considered late if the envelope with the check is postmarked on or prior to the date payment is due.
- ▶ If you believe that your landlord cannot legally charge such a service fee, you must still pay your rent. It is safest for you to pay your rent and the service fees. Make a note in the online payment portal or via email that indicates you disagree with the fee and schedule an appointment with Student Legal Services to discuss your options.



## Things to consider at the end of your lease and next year

- ▶ How to protect yourself when moving out and signing a new lease for next year.

# Things to consider if I move out of my unit before the end of the lease.

I understand I need to pay rent through the end of my lease. But I still want to move out in the spring. What should I consider?

- ▶ Remove all your possessions and clean everything. Take out the trash. You do not want your landlord to charge you damages for an infestation because you left food or trash.
- ▶ Document with photos and video the condition of your unit when you leave. Take pictures and video of everything—including the inside of your appliances, closets, and drawers.



# When my lease ends can my landlord charge extra cleaning fees for Covid-19?

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- ▶ Probably not. But they might try.
- ▶ If you disagree with any damage charges your landlord assesses at the end of your lease term, contact Student Legal Services for advice.



# What about next year? When should I sign a lease? What can I do to protect myself?

- ▶ Do not rush into signing any leases at this point. There are so many uncertainties.
- ▶ Once you sign a lease, you are responsible for paying rent for the entire term of the lease—even if online instruction continues into Fall Semester.
- ▶ You could try to negotiate with your landlord to add a provision to your lease before you sign it that would allow you to break the lease if the University moved to online-only instruction. Your landlord would need to agree to this provision, and it may be unlikely that they would do so. If they do agree make sure that it is in writing, incorporated into your lease, and signed by all parties.

## What about the Census?

- ▶ I moved back to my permanent residence because of Covid-19. Where should I say I am living for the Census?

# 2020 Census

- ▶ Students who normally live at school should be counted at school, even if you have moved elsewhere temporarily for Covid-19.
- ▶ You should use your local address (i.e. Champaign, Urbana, Savoy, etc.) where you would normally be living at this time.
- ▶ Visit <https://sse.illinois.edu/census2020/> for more information.



## What if I want to talk to a lawyer?

- ▶ Contact Student Legal Services.
- ▶ Our physical office is closed, but we are working remotely and still taking new cases.



# Student Legal Services

- ▶ Fill out an intake form at <https://odos.illinois.edu/sls/>.
- ▶ Call our office at (217) 333-9053.
- ▶ Monday-Friday, 8:30 am-4:30 pm (Closed Noon-1 pm).
- ▶ No legal advice will be given over telephone or email.