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Commercial Tenant Evictions Limited by Latest Executive Orders



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Gov. J.B. Pritzker's newest executive order in response to COVID-19 includes a new restriction on evictions, and, this time around, commercial evictions are impacted. Executive Order 2020-30, issued on April 23, 2020, partially bans the enforcement of commercial evictions by directing all state, county, and local law enforcement officers to cease enforcement of orders of eviction for non-residential premises unless unusual circumstances require otherwise. A prior ban applied only to evictions of residential tenants.

The executive order provides an exception to the ban: a commercial tenant may still be evicted if it "has been found to pose a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation," [Executive Order 2020-30, Section 3](#). Moreover, nothing in this new executive order relieves commercial tenants from the obligations imposed by leases, including the obligation to pay rent.

Importantly, while Executive Order 2020-30 expands the limits placed on residential evictions by prohibiting the filing of new residential eviction actions, no such limit has been placed on commercial evictions. Accordingly, if you are a landlord who wishes to seek an order of eviction against a commercial tenant, you may still do so; however, you should not expect the usual expedited process for commercial evictions. Pursuant to the latest Cook County Circuit Court's General Administrative Order applicable to eviction cases, all non-emergency court dates are being postponed by at least 30 days and, with the general backlog of cases due to this rescheduling, even commercial eviction orders will be delayed except in cases of emergency.