

Chapter 9

ILLEGAL EVICTIONS – LOCKOUTS

Renter's Resource Guide Notes:

- 1. A Landlord cannot evict you without going to court**
- 2. Only the Sheriff Can Evict You after a Ruling**
- 3. If You Are Illegally Evicted Call the Police**
- 4. Then Call a Lawyer**

Although your landlord is the owner of the property, you have legal possession of your apartment. The law prohibits your landlord from forcibly removing you from the apartment or from preventing your use of the apartment. If your landlord wants to legally evict you, s/he must terminate the tenancy by serving a proper notice, wait out the time period of the notice, commence an eviction suit, and obtain a judgment. The landlord can then have the sheriff remove your goods from the premises.

EVEN IF A COURT ISSUES AN ORDER OF POSSESSION TO YOUR LANDLORD, ONLY THE SHERIFF – NOT THE POLICE DEPARTMENT AND CERTAINLY NOT THE LANDLORD – IS AUTHORIZED TO REMOVE YOUR GOODS FROM THE PREMISES.

An attempt by your landlord to illegally evict you is called a “lockout.” The Ordinance considers the following actions by a landlord to be “lockouts.”

1. Plugging, changing, removing, or adding any locks;
2. Blocking any entrance;
3. Removing any door or window;
4. Interfering with any utility service;
5. Removing your property;
6. Removing or incapacitating appliances or essential fixtures;
7. Using or threatening force against you or your property; or
8. Any act that makes the apartment inaccessible or uninhabitable.

CALL 911 TO END A LOCKOUT!

The Ordinance requires the Chicago Police Department to investigate and end a reported lockout. Call 911 to get police assistance to end a lockout. Use the word “lockout” with the police dispatcher. If the officers are not helpful – they sometimes tell the tenant “it’s a civil matter” – call 911 again and request to speak with the watch commander. If the landlord can be found or called, the police should direct the landlord to end the lockout. If the landlord is not available, you should go to the nearest police area headquarters and file official charges.

If your landlord does lock you out in some way, you may sue him or her to get back into the apartment or have him or her stopped from making the apartment uninhabitable. Consult with an attorney, such as Lawyers’ Committee for Better Housing, for more help in this area. The landlord can also be fined between \$200 and \$500 for each day the lockout continues. If you establish that a lockout has occurred, you are entitled to get back into your apartment and get two month’s rent or twice the actual damages sustained, whichever is greater.