



## House Bill 267

*Title of Issue: Local Government Residential Inspection Limitation Act*

**ISACo Position:** Oppose

**To:** Counties and Townships Committee

**Date:** March 3, 2021

**From:** Joe McCoy, Executive Director  
Illinois State Association of Counties

The Illinois State Association of Counties (ISACo) respectfully opposes HB 267 which would create the Local Government Residential Inspection Limitation Act.

The bill would preempt local authority by establishing state rules that must be followed by local governments when conducting residential inspections. Determining legitimate reasons for inspecting residential properties is a proper function of local governments and locally elected policymakers are capable of making such determinations.

Under the bill, a local government would not be permitted access to the property to evaluate code compliance and safety issues without consent of an owner or occupant. This presumably includes a prohibition on accessing exterior property and not just dwellings.

It is not unreasonable to consider that an owner or resident may not be readily accessible in situations where a timely inspection is necessary. This would include instances where the owner or occupant has abandoned the property or if a property is in a state of foreclosure and the local government would need to identify and communicate with the institution that holds the mortgage.

The bill would also apply to apartment buildings and could impede a timely evaluation of those properties despite the inspection of a possible safety issue being in the best interest of residents.

The bill is silent on what constitutes “voluntary consent” for an inspection. Must the consent be in writing? What if a property has more than one owner?

The provision requiring a local government to pursue a warrant or court order adds another step, requires additional staff time, slows down the effectuation of an inspection when an inspection may need to be done in a timely manner and potentially empowers bad actors seeking to hinder a timely inspection.

Finally, the legislation includes a home rule preemption, which would extend the limitations to include Cook County. For all these reasons, ISACo opposes the legislation.