



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

New Act

Creates the Residential Inspection Ordinance Act. Provides that any ordinance, local law, rule, or regulation calling or providing for the inspection of residential property, whether owned or leased, shall require the consent of the owner and occupant of the premises before the inspection occurs. Prohibits a municipality, county, or other local governmental body, or any official or officer thereof, from refusing to issue real estate transfer stamps in connection with the sale or conveyance of real property on the basis that an inspection of the real property required by ordinance has not been completed, that the issues or problems identified by an inspection have not been corrected or completed, or that the owner or the real property to be conveyed is in violation of a local ordinance. Provides that a local or municipal inspection ordinance may provide that prior to a sale or lease of the real estate an escrow be established in an amount equal to the lower of a reasonable amount required by the municipality to effect the repairs or an amount indicated by a contractor in a proposal to complete the required repairs. Preempts home rule.

LRB093 19907 LCB 45650 b

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning residential inspections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Residential Inspection Ordinance Act.

6 Section 5. Purpose. The General Assembly has determined
7 that the ever-expanding multiplicity of ordinances providing
8 for the inspection of residential real property has resulted in
9 abuses in enforcement and resulted in the temporary taking of
10 real property without compensation. As a result, the General
11 Assembly has determined that basic limits and guarantees of
12 rights need to be adopted by the State of Illinois as regards
13 the enforcement of local inspection ordinances and to that end
14 this Act is adopted.

15 Section 10. Consent. Any local ordinance, law, rule, or
16 regulation calling or providing for the inspection of
17 residential property, whether owned or leased, shall require
18 the consent of the owner and occupant of the premises before
19 the inspection occurs. If consent is denied, the ordinance
20 shall provide a process or procedure for an administrative
21 warrant to be obtained that, at a minimum, provides those
22 protections guaranteed by the constitutions of the United
23 States of America and the State of Illinois. No action,
24 sanction, or penalty may be taken or imposed against an owner
25 or occupant for exercising his or her constitutional right to
26 refuse to consent to a warrantless inspection.

27 Section 15. Real estate transfer stamps. No municipality,
28 county, or other local governmental body, and no official or
29 officer thereof, may refuse to issue real estate transfer
30 stamps in connection with the sale or conveyance of real

1 property on the basis that an inspection of the real property
2 required by ordinance has not been completed, that the issues
3 or problems identified by an inspection have not been corrected
4 or completed, or that the owner or the real property to be
5 conveyed is in violation of a local ordinance.

6 Section 20. Escrow. A local or municipal inspection
7 ordinance may provide that an escrow must be established prior
8 to the sale or lease of real estate in an amount equal to the
9 lower of a reasonable amount required by the municipality to
10 effect the repairs or an amount indicated by a contractor in a
11 proposal to complete the required repairs. The ordinance may
12 further provide that if an inspection has been completed, the
13 owner notified that certain repairs are required, and the
14 amount estimated to be needed to complete the repairs, then the
15 seller (or owner in the case of a lease of rental residential
16 property) shall remain liable for the cost of the repairs after
17 conveyance of the real estate unless the required escrow has
18 been established prior to conveyance of the real estate.

19 Section 25. Home rule. A home rule unit may not regulate
20 the inspection of residential real property in a manner more
21 restrictive than the regulation by the State. This Section is a
22 limitation under subsection (i) of Section 6 of Article VII of
23 the Illinois Constitution on the concurrent exercise by home
24 rule powers and functions exercised by the State.