

FAQs: Frequently Asked Questions about Home Rule Authority

This document answers some of the most common questions regarding the use of home rule authority and what it could mean for municipalities throughout Illinois. Home rule allows a community increased control through local decision making.

These questions arise when a community is considering going to referendum to either obtain, maintain or rescind home rule status.

Q: Do home rule municipalities have unlimited powers?

A: Home rule powers are not limitless. For example, home rule units may not impose taxes based upon income, earnings or occupation; their regulations must relate to their local government and affairs; and they cannot regulate on issues already exclusive to state government.

Q: Does home rule authority allow municipalities to incur debt without limitation?

A: No, provisions in the 1970 Illinois Constitution put limits on what types of debt can be incurred by a home rule unit. The Constitution also allows the General Assembly to limit the amount of debt, other than debt payable from property tax receipts, a home rule municipality can incur.

Q: Does home rule authority allow for a municipality to require rental property inspections and fees?



Q: Does home rule authority mean more red tape and fees on real estate transactions?

A: Home rule municipalities are enabled to protect residents through various regulations. Consumer protection at the local level should be a local decision. Many rental property tenants have limited means to protect themselves from absentee and unscrupulous landlords, the impact of which can have a negative effect on an entire community. Local elected officials are in the best position to help tenants and homeowners protect themselves and their neighborhoods.

A: Home rule authority allows local elected officials to create criteria for the sale of a home to protect consumers and the integrity of the community.

Q: Does home rule authority mean higher property taxes?

A: No, in fact, studies have shown that in states granting more municipal discretion, municipalities levy lower property taxes per capita, receive less state aid per capita and levy less total taxes per capita. Other studies on Illinois home rule authority have found that there is no correlation between home rule status and increased taxation.