



Rep. Sonya M. Harper

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10100HB4704ham001

LRB101 17129 BMS 70207 a

1 AMENDMENT TO HOUSE BILL 4704

2 AMENDMENT NO. _____. Amend House Bill 4704 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Right
5 to Garden Act.

6 Section 5. Findings. The State of Illinois finds that the
7 right of a property owner to create and maintain a garden on
8 his or her own residential property, whether it be for produce,
9 flowers, herbs, fungi, or grains, and when done so for one's
10 own consumption and enjoyment, should not be infringed upon by
11 the State or any unit of local government.

12 Section 10. Definitions. As used in this Act:

13 "Garden" means a piece of property wholly located within a
14 person's residential property that is used to grow produce,
15 flowers, herbs, fungi, or grains for one's own consumption and

1 enjoyment.

2 "Residential property" means real property on which there
3 is a dwelling unit with accommodations for 4 or fewer separate
4 households and occupied, or to be occupied, in whole or in
5 part, by the mortgagor; however "residential property":

6 (1) is limited to the primary residence of a person;

7 (2) does not include an investment property or
8 residence other than a primary residence; and

9 (3) does not include residential property taken in
10 whole or in part as collateral for a commercial loan.

11 "Season extension techniques and devices" means any low or
12 high tunnels and membrane structures constructed according to
13 the United States Department of Agriculture's best practices
14 utilized for season extension, wind break, or insect and shade
15 netting in the growth and cultivation of food crops.

16 Section 15. Regulations of gardens on residential
17 property. The State or a unit of local government may not
18 regulate gardens or the use of season extension techniques and
19 devices on residential property. However, this does not
20 preclude the State or a unit of local government from adopting
21 statutes or regulations pertaining to: restrictions on water
22 use during drought conditions; existing or future adoption of
23 property set-backs; maximum lot coverage; utility safety;
24 fertilizer use; control of invasive species; a substance
25 regulated under the Illinois Controlled Substances Act, the

1 Industrial Hemp Act, or the Cannabis Regulation and Tax Act; or
2 any other regulation that does not have the effect of
3 prohibiting gardens.

4 Section 20. Home rule. A home rule unit may not regulate
5 gardens on residential property in a manner inconsistent with
6 this Act. This Section is a limitation under subsection (i) of
7 Section 6 of Article VII of the Illinois Constitution on the
8 concurrent exercise by home rule units of powers and functions
9 exercised by the State.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."