



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4839

Introduced 2/7/2024, by Rep. Laura Faver Dias

SYNOPSIS AS INTRODUCED:

New Act

Creates the Protecting Illinois Native Landscapes Act. Provides that a unit of local government may not enact or enforce an ordinance or resolution that prohibits or unreasonably restricts an owner, authorized agent, or authorized occupant of privately owned residential land or a premises from allowing Illinois native species to voluntarily grow within the landscape or to install and maintain Illinois native species within a managed native landscape. Provides that native landscaping that may not be prohibited includes small or large areas of native landscaping in the front, back, or side yard or in areas that do not fit a standard definition of yard, such as areas on farms, rural properties, corporate campuses, school campuses, and large estates. Excludes from the scope of the Act an ordinance or resolution of a unit of local government that prohibits plants, trees, or other landscaping from interfering with public transportation, vehicular traffic, or driveway or entrance road sight lines or from crossing sidewalks or property boundaries. Limits the concurrent exercise of home rule powers.

LRB103 37392 AWJ 67514 b

1 AN ACT concerning local government.

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 Protecting Illinois Native Landscapes Act.

6 Section 5. Definitions. As used in this Act:

7 "Illinois native species" means trees, shrubs, vines,
8 ferns, flowers, forbs, sedges, grasses, and other plants
9 growing in the State of Illinois prior to European settlement
10 or as otherwise defined by rule of the Department of Natural
11 Resources.

12 "Native landscape" means an intentionally maintained area
13 of grasses, wildflowers, forbs, ferns, shrubs, or trees
14 comprised primarily of Illinois native species as verified by
15 a unit of local government or by a nonprofit land trust that is
16 nationally accredited by the Land Trust Alliance. "Native
17 landscape" includes Illinois native species that are in excess
18 of 8 inches in height and have gone to seed. "Native landscape"
19 does not include exotic or noxious weeds regulated under the
20 Illinois Noxious Weed Law, the Illinois Exotic Weed Act, or an
21 ordinance or resolution of a unit of local government.

22 Section 10. Regulations restricting Illinois native

1 species.

2 (a) A unit of local government may not enact or enforce an
3 ordinance or resolution that prohibits or unreasonably
4 restricts an owner, authorized agent, or authorized occupant
5 of privately owned residential land or a premises from
6 allowing Illinois native species to voluntarily grow within
7 the landscape or to install and maintain Illinois native
8 species within a managed native landscape.

9 (b) Native landscaping that may not be prohibited include
10 small or large areas of native landscaping in the front, back,
11 or side yard or in areas that do not fit a standard definition
12 of yard, such as areas on farms, rural properties, corporate
13 campuses, school campuses, and large estates.

14 Section 15. Exceptions. This Act does not apply to an
15 ordinance or resolution of a unit of local government that
16 prohibits plants, trees, or other landscaping from interfering
17 with public transportation, vehicular traffic, or driveway or
18 entrance road sight lines or from crossing sidewalks or
19 property boundaries.

20 Section 20. Home rule. A home rule unit may not regulate
21 Illinois native species and native landscapes in a manner
22 inconsistent with this Act. This Act is a limitation under
23 subsection (i) of Section 6 of Article VII of the Illinois
24 Constitution on the concurrent exercise by home rule units of

1 powers and functions exercised by the State.