



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4764**

by Rep. Anne Stava

#### SYNOPSIS AS INTRODUCED:

505 ILCS 87/1  
505 ILCS 87/10  
505 ILCS 87/17 new  
505 ILCS 87/20  
505 ILCS 87/22 new  
505 ILCS 87/25  
505 ILCS 87/30 new

Amends the Garden Act. Changes the short title of the Act from the Garden Act to the Vegetable Garden and Backyard Chicken Protection Act. Provides that a person shall have the right to keep backyard chickens on the property where the person resides. Provides that municipalities may establish reasonable regulations governing backyard chickens, including, but not limited to, setbacks, sanitation requirements, enclosure standards, nuisance control requirements, predator-proofing requirements, and limitations on the number of hens that may be kept. Provides that municipalities may require notice to adjacent property owners regarding backyard chickens, if the notice does not require or solicit any form of neighbor consent as defined in this Act. Provides that no municipality may condition the cultivation of vegetable gardens or the keeping of backyard chickens on neighbor consent. Provides that nothing in the Act shall be construed to limit the authority of homeowners' associations, condominium associations, or properties subject to restrictive covenants to regulate or prohibit vegetable gardens or backyard chickens pursuant to the terms of those governing documents. Provides that landlord consent may be required for tenants seeking to keep backyard chickens. Limits the concurrent exercise of home rule powers. Provides for enforcement of the Act's requirements.

LRB104 18137 WRO 31576 b

1 AN ACT concerning agriculture.

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

4 Section 5. The Garden Act is amended by changing Sections  
5 1, 10, 20, and 25 and by adding Sections 17, 22, and 30 as  
6 follows:

7 (505 ILCS 87/1)

8 Sec. 1. Short title. This Act may be cited as the Vegetable  
9 Garden and Backyard Chicken Protection ~~Garden~~ Act.

10 (Source: P.A. 102-180, eff. 1-1-22.)

11 (505 ILCS 87/10)

12 Sec. 10. Definitions. ~~Vegetable garden defined.~~ As used in  
13 this Act: ~~the term~~

14 "Backyard chickens" means female chickens kept on a  
15 residential property for personal, noncommercial purposes.

16 "Backyard chickens" does not include roosters.

17 "Neighbor consent" means any form of approval,  
18 nonobjection, endorsement, signature, letter of support,  
19 attestation, or other action by an adjacent or nearby property  
20 owner that is required as a condition of obtaining a permit,  
21 variance, special use, administrative approval, or any other  
22 authorization for vegetable gardening or the keeping of

1 backyard chickens. "Neighbor consent" includes a requirement  
2 that adjacent owners be notified in a manner that requires any  
3 response, feedback, or acknowledgment in order for the  
4 applicant to receive approval. "Neighbor consent" does not  
5 include notice provided solely for informational purposes.

6 "Vegetable ~~vegetable~~ garden" means any plot of ground or  
7 elevated soil bed on residential property where vegetables,  
8 herbs, fruits, flowers, pollinator plants, leafy greens, or  
9 other edible plants are cultivated.

10 (Source: P.A. 102-180, eff. 1-1-22.)

11 (505 ILCS 87/17 new)

12 Sec. 17. Right to keep backyard chickens.

13 (a) Notwithstanding any other laws a person shall have the  
14 right to keep backyard chickens on the property where the  
15 person resides, subject to reasonable municipal regulations  
16 consistent with this Act.

17 (b) Municipalities may establish reasonable regulations  
18 governing backyard chickens, including, but not limited to,  
19 setbacks, sanitation requirements, enclosure standards,  
20 nuisance control requirements, predator-proofing  
21 requirements, and limitations on the number of hens that may  
22 be kept.

23 (c) Municipalities may require notice to adjacent property  
24 owners regarding backyard chickens, if the notice does not  
25 require or solicit any form of neighbor consent as defined in

1 this Act.

2 (505 ILCS 87/20)

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

9 (Source: P.A. 102-180, eff. 1-1-22.)

10 (505 ILCS 87/22 new)

11 Sec. 22. Neighbor consent prohibited.

12 (a) A municipality may not condition the cultivation of  
13 vegetable gardens or the keeping of backyard chickens on  
14 neighbor consent.

15 (b) A municipality may not require any form of neighbor  
16 consent, including but not limited to:

17 (1) approval by adjacent or nearby property owners;

18 (2) signatures, letters of support, or attestations;

19 (3) submissions showing that neighbors do not object;

20 or

21 (4) any process by which neighbors have a veto or  
22 approval right over an individual's vegetable garden or  
23 backyard chickens.

24 (c) Any municipal ordinance, rule, regulation, or

1 permitting process that contains a neighbor-consent  
2 requirement is void and unenforceable to the extent of the  
3 neighbor-consent provision. All other portions of the  
4 ordinance shall remain in effect.

5 (d) A municipality may not adopt any ordinance or  
6 regulation in the future that includes a neighbor-consent  
7 requirement for vegetable gardens or backyard chickens.

8 (505 ILCS 87/25)

9 Sec. 25. State and local regulation still permitted.  
10 Notwithstanding Section 20 of this Act notwithstanding, this  
11 Act does not preclude the adoption of a regulation or local  
12 ordinance of general nature that does not specifically  
13 regulate backyard chickens, including, but not limited to,  
14 regulations and ordinances relating to setbacks, sanitation  
15 requirements, enclosure standards, nuisance control  
16 requirements, predator-proofing requirements, and limitations  
17 on the number of hens that may be kept, or vegetable gardens,  
18 including, but not limited to, regulations and ordinances  
19 relating to height, setback, water use, fertilizer use, or  
20 control of invasive or unlawful species in gardens, if that,  
21 ~~provided that any such~~ regulation or ordinance does not have  
22 the effect of precluding vegetable gardens or backyard  
23 chickens.

24 (Source: P.A. 102-180, eff. 1-1-22.)

1 (505 ILCS 87/30 new)

2 Sec. 30. Enforcement.

3 (a) A person aggrieved by a violation of this Act may bring  
4 a civil action for declaratory and injunctive relief against a  
5 municipality that enforced or attempted to enforce an  
6 ordinance in violation of this Act.

7 (b) A prevailing plaintiff shall be entitled to recover  
8 reasonable attorney's fees and court costs.

9 (c) A plaintiff who paid a permit fee or other charge  
10 imposed under an ordinance that violates this Act may recover  
11 that fee upon request or through legal action.

12 (d) This Act does not authorize damages other than those  
13 described in subsection (c).