

1 AN ACT concerning conservation.

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 Homeowners' Native Landscaping Act.

6 Section 5. Definitions. As used in this Act unless the
7 context otherwise requires:

8 "Illinois native species" means trees, shrubs, vines,
9 ferns, flowers, forbs, sedges, grasses, and other plants
10 growing in the State of Illinois before European settlement or
11 as otherwise defined by rule by the Department of Natural
12 Resources. "Illinois native species" does not include exotic
13 or noxious weeds regulated under the Illinois Noxious Weed Law
14 or the Illinois Exotic Weed Act.

15 "Native landscape" means an intentionally maintained area
16 of trees, shrubs, vines, ferns, flowers, forbs, sedges,
17 grasses, and other plants composed mainly of Illinois native
18 species. "Native landscape" does not include exotic or noxious
19 weeds regulated under the Illinois Noxious Weed Law or the
20 Illinois Exotic Weed Act.

21 "Association" has the meaning set forth in subsection (o)
22 of Section 2 of the Condominium Property Act or Section 1-5 of
23 the Common Interest Community Association Act, as applicable.

1 Section 10. No prohibition on native landscapes.

2 (a) An Association shall not prohibit any resident or
3 owner from planting or growing Illinois native species on the
4 resident's or owner's lawn so long as the area is maintained
5 predominantly free of weeds, invasive species, and trash, and
6 vegetation does not extend over or onto neighboring
7 properties, public or common sidewalks, pathways, streets or
8 other public or common areas or elements, and does not
9 interfere with traffic or utilities.

10 (b) An Association may adopt reasonable rules and
11 regulations governing a planned, intentional, and maintained
12 native landscape that do not impair the native landscape's
13 proper maintenance and care or impose height restrictions.

14 (c) This Section shall not apply to common areas or
15 elements or to other property owned by the Association or
16 other owners in which the resident or owner does not have
17 authority to landscape or plant.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.