



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2612

Introduced 2/15/2023, by Rep. Jed Davis

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-13-28 new

Amends the Illinois Municipal Code. Provides that a zoning ordinance or other zoning regulation may not (1) prohibit a home-based business from serving clients by appointment, (2) prohibit 2 or fewer nonresident employees from working at a home-based business, (3) prohibit or require structural modifications for a home-based business, (4) restrict the amount of floor space a home-based business may use, or (5) restrict storage or the use of equipment that does not produce effects outside the home or accessory structure. Defines terms. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB103 25889 AWJ 52240 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 5. The Illinois Municipal Code is amended by  
5 adding Section 11-13-28 as follows:

6 (65 ILCS 5/11-13-28 new)

7 Sec. 11-13-28. Home-based businesses.

8 (a) As used in this Section:

9 "Home-based business" means a business in a person's home  
10 or an accessory structure to the home where the business is  
11 secondary to the primary use of the home as a residence.

12 "Accessory structure" means a building or structure that  
13 is subordinate to the principal building or principal use in  
14 terms of area, extent, and purpose and is located on the same  
15 zoning lot as the principal building.

16 (b) Except as provided for in Sections 11-12-5 and  
17 11-13-1, a zoning ordinance or other zoning regulation may not  
18 (1) prohibit a home-based business from serving clients by  
19 appointment, (2) prohibit 2 or fewer nonresident employees  
20 from working at a home-based business, (3) prohibit or require  
21 structural modifications for a home-based business, (4)  
22 restrict the amount of floor space a home-based business may  
23 use, or (5) restrict storage or the use of equipment that does

1 not produce effects outside the home or accessory structure.

2 (c) A home rule municipality may not regulate home-based  
3 businesses in a manner inconsistent with this Section. This  
4 Section is a limitation under subsection (i) of Section 6 of  
5 Article VII of the Illinois Constitution on the concurrent  
6 exercise by home rule units of power and functions exercised  
7 by the State.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.