



Sen. Linda Holmes

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LRB100 11207 HEP 22829 a

1 AMENDMENT TO SENATE BILL 1460

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1460 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Limitations on Negative Use Restrictions Act.

6 Section 5. Purpose. The purpose of this Act is to prohibit  
7 negative use restrictions that cause retail space to remain  
8 vacant, resulting in decreased property values, blight, loss of  
9 tax revenue, and lack of access to grocery stores, drug stores,  
10 discount stores, and other retailers.

11 Section 10. Prohibition against negative use restrictions.

12 (a) As used in this Act, "negative use restriction" means a  
13 restrictive covenant or deed restriction recorded against real  
14 property or any lease or other written agreement that prohibits  
15 or has the economic or practical effect of prohibiting the use

1 of the real property as a grocery store, drug store, discount  
2 store, warehouse club, home improvement store, or any other  
3 retail store after an owner or operator of a grocery store,  
4 drug store, discount store, warehouse club, home improvement  
5 store, or any other retail store has terminated operations at  
6 the site.

7 (b) A negative use restriction upon real property is  
8 against public policy, void, and unenforceable, and is subject  
9 to the unit of local government's remedial and enforcement  
10 powers under any local zoning ordinance and the laws of this  
11 State, if:

12 (1) the negative use restriction prevents the use of  
13 the property for grocery store, drug store, discount store,  
14 warehouse club, home improvement store, or any other retail  
15 store purposes;

16 (2) the negative use restriction applies after a  
17 grocery store, drug store, discount store, warehouse club,  
18 home improvement store, or any other retail store owner or  
19 operator has terminated operations at the site and the use  
20 is otherwise permitted, including as a special use, under  
21 local zoning ordinances;

22 (3) the negative use restriction has a term of more  
23 than one year; and

24 (4) the site of the grocery store, drug store, discount  
25 store, warehouse club, home improvement store, or other  
26 retail store has in excess of 7,500 square feet of floor

1 space.

2 (c) A current owner of a site that is subject to a negative  
3 use restriction has the right to seek an injunction or other  
4 remedy from the circuit court.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".