



Rep. Sara Feigenholtz

**Filed: 2/25/2010**

09600HB5429ham002

LRB096 18011 AJ0 37544 a

1 AMENDMENT TO HOUSE BILL 5429

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5429 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Homeowners' Solar Rights Act.

6 Section 5. Legislative intent. The legislative intent in  
7 enacting this Act is to protect the public health, safety, and  
8 welfare by encouraging the development and use of solar energy  
9 systems in order to conserve and protect the value of land,  
10 buildings, and resources by preventing the adoption of measures  
11 which will have the ultimate effect, however unintended, of  
12 preventing the use of solar energy systems on homes.

13 Section 10. Associations; prohibitions. Notwithstanding  
14 any provision of this Act or other provision of law, the  
15 adoption of a bylaw or exercise of any power by the governing

1 entity of a homeowners' association, property owners'  
2 association, or condominium unit owners' association which  
3 prohibits or has the effect of prohibiting the installation of  
4 a solar energy system is expressly prohibited.

5 Section 15. Deed restrictions; covenants. No deed  
6 restrictions, covenants, or similar binding agreements running  
7 with the land shall prohibit or have the effect of prohibiting  
8 a solar energy system from being installed on a building  
9 erected on a lot or parcel covered by the deed restrictions,  
10 covenants, or binding agreements. A property owner may not be  
11 denied permission to install a solar energy system by any  
12 entity granted the power or right in any deed restriction,  
13 covenant, or similar binding agreement to approve, forbid,  
14 control, or direct alteration of property. However, for  
15 purposes of this Act, the entity may determine the specific  
16 location where a solar energy system may be installed on the  
17 roof within an orientation to the south or within 45 degrees  
18 east or west of due south provided that the determination does  
19 not impair the effective operation of the solar energy system.  
20 Each homeowners' association, property owner's association, or  
21 condominium unit owners' association shall adopt an energy  
22 policy statement regarding the location, design, and  
23 architectural requirements of solar energy systems within 120  
24 days after an association receives a request for a policy  
25 statement or an application from an association member. An

1 association shall disclose, upon request, its energy policy  
2 statement and shall include the statement in its homeowners',  
3 property owners', or condominium unit owners' association  
4 declaration.

5 Section 20. Standards and requirements. A solar energy  
6 system shall meet applicable standards and requirements  
7 imposed by State and local permitting authorities.

8 Section 25. Application for approval. Whenever approval is  
9 required for the installation or use of a solar energy system,  
10 the application for approval shall be processed by the  
11 appropriate approving entity of the association within 90 days  
12 after the submission of the application. However, if an  
13 application is submitted before an energy policy statement is  
14 adopted by an association, the 90 day period shall not begin to  
15 run until the date that the policy is adopted.

16 Section 30. Violations. Any entity, other than a public  
17 entity, that willfully violates this Act shall be liable to the  
18 applicant for actual damages occasioned thereby and for any  
19 other consequential damages. Any entity that complies with the  
20 requirements of this Act shall not be liable to any other  
21 resident or third party for such compliance.

22 Section 35. Costs; attorney's fees. In any litigation

1 arising under this Act, the prevailing party shall be entitled  
2 to costs and reasonable attorney's fees."