



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4068

Introduced 1/13/2020, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

765 ILCS 165/20
765 ILCS 165/30

Amends the Homeowners' Energy Policy Statement Act. Provides that the entity granted such power in a deed restriction may determine the specific location where a solar energy system may be installed on the roof if the determination does not reduce the production or productivity of the solar energy system by more than 5% (rather than within an orientation to the south or with 45 degrees east or west of due south provided that the determination does not impair the effective operation of the solar energy system). Defines "production" and "productivity". Provides that a homeowners' association, common interest community association, or condominium unit owners' association shall adopt an energy policy statement within 60 days (rather than 120 days) after receiving a request for a policy statement or an application from an association member. Provides that the application for approval to install or use a solar energy system shall be processed within 60 days of (rather than 90 days after) the submission of the application. Deletes language providing that if an application is submitted before an energy policy statement is adopted by an association, the 90-day period shall not begin to run until the date that the policy is adopted.

LRB101 12751 LNS 61584 b

1 AN ACT concerning civil law.

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

4 Section 5. The Homeowners' Energy Policy Statement Act is
5 amended by changing Sections 20 and 30 as follows:

6 (765 ILCS 165/20)

7 Sec. 20. Deed restrictions; covenants. No deed
8 restrictions, covenants, or similar binding agreements running
9 with the land shall prohibit or have the effect of prohibiting
10 a solar energy system from being installed on a building
11 erected on a lot or parcel covered by the deed restrictions,
12 covenants, or binding agreements, if the building is subject to
13 a homeowners' association, common interest community
14 association, or condominium unit owners' association. A
15 property owner may not be denied permission to install a solar
16 energy system by any entity granted the power or right in any
17 deed restriction, covenant, or similar binding agreement to
18 approve, forbid, control, or direct alteration of property.
19 However, for purposes of this Act, the entity may determine the
20 specific location where a solar energy system may be installed
21 on the roof if the ~~within an orientation to the south or within~~
22 ~~45 degrees east or west of due south provided that the~~
23 determination does not reduce the production or productivity of

1 the solar energy system by more than 5%. For the purposes of
2 this Section: (1) "production" means the expected annual
3 electrical production of the solar energy system; and (2)
4 "productivity" means the production divided by the capacity of
5 the solar energy system ~~impair the effective operation of the~~
6 ~~solar energy system.~~ Within 120 days after a homeowners'
7 association, common interest community association, or
8 condominium unit owners' association receives a request for a
9 policy statement or an application from an association member,
10 the association shall adopt an energy policy statement
11 regarding: (i) the location, design, and architectural
12 requirements of solar energy systems; and (ii) whether a wind
13 energy collection, rain water collection, or composting system
14 is allowed, and, if so, the location, design, and architectural
15 requirements of those systems. An association shall disclose,
16 upon request, its energy policy statement and shall include the
17 statement in its homeowners' common interest community, or
18 condominium unit owners' association declaration.

19 (Source: P.A. 96-1436, eff. 1-1-11; 97-105, eff. 1-1-12.)

20 (765 ILCS 165/30)

21 Sec. 30. Application for approval. Whenever approval is
22 required for the installation or use of a solar energy system,
23 the application for approval shall be processed by the
24 appropriate approving entity of the association within 60 ~~90~~
25 days of ~~after~~ the submission of the application. ~~However, if an~~

1 ~~application is submitted before an energy policy statement is~~
2 ~~adopted by an association, the 90 day period shall not begin to~~
3 ~~run until the date that the policy is adopted.~~

4 (Source: P.A. 96-1436, eff. 1-1-11.)