



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0371

Introduced 1/29/2021, 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 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.

LRB102 02660 LNS 12663 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
13 to 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
20 the specific location where a solar energy system may be
21 installed on the roof if the ~~within an orientation to the south~~
22 ~~or within 45 degrees east or west of due south provided that~~
23 ~~the~~ determination does not reduce the production or

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

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

21 (765 ILCS 165/30)

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

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

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