

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 10, 20, 30, and 45 as follows:

6 (765 ILCS 165/10)

7 Sec. 10. Definitions. In this Act:

8 "Solar energy" means radiant energy received from the sun
9 at wave lengths suitable for heat transfer, photosynthetic
10 use, or photovoltaic use.

11 "Solar collector" means:

12 (1) an assembly, structure, or design, including
13 passive elements, used for gathering, concentrating, or
14 absorbing direct and indirect solar energy, specially
15 designed for holding a substantial amount of useful
16 thermal energy and to transfer that energy to a gas,
17 solid, or liquid or to use that energy directly; or

18 (2) a mechanism that absorbs solar energy and converts
19 it into electricity; or

20 (3) a mechanism or process used for gathering solar
21 energy through wind or thermal gradients; or

22 (4) a component used to transfer thermal energy to a
23 gas, solid, or liquid, or to convert it into electricity.

1 "Solar storage mechanism" means equipment or elements
2 (such as piping and transfer mechanisms, containers, heat
3 exchangers, batteries, or controls thereof, and gases, solids,
4 liquids, or combinations thereof) that are utilized for
5 storing solar energy, gathered by a solar collector, for
6 subsequent use.

7 "Solar energy system" means:

8 (1) a complete assembly, structure, or design of solar
9 collector, or a solar storage mechanism, which uses solar
10 energy for generating electricity or for heating or
11 cooling gases, solids, liquids, or other materials; and

12 (2) the design, materials, or elements of a system and
13 its maintenance, operation, and labor components, and the
14 necessary components, if any, of supplemental conventional
15 energy systems designed or constructed to interface with a
16 solar energy system.

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

18 (765 ILCS 165/20)

19 Sec. 20. Deed restrictions; covenants. No deed
20 restrictions, covenants, or similar binding agreements running
21 with the land shall prohibit or have the effect of prohibiting
22 a solar energy system from being installed on a building
23 erected on a lot or parcel covered by the deed restrictions,
24 covenants, or binding agreements, if the building is subject
25 to a homeowners' association, common interest community

1 association, or condominium unit owners' association. A
2 property owner may not be denied permission to install a solar
3 energy system by any entity granted the power or right in any
4 deed restriction, covenant, or similar binding agreement to
5 approve, forbid, control, or direct alteration of property.
6 However, for purposes of this Act, the entity may determine
7 the specific configuration of the elements of a solar energy
8 system on a given roof face, provided that it may not prohibit
9 elements of the system from being installed on any roof face
10 and that any such determination may not reduce the production
11 of the solar energy system by more than 10%. For the purposes
12 of this Section, "production" means the estimated annual
13 electrical production of the solar energy system ~~specific~~
14 ~~location where a solar energy system may be installed on the~~
15 ~~roof within an orientation to the south or within 45 degrees~~
16 ~~east or west of due south provided that the determination does~~
17 ~~not impair the effective operation of the solar energy system.~~
18 Within 90 ~~120~~ days after a homeowners' association, common
19 interest community association, or condominium unit owners'
20 association receives a request for a policy statement or an
21 application from an association member, the association shall
22 adopt an energy policy statement regarding: (i) the location,
23 design, and architectural requirements of solar energy
24 systems; and (ii) whether a wind energy collection, rain water
25 collection, or composting system is allowed, and, if so, the
26 location, design, and architectural requirements of those

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

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

6 (765 ILCS 165/30)

7 Sec. 30. Application for approval. Whenever approval is
8 required for the installation or use of a solar energy system,
9 the application for approval shall be processed by the
10 appropriate approving entity of the association within 75 ~~90~~
11 days of ~~after~~ the submission of the application. However, if
12 an application is submitted before an energy policy statement
13 is adopted by an association, the 75-day ~~90-day~~ period shall
14 not begin to run until the date that the policy is adopted.

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

16 (765 ILCS 165/45)

17 Sec. 45. Inapplicability. This Act shall not apply to any
18 building that:

19 (1) ~~which~~ is greater than 60 ~~30~~ feet in height; or

20 (2) has a shared roof and is subject to a homeowners'
21 association, common interest community association,
22 condominium unit owners' association.

23 As used in this Section, "shared roof" means any roof that

24 (i) serves more than one unit, including, but not limited to, a

1 contiguous roof serving adjacent units, or (ii) is part of the
2 common elements or common area.

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

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