



Rep. Daniel Didech

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10300HB2174ham002

LRB103 26885 LNS 58384 a

1 AMENDMENT TO HOUSE BILL 2174

2 AMENDMENT NO. _____. Amend House Bill 2174 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Homeowners' Energy Policy Statement Act is
5 amended by changing Sections 20, 25, 30, and 40 as follows:

6 (765 ILCS 165/20)

7 Sec. 20. Deed restrictions; covenants.

8 (a) No deed restrictions, covenants, or similar binding
9 agreements running with the land shall prohibit or have the
10 effect of prohibiting a solar energy system from being
11 installed on a building erected on a lot or parcel covered by
12 the deed restrictions, covenants, or binding agreements, if
13 the building is subject to a homeowners' association, common
14 interest community association, or condominium unit owners'
15 association. A property owner may not be denied permission to
16 install a solar energy system, or be required to utilize

1 specific technology, including, but not limited to, solar
2 shingles rather than traditional solar panels, by any entity
3 granted the power or right in any deed restriction, covenant,
4 or similar binding agreement to approve, forbid, control, or
5 direct alteration of property. However, for purposes of this
6 Act, the entity may determine the specific configuration of
7 the elements of a solar energy system on a given roof face,
8 provided that it may not prohibit elements of the system from
9 being installed on any roof face and that any such
10 determination may not reduce the production of the solar
11 energy system by more than 10%. For the purposes of this
12 Section, "production" means the estimated annual electrical
13 production of the solar energy system.

14 (b) Within 90 days after a homeowners' association, common
15 interest community association, or condominium unit owners'
16 association receives a request for a policy statement or an
17 application from an association member, the association shall
18 adopt a written ~~an~~ energy policy statement. Any energy policy
19 statement, regardless of when adopted, shall explicitly
20 include as the minimum standards the terms of this Section but
21 may also include standards regarding: (i) the location,
22 design, and architectural requirements of solar energy
23 systems; and (ii) whether a wind energy collection, rain water
24 collection, or composting system is allowed, and, if so, the
25 location, design, and architectural requirements of those
26 systems. A written energy policy statement may not condition

1 approval of an application on approval by adjacent property
2 owners. An association may not inquire into a property owner's
3 energy usage, impose conditions impairing the operation of a
4 solar energy system, impose conditions negatively impacting
5 any component industry standard warranty, or require
6 post-installation reporting. Nor may a property owner be
7 denied permission to install a solar energy system based on
8 system ownership or financing method chosen by the property
9 owner. Notwithstanding the foregoing, an association's written
10 energy policy statement may impose reasonable conditions
11 concerning the maintenance, repair, replacement, and ultimate
12 removal of damaged or inoperable systems so long as such
13 conditions are not more onerous than the association's
14 analogous conditions for nonsolar projects. An association
15 shall disclose, upon request, its written energy policy
16 statement and shall include the statement in its homeowners'
17 common interest community, or condominium unit owners'
18 association declaration.

19 (c) Any provision of a homeowners' common interest
20 community or condominium unit owners' declaration or energy
21 policy statement that conflicts with this Act shall be void
22 and unenforceable as contrary to public policy.

23 (Source: P.A. 102-161, eff. 7-26-21.)

24 (765 ILCS 165/25)

25 Sec. 25. Standards and requirements. A solar energy system

1 shall meet applicable standards and requirements imposed by
2 State and local permitting authorities other than a
3 homeowners' association, common interest community
4 association, or condominium unit owners' association.

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

6 (765 ILCS 165/30)

7 Sec. 30. Application for approval.

8 (a) Whenever approval is required for the installation or
9 use of a solar energy system, the application for approval
10 shall be made available in hard copy form at a property owner's
11 request or, if the association maintains a website, through
12 the website. An association need not utilize an application
13 form specific to solar installations. An association may not
14 impose any fee for submitting an application pertaining to a
15 solar energy system above that which it assesses for any other
16 application related to changes to property. The application
17 shall be processed by the appropriate approving entity of the
18 association within 30 75 days of the submission of the
19 application. At the request of the property owner, an
20 association may communicate with the property owner's solar
21 energy system contractor.

22 (b) If ~~However, if~~ an application is submitted before a
23 written ~~an~~ energy policy statement is adopted by an
24 association, the application shall be processed within 120
25 days from the date the property owner submitted the

1 ~~application 75-day period shall not begin to run until the~~
2 ~~date that the policy is adopted.~~

3 (c) If an association fails to adopt a written solar
4 energy policy statement consistent with this Act or process an
5 application for approval within the specified time, the
6 property owner may proceed with the installation or use of the
7 proposed solar energy system notwithstanding any other policy
8 or provision in the homeowners' common interest community or
9 condominium unit owners' association declaration. In such
10 situations, an association may not impose fines or otherwise
11 penalize a property owner for exercising the property owner's
12 rights under this Act.

13 (d) A property owner may resubmit an application for
14 approval previously denied by an association; any such
15 resubmitted application shall be evaluated under the changes
16 made by this amendatory Act of the 103rd General Assembly.

17 (Source: P.A. 102-161, eff. 7-26-21.)

18 (765 ILCS 165/40)

19 Sec. 40. Costs; attorney's fees. In any litigation arising
20 under this Act or involving the application of this Act, the
21 prevailing party shall be entitled to costs and reasonable
22 attorney's fees.

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

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".