



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5105

Introduced 2/18/2020, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

765 ILCS 165/23 new

Amends the Homeowners' Energy Policy Statement Act. Provides that no political subdivision may place any restriction, either directly or indirectly, on the installation or use of a solar energy system unless the restriction: serves to preserve or protect public health or safety; or does not significantly decrease its production or efficiency. Limits home rule powers. Effective immediately.

LRB101 19042 LNS 68502 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

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 adding Section 23 as follows:

6 (765 ILCS 165/23 new)

7 Sec. 23. Authority to restrict solar energy system. No unit  
8 of local government, including a home rule unit of local  
9 government, may place any restriction, either directly or  
10 indirectly, on the installation or use of a solar energy  
11 system, as defined in Section 10, unless the restriction:

12 (1) serves to preserve or protect public health or  
13 safety; or

14 (2) does not significantly decrease the production or  
15 efficiency of the solar energy system.

16 A home rule unit may not regulate the installation of solar  
17 energy systems in a manner more restrictive than the regulation  
18 by the State of the installation of solar energy systems under  
19 this Act. This Section is a limitation under subsection (i) of  
20 Section 6 of Article VII of the Illinois Constitution on the  
21 concurrent exercise by home rule units of powers and functions  
22 exercised by the State.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.