



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3064

Introduced 2/5/2020, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

765 ILCS 165/5
765 ILCS 165/15
765 ILCS 165/20
765 ILCS 165/25
765 ILCS 165/30

Amends the Homeowners' Energy Policy Statement Act. Prohibits a homeowners' association, common interest community association, or condominium unit owners' association from adopting a bylaw or exercising any power that prohibits the installation of a rain water collection system or composting system. Provides that if a building is subject to a homeowners' association, common interest community association, or condominium unit owners' association, no deed restrictions, covenants, or similar binding agreements running with the land shall prohibit a rain water collection system or composting system from being installed on a building erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements. Provides that a property owner may not be denied permission to install a rain water collection system or composting system by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property. Provides that an entity may establish location or design requirements for rain water collection systems or composting systems. Provides that a rain water collection system or composting system shall meet application standards and requirements imposed by State and local permitting authorities. Provides that if approval is required for the installation of a rain water collection system or composting system, an application for approval shall be processed by the appropriate approving entity of the association within 90 days after the submission of the application. Makes corresponding changes.

LRB101 19570 LNS 69044 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 5, 15, 20, 25, and 30 as follows:

6 (765 ILCS 165/5)

7 Sec. 5. Legislative intent. The legislative intent in
8 enacting this Act is to protect the public health, safety, and
9 welfare by encouraging the development and use of solar energy
10 systems, rain water collection systems, or composting systems
11 in order to conserve and protect the value of land, buildings,
12 and resources by preventing the adoption of measures which will
13 have the ultimate effect, however unintended, of preventing the
14 use of solar energy systems, rain water collection systems, or
15 composting systems on any home that is subject to a homeowners'
16 association, common interest community association, or
17 condominium unit owners' association.

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

19 (765 ILCS 165/15)

20 Sec. 15. Associations; prohibitions. Notwithstanding any
21 provision of this Act or other provision of law, the adoption
22 of a bylaw or exercise of any power by the governing entity of

1 a homeowners' association, common interest community
2 association, or condominium unit owners' association which
3 prohibits or has the effect of prohibiting the installation of
4 a solar energy system, rain water collection system, or
5 composting system is expressly prohibited.

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

7 (765 ILCS 165/20)

8 Sec. 20. Deed restrictions; covenants. No deed
9 restrictions, covenants, or similar binding agreements running
10 with the land shall prohibit or have the effect of prohibiting
11 a solar energy system, rain water collection system, or
12 composting system from being installed on a building erected on
13 a lot or parcel covered by the deed restrictions, covenants, or
14 binding agreements, if the building is subject to a homeowners'
15 association, common interest community association, or
16 condominium unit owners' association. A property owner may not
17 be denied permission to install a solar energy system, rain
18 water collection system, or composting system by any entity
19 granted the power or right in any deed restriction, covenant,
20 or similar binding agreement to approve, forbid, control, or
21 direct alteration of property. However, for purposes of this
22 Act, the entity may: (1) determine the specific location where
23 a solar energy system may be installed on the roof within an
24 orientation to the south or within 45 degrees east or west of
25 due south provided that the determination does not impair the

1 effective operation of the solar energy system; and (2) may
2 establish location or design requirements for rain water
3 collection systems or composting systems. Within 120 days after
4 a homeowners' association, common interest community
5 association, or condominium unit owners' association receives
6 a request for a policy statement or an application from an
7 association member, the association shall adopt an energy
8 policy statement regarding: (i) the location, design, and
9 architectural requirements of solar energy systems, rain water
10 collection systems, or composting systems; and (ii) whether a
11 wind energy collection, ~~rain water collection, or composting~~
12 ~~system~~ is allowed, and, if so, the location, design, and
13 architectural requirements of those systems. An association
14 shall disclose, upon request, its energy policy statement and
15 shall include the statement in its homeowners' common interest
16 community, or condominium unit owners' association declaration
17 or rules and regulations, at the discretion of the board.

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

19 (765 ILCS 165/25)

20 Sec. 25. Standards and requirements. A solar energy system,
21 rain water collection system, or composting system shall meet
22 applicable standards and requirements imposed by State and
23 local permitting authorities.

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

1 (765 ILCS 165/30)

2 Sec. 30. Application for approval. Whenever approval is
3 required for the installation or use of a solar energy system,
4 rain water collection system, or composting system, the
5 application for approval shall be processed by the appropriate
6 approving entity of the association within 90 days after the
7 submission of the application. However, if an application is
8 submitted before an energy policy statement is adopted by an
9 association, the 90 day period shall not begin to run until the
10 date that the policy is adopted.

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