



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1867

Introduced 2/26/2021, 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.

LRB102 15844 LNS 21213 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  
13 will have the ultimate effect, however unintended, of  
14 preventing the use of solar energy systems, rain water  
15 collection systems, or composting systems on any home that is  
16 subject to a homeowners' association, common interest  
17 community association, or condominium unit owners'  
18 association.

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

20 (765 ILCS 165/15)

21 Sec. 15. Associations; prohibitions. Notwithstanding any  
22 provision of this Act or other provision of law, the adoption

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

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

8 (765 ILCS 165/20)

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

1 or within 45 degrees east or west of due south provided that  
2 the determination does not impair the effective operation of  
3 the solar energy system; and (2) establish location or design  
4 requirements for rain water collection systems or composting  
5 systems. Within 120 days after a homeowners' association,  
6 common interest community association, or condominium unit  
7 owners' association receives a request for a policy statement  
8 or an application from an association member, the association  
9 shall adopt an energy policy statement regarding: (i) the  
10 location, design, and architectural requirements of solar  
11 energy systems, rain water collection systems, or composting  
12 systems; and (ii) whether a wind energy collection, ~~rain water~~  
13 ~~collection, or composting system~~ is allowed, and, if so, the  
14 location, design, and architectural requirements of those  
15 systems. An association shall disclose, upon request, its  
16 energy policy statement and shall include the statement in its  
17 homeowners' common interest community, or condominium unit  
18 owners' association declaration or rules and regulations, at  
19 the discretion of the board.

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

21 (765 ILCS 165/25)

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

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

2 (765 ILCS 165/30)

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

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