

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 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  
17 specific technology, including, but not limited to, solar  
18 shingles rather than traditional solar panels, 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 determine the specific configuration of  
23 the elements of a solar energy system on a given roof face,

1 provided that it may not prohibit elements of the system from  
2 being installed on any roof face and that any such  
3 determination may not reduce the production of the solar  
4 energy system by more than 10%. For the purposes of this  
5 Section, "production" means the estimated annual electrical  
6 production of the solar energy system.

7 (b) Within 90 days after a homeowners' association, common  
8 interest community association, or condominium unit owners'  
9 association receives a request for a policy statement or an  
10 application from an association member, the association shall  
11 adopt a written ~~an~~ energy policy statement. Any energy policy  
12 statement, regardless of when adopted, shall explicitly  
13 include as the minimum standards the terms of this Section but  
14 may also include standards regarding: (i) the location,  
15 design, and architectural requirements of solar energy  
16 systems; and (ii) whether a wind energy collection, rain water  
17 collection, or composting system is allowed, and, if so, the  
18 location, design, and architectural requirements of those  
19 systems. A written energy policy statement may not condition  
20 approval of an application on approval by adjacent property  
21 owners. An association may not inquire into a property owner's  
22 energy usage, impose conditions impairing the operation of a  
23 solar energy system, impose conditions negatively impacting  
24 any component industry standard warranty, or require  
25 post-installation reporting. Nor may a property owner be  
26 denied permission to install a solar energy system based on

1 system ownership or financing method chosen by the property  
2 owner. Notwithstanding the foregoing, an association's written  
3 energy policy statement may impose reasonable conditions  
4 concerning the maintenance, repair, replacement, and ultimate  
5 removal of damaged or inoperable systems so long as such  
6 conditions are not more onerous than the association's  
7 analogous conditions for nonsolar projects. An association  
8 shall disclose, upon request, its written energy policy  
9 statement and shall include the statement in its homeowners'  
10 common interest community, or condominium unit owners'  
11 association declaration.

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

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

17 (765 ILCS 165/25)

18 Sec. 25. Standards and requirements. A solar energy system  
19 shall meet applicable standards and requirements imposed by  
20 State and local permitting authorities other than a  
21 homeowners' association, common interest community  
22 association, or condominium unit owners' association.

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

24 (765 ILCS 165/30)

1           Sec. 30. Application for approval.

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

16           (b) If ~~However, if~~ an application is submitted before a  
17 written ~~an~~ energy policy statement is adopted by an  
18 association, the application shall be processed within 120  
19 days from the date the property owner submitted the  
20 application 75-day period shall not begin to run until the  
21 date that the policy is adopted.

22           (c) If an association fails to adopt a written solar  
23 energy policy statement consistent with this Act or process an  
24 application for approval within the specified time, the  
25 property owner may proceed with the installation or use of the  
26 proposed solar energy system notwithstanding any other policy

1 or provision in the homeowners' common interest community or  
2 condominium unit owners' association declaration. Before a  
3 property owner may proceed with such installation or use, the  
4 property owner must first give the association written notice  
5 of the alleged failure and 10 business days to cure that  
6 alleged failure. During those 10 business days, the  
7 association may only adopt the policy statement or process the  
8 application; the association may not take other action,  
9 including, but not limited to, seeking injunctive relief,  
10 during those 10 business days. In such situations, an  
11 association may not impose fines or otherwise penalize a  
12 property owner for exercising the property owner's rights  
13 under this Act.

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

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

19 (765 ILCS 165/40)

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

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

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

1 becoming law.