



Rep. Daniel Didech

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1 AMENDMENT TO HOUSE BILL 5315

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5315 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding  
5 Division 5-46 as follows:

6 (55 ILCS 5/Div. 5-46 heading new)

7 Division 5-46. Solar Bill of Rights

8 (55 ILCS 5/5-46005 new)

9 Sec. 5-46005. Definitions. As used in this Division:

10 "Low voltage solar powered device" means a piece of  
11 equipment designed for a particular purpose, including, but  
12 not limited to, doorbells, security systems and illumination  
13 equipment, powered by a solar collector operating at less than  
14 50 volts and located:

15 (1) entirely within the lot or parcel owned by the

1 property owner; or

2 (2) within a common area without being permanently  
3 attached to common property.

4 "Solar energy" means radiant energy received from the sun  
5 at wave lengths suitable for heat transfer, photosynthetic  
6 use, or photovoltaic use.

7 "Solar collector" means:

8 (1) an assembly, structure, or design, including  
9 passive elements, used for gathering, concentrating, or  
10 absorbing direct and indirect solar energy, specially  
11 designed for holding a substantial amount of useful  
12 thermal energy and to transfer that energy to a gas,  
13 solid, or liquid or to use that energy directly; or

14 (2) a mechanism that absorbs solar energy and converts  
15 it into electricity; or

16 (3) a mechanism or process used for gathering solar  
17 energy through wind or thermal gradients; or

18 (4) a component used to transfer thermal energy to a  
19 gas, solid, or liquid, or to convert it into electricity.

20 "Solar storage mechanism" means equipment or elements  
21 (such as piping and transfer mechanisms, containers, heat  
22 exchangers, batteries, or controls thereof, and gases, solids,  
23 liquids, or combinations thereof) that are utilized for  
24 storing solar energy, gathered by a solar collector, for  
25 subsequent use.

26 "Solar energy system" means:

1           (1) a complete assembly, structure, or design of solar  
2           collector or a solar storage mechanism that uses solar  
3           energy for generating electricity or for heating or  
4           cooling gases, solids, liquids, or other materials; and

5           (2) the design, materials, or elements of a system and  
6           its maintenance, operation, and labor components, and the  
7           necessary components, if any, of supplemental conventional  
8           energy systems designed or constructed to interface with a  
9           solar energy system.

10           (55 ILCS 5/5-46010 new)

11           Sec. 5-46010. Prohibitions. Notwithstanding any provision  
12           of this Code or other provision of law, the adoption of any  
13           ordinance or resolution, or exercise of any power, by a county  
14           which prohibits or has the effect of prohibiting the  
15           installation of a solar energy system or low voltage solar  
16           powered device is expressly prohibited.

17           (55 ILCS 5/5-46015 new)

18           Sec. 5-46015. Home rule. A home rule unit may not regulate  
19           the Solar Bill of Rights in a manner more restrictive than the  
20           regulation by the State under this Division. This Section is a  
21           limitation under subsection (i) of Section 6 of Article VII of  
22           the Illinois Constitution on the concurrent exercise by home  
23           rule units of powers and functions exercised by the State.

1 (55 ILCS 5/5-46020 new)

2 Sec. 5-46020. Costs; attorney's fees. In any litigation  
3 arising under this Division or involving the application of  
4 this Division, the prevailing party shall be entitled to costs  
5 and reasonable attorney's fees.

6 (55 ILCS 5/5-46025 new)

7 Sec. 5-46025. Inapplicability; applicability.

8 (a) This Division shall not apply to any building that:

9 (1) is greater than 60 feet in height; or

10 (2) has a shared roof and is subject to a homeowners'  
11 association, common interest community association, or  
12 condominium unit owners' association.

13 (b) Notwithstanding subsection (a) of this Section, this  
14 Division shall apply to any building with a shared roof:

15 (1) where the solar energy system is located entirely  
16 within that portion of the shared roof owned and  
17 maintained by the property owner;

18 (2) where all property owners sharing the shared roof  
19 are in agreement to install a solar energy system; or

20 (3) to the extent this Division applies to low voltage  
21 solar powered devices.

22 (c) As used in this Section, "shared roof" means any roof  
23 that (i) serves more than one unit, including, but not limited  
24 to, a contiguous roof serving adjacent units, or (ii) is part  
25 of the common elements or common area.

1 Section 10. The Illinois Municipal Code is amended by  
2 adding Division 15.5 to Article 11 as follows:

3 (65 ILCS 5/ Art. 11 Div. 15.5 heading new)

4 Division 15.5. SOLAR BILL OF RIGHTS

5 (65 ILCS 5/11-15.5-5 new)

6 Sec. 11-15.5-5. Definitions. As used in this Division:

7 "Low voltage solar powered device" means a piece of  
8 equipment designed for a particular purpose, including, but  
9 not limited to, doorbells, security systems and illumination  
10 equipment, powered by a solar collector operating at less than  
11 50 volts and located:

12 (1) entirely within the lot or parcel owned by the  
13 property owner; or

14 (2) within a common area without being permanently  
15 attached to common property.

16 "Solar energy" means radiant energy received from the sun  
17 at wave lengths suitable for heat transfer, photosynthetic  
18 use, or photovoltaic use.

19 "Solar collector" means:

20 (1) an assembly, structure, or design, including  
21 passive elements, used for gathering, concentrating, or  
22 absorbing direct and indirect solar energy, specially  
23 designed for holding a substantial amount of useful

1 thermal energy and to transfer that energy to a gas,  
2 solid, or liquid or to use that energy directly; or

3 (2) a mechanism that absorbs solar energy and converts  
4 it into electricity; or

5 (3) a mechanism or process used for gathering solar  
6 energy through wind or thermal gradients; or

7 (4) a component used to transfer thermal energy to a  
8 gas, solid, or liquid, or to convert it into electricity.

9 "Solar storage mechanism" means equipment or elements  
10 (such as piping and transfer mechanisms, containers, heat  
11 exchangers, batteries, or controls thereof, and gases, solids,  
12 liquids, or combinations thereof) that are utilized for  
13 storing solar energy, gathered by a solar collector, for  
14 subsequent use.

15 "Solar energy system" means:

16 (1) a complete assembly, structure, or design of solar  
17 collector or a solar storage mechanism that uses solar  
18 energy for generating electricity or for heating or  
19 cooling gases, solids, liquids, or other materials; and

20 (2) the design, materials, or elements of a system and  
21 its maintenance, operation, and labor components, and the  
22 necessary components, if any, of supplemental conventional  
23 energy systems designed or constructed to interface with a  
24 solar energy system.

1       Sec. 11-15.5-10. Prohibitions. Notwithstanding any  
2 provision of this Code or other provision of law, the adoption  
3 of any ordinance or resolution, or exercise of any power, by a  
4 municipality that prohibits or has the effect of prohibiting  
5 the installation of a solar energy system or low voltage solar  
6 powered device is expressly prohibited.

7           (65 ILCS 5/11-15.5-15 new)

8       Sec. 11-15.5-15. Home rule. A home rule unit may not  
9 regulate the Solar Bill of Rights in a manner more restrictive  
10 than the regulation by the State under this Division. This  
11 Section is a limitation under subsection (i) of Section 6 of  
12 Article VII of the Illinois Constitution on the concurrent  
13 exercise by home rule units of powers and functions exercised  
14 by the State.

15           (65 ILCS 5/11-15.5-20 new)

16       Sec. 11-15.5-20. Costs; attorney's fees. In any litigation  
17 arising under this Division or involving the application of  
18 this Division, the prevailing party shall be entitled to costs  
19 and reasonable attorney's fees.

20           (65 ILCS 5/11-15.5-25 new)

21       Sec. 11-15.5-25. Inapplicability; applicability.

22       (a) This Division shall not apply to any building that:

23           (1) is greater than 60 feet in height; or

1           (2) has a shared roof and is subject to a homeowners'  
2           association, common interest community association, or  
3           condominium unit owners' association.

4           (b) Notwithstanding subsection (a) of this Section, this  
5           Division shall apply to any building with a shared roof:

6           (1) where the solar energy system is located entirely  
7           within that portion of the shared roof owned and  
8           maintained by the property owner;

9           (2) where all property owners sharing the shared roof  
10           are in agreement to install a solar energy system; or

11           (3) to the extent this Division applies to low voltage  
12           solar powered devices.

13           (c) As used in this Section, "shared roof" means any roof  
14           that (i) serves more than one unit, including, but not limited  
15           to, a contiguous roof serving adjacent units, or (ii) is part  
16           of the common elements or common area.

17           Section 15. The Public Utilities Act is amended by  
18           changing Section 17-900 and by adding Section 17-900a as  
19           follows:

20           (220 ILCS 5/17-900)

21           Sec. 17-900. Customer self-generation of electricity.

22           (a) The General Assembly finds and declares that municipal  
23           systems and electric cooperatives shall continue to be  
24           governed by their respective governing bodies, but that such



1 governing bodies should recognize and implement policies to  
2 provide the opportunity for their residential and small  
3 commercial customers who wish to self-generate electricity and  
4 for reasonable credits to customers for excess electricity,  
5 balanced against the rights of the other non-self-generating  
6 customers. This includes creating consistent, fair policies  
7 that are accessible to all customers and transparent, fair  
8 processes for raising and addressing any concerns.

9 (b) Customers have the right to install renewable  
10 generating facilities to be located on the customer's premises  
11 or customer's side of the billing meter and that are intended  
12 primarily to offset the customer's own electrical requirements  
13 and produce, consume, and store their own renewable energy  
14 without discriminatory repercussions from an electric  
15 cooperative or municipal system. This includes a customer's  
16 rights to:

17 (1) generate, consume, and deliver excess renewable  
18 energy to the distribution grid and reduce his or her use  
19 of electricity obtained from the grid;

20 (2) use technology to store energy at his or her  
21 residence;

22 (3) interconnect his or her electrical system that  
23 generates renewable energy, stores energy, or any  
24 combination thereof, with the electricity meter on the  
25 customer's premises that is provided by an electric  
26 cooperative or municipal system:

1 (A) in a timely manner;

2 (B) in accordance with requirements established by  
3 the electric cooperative or municipal utility to  
4 ensure the safety of utility workers; and

5 (C) after providing written notice to the electric  
6 cooperative or municipal utility system providing  
7 service in the service territory, installing a  
8 nomenclature plate on the electrical meter panel and  
9 meeting all applicable State and local safety and  
10 electrical code requirements associated with  
11 installing a parallel distributed generation system;  
12 and

13 (4) receive fair credit for excess energy delivered to  
14 the distribution grid.

15 (c) The policies of municipal systems and electric  
16 cooperatives regarding self-generation and credits for excess  
17 electricity may reasonably differ from those required of other  
18 entities by Article XVI of the Public Utilities Act or other  
19 Acts. The credits must recognize the value of self-generation  
20 to the distribution grid and benefits to other customers.

21 (d) Within 180 days after this amendatory Act of the 102nd  
22 General Assembly, each electric cooperative and municipal  
23 system shall update its policies for the interconnection and  
24 fair crediting of customer self-generation and storage if  
25 necessary, to comply with the standards of subsection (b) of  
26 this Section. Each electric cooperative and municipal system

1 shall post its updated policies to a public-facing area of its  
2 website.

3 (e) An electric cooperative or municipal system customer  
4 who produces, consumes, and stores his or her own renewable  
5 energy shall not face discriminatory rate design, fees or  
6 charges, treatment, or excessive compliance requirements that  
7 would unreasonably affect that customer's right to  
8 self-generate electricity as provided for in this Section.

9 (f) An electric cooperative or municipal utility system  
10 customer shall have a right to appeal any decision related to  
11 self-generation and storage that violates these rights to  
12 self-generation and non-discrimination pursuant to the  
13 provisions of this Section through a complaint under the  
14 Administrative Review Law or similar legal process.

15 (g) An electric cooperative or municipal utility system  
16 customer shall have a right to file a complaint with the  
17 Illinois Commerce Commission related to the shared policy in  
18 Section 17-900a.

19 (Source: P.A. 102-662, eff. 9-15-21.)

20 (220 ILCS 5/17-900a new)

21 Sec. 17-900a. Self-generation of renewable energy shared  
22 policy.

23 (a) Through Public Act 99-906 and Public Act 102-662,  
24 Illinois has established significant opportunities for the  
25 customers of investor-owned public utilities to participate in

1 the renewable energy market, enabling them to reduce their  
2 energy costs and increase their resiliency while at the same  
3 time providing benefits to the electric grid and environment.  
4 However, the customers of municipal electric utility systems  
5 and rural electric cooperatives often do not have the same  
6 opportunities as customers of investor-owned utilities. The  
7 General Assembly finds that customers of municipal electric  
8 utility systems and rural electric cooperatives deserve the  
9 same opportunities as it concerns self-generation.

10 (b) Municipal utility systems and rural electric  
11 cooperatives shall have a shared policy governing  
12 self-generation of renewable energy. This shared policy shall  
13 be developed by the Illinois Municipal Electric Agency, the  
14 Illinois Municipal Utilities Association, and the Association  
15 of Illinois Electric Cooperatives and reviewed for compliance  
16 with this Section by the Illinois Commerce Commission. The  
17 initial shared policy must be drafted and received by the  
18 Illinois Commerce Commission within 90 days after the  
19 effective date of this amendatory Act of the 103rd General  
20 Assembly. The Illinois Commerce Commission shall determine if  
21 the shared policy meets the standards outlined in subsections  
22 (c) and (d). Any deviations from those standards as determined  
23 by the Agency must be corrected by the Illinois Municipal  
24 Electric Association, the Illinois Municipal Utilities  
25 Association, and the Association of Illinois Electric  
26 Cooperatives within 30 days and submitted back to the Illinois

1 Commerce Commission for final approval. The shared policy must  
2 be approved by the Illinois Power Agency and be enforceable by  
3 January 1, 2025.

4 (c) The shared policy required under this Section shall  
5 include the following:

6 (1) a standard solar penetration percentage determined  
7 by what municipalities or cooperatives are contractually  
8 obligated to buy versus what their peak load is;

9 (2) net metering credits reconciled on an annual basis  
10 ending in March or October at the customer's preference;

11 (3) a legacy provision that permits solar owners to  
12 operate for 25 years under the solar policies applicable  
13 to their system at the time of energization;

14 (4) allowance of leases or power purchase agreements;  
15 and

16 (5) system sizing that is based on the alternating  
17 current rather than direct current.

18 (d) The shared policy shall prohibit the following:

19 (1) any insurance requirement that mandates that the  
20 utility be listed as an additional insured;

21 (2) any set liability limit requirement for the  
22 homeowner or resident when the equipment meets the safety  
23 standards listed in applicable interconnection agreements  
24 and the contractor utilized to install the equipment is  
25 licensed and possesses at least \$1,000,000 of commercial  
26 general liability insurance coverage;

1           (3) any cost related to infrastructure upgrades being  
2           solely borne by an individual customer rather than the  
3           entire class of customers;

4           (4) any provision that requires the owner of the  
5           system to be the same as the utility customer for that  
6           location; and

7           (5) any net meter or interconnection fees that exceed  
8           more than double similar fees for investor-owned  
9           utilities.

10          (e) Any municipal electric utility system or electric  
11          cooperative that violates or fails to comply with any  
12          provision of this Section or that fails to obey, observe, or  
13          comply with any order, decision, rule, regulation, direction,  
14          or requirement, or any part or provision thereof, of the  
15          Commission made or issued under the authority of this Section  
16          shall be subject to a civil penalty. In such instances, the  
17          Commission shall impose a penalty of not less than \$10,000 nor  
18          more than \$25,000 for each and every offense. In case of a  
19          continuing violation, each day's continuance thereof shall be  
20          a separate and distinct offense. However, the cumulative  
21          penalty for any continuing violation shall not exceed  
22          \$250,000. Any penalty imposed under this Section shall be paid  
23          to the Commission and deposited into the Public Utility Fund  
24          in the State treasury within 60 days after receiving notice of  
25          the assessment from the Commission. Interest at the statutory  
26          rate shall accrue after the expiration of the 60-day period

1 and may exceed the maximum cumulative \$250,000 penalty. If a  
2 violation is found in response to a complaint filed with the  
3 Commission, the prevailing complainant shall receive half of  
4 any penalty imposed by the Commission upon payment by the  
5 municipal electric utility system or electric cooperative. The  
6 Commission is authorized to apply to a court of competent  
7 jurisdiction for an order requiring payment.

8 Section 20. The Homeowners' Energy Policy Statement Act is  
9 amended by changing Sections 10, 15, 20, and 45 as follows:

10 (765 ILCS 165/10)

11 Sec. 10. Definitions. In this Act:

12 "Low voltage solar powered device" means a piece of  
13 equipment designed for a particular purpose, including, but  
14 not limited to, doorbells, security systems and illumination  
15 equipment, powered by a solar collector operating at less than  
16 50 volts and located:

17 (1) entirely within the lot or parcel owned by the  
18 property owner; or

19 (2) within a common area without being permanently  
20 attached to common property.

21 "Solar energy" means radiant energy received from the sun  
22 at wave lengths suitable for heat transfer, photosynthetic  
23 use, or photovoltaic use.

24 "Solar collector" means:

1           (1) an assembly, structure, or design, including  
2 passive elements, used for gathering, concentrating, or  
3 absorbing direct and indirect solar energy, specially  
4 designed for holding a substantial amount of useful  
5 thermal energy and to transfer that energy to a gas,  
6 solid, or liquid or to use that energy directly; or

7           (2) a mechanism that absorbs solar energy and converts  
8 it into electricity; or

9           (3) a mechanism or process used for gathering solar  
10 energy through wind or thermal gradients; or

11           (4) a component used to transfer thermal energy to a  
12 gas, solid, or liquid, or to convert it into electricity.

13           "Solar storage mechanism" means equipment or elements  
14 (such as piping and transfer mechanisms, containers, heat  
15 exchangers, batteries, or controls thereof, and gases, solids,  
16 liquids, or combinations thereof) that are utilized for  
17 storing solar energy, gathered by a solar collector, for  
18 subsequent use.

19           "Solar energy system" means:

20           (1) a complete assembly, structure, or design of solar  
21 collector, or a solar storage mechanism, which uses solar  
22 energy for generating electricity or for heating or  
23 cooling gases, solids, liquids, or other materials; and

24           (2) the design, materials, or elements of a system and  
25 its maintenance, operation, and labor components, and the  
26 necessary components, if any, of supplemental conventional



1 energy systems designed or constructed to interface with a  
2 solar energy system.

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

4 (765 ILCS 165/15)

5 Sec. 15. Associations; prohibitions. Notwithstanding any  
6 provision of this Act or other provision of law, the adoption  
7 of a bylaw or exercise of any power by the governing entity of  
8 a homeowners' association, common interest community  
9 association, or condominium unit owners' association which  
10 prohibits or has the effect of prohibiting the installation of  
11 a solar energy system or low voltage solar powered device is  
12 expressly prohibited.

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

14 (765 ILCS 165/20)

15 Sec. 20. Deed restrictions; covenants.

16 (a) No deed restrictions, covenants, or similar binding  
17 agreements running with the land shall prohibit or have the  
18 effect of prohibiting a solar energy system or low voltage  
19 solar powered device from being installed on a lot or parcel or  
20 on a building erected on a lot or parcel covered by the deed  
21 restrictions, covenants, or binding agreements, if the  
22 building is subject to a homeowners' association, common  
23 interest community association, or condominium unit owners'  
24 association. A property owner may not be denied permission to

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

16 (b) Within 90 days after a homeowners' association, common  
17 interest community association, or condominium unit owners'  
18 association receives a request for a policy statement or an  
19 application from an association member, the association shall  
20 adopt a written energy policy statement. Any energy policy  
21 statement, regardless of when adopted, shall explicitly  
22 include as the minimum standards the terms of this Section but  
23 may also include standards regarding: (i) the location,  
24 design, and architectural requirements of solar energy  
25 systems; and (ii) whether a wind energy collection, rain water  
26 collection, or composting system is allowed, and, if so, the

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

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

25 (Source: P.A. 102-161, eff. 7-26-21; 103-296, eff. 7-28-23.)

1 (765 ILCS 165/45)

2 Sec. 45. Inapplicability; applicability.

3 (a) This Act shall not apply to any building that:

4 (1) is greater than 60 feet in height; or

5 (2) has a shared roof and is subject to a homeowners'  
6 association, common interest community association,  
7 condominium unit owners' association.

8 (b) Notwithstanding subsection (a) of this Section, this  
9 Act shall apply to any building with a shared roof:

10 (1) where the solar energy system is located entirely  
11 within that portion of the shared roof owned and  
12 maintained by the property owner;

13 (2) where all property owners sharing the shared roof  
14 are in agreement to install a solar energy system; or

15 (3) to the extent this Act applies to low voltage  
16 solar powered devices.

17 (c) As used in this Section, "shared roof" means any roof  
18 that (i) serves more than one unit, including, but not limited  
19 to, a contiguous roof serving adjacent units, or (ii) is part  
20 of the common elements or common area.

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