



Rep. Daniel Didech

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10300HB5315ham002

LRB103 34870 JRC 72445 a

1 AMENDMENT TO HOUSE BILL 5315

2 AMENDMENT NO. _____. Amend House Bill 5315, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (55 ILCS 5/Div. 5-46 heading new)

8 Division 5-46. Solar Bill of Rights

9 (55 ILCS 5/5-46005 new)

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

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

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

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

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

8 "Solar collector" means:

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

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

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

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

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

1 "Solar energy system" means:

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

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

11 (55 ILCS 5/5-46010 new)

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

18 (55 ILCS 5/5-46015 new)

19 Sec. 5-46015. Home rule. A home rule unit may not regulate
20 the Solar Bill of Rights in a manner more restrictive than the
21 regulation by the State under this Division. This Section is a
22 limitation under subsection (i) of Section 6 of Article VII of
23 the Illinois Constitution on the concurrent exercise by home
24 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 Section 10. The Illinois Municipal Code is amended by
7 adding Division 15.5 to Article 11 as follows:

8 (65 ILCS 5/ Art. 11 Div. 15.5 heading new)

9 Division 15.5. SOLAR BILL OF RIGHTS

10 (65 ILCS 5/11-15.5-5 new)

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

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

1 use, or photovoltaic use.

2 "Solar collector" means:

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

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

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

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

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

21 "Solar energy system" means:

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

26 (2) the design, materials, or elements of a system and

1 its maintenance, operation, and labor components, and the
2 necessary components, if any, of supplemental conventional
3 energy systems designed or constructed to interface with a
4 solar energy system.

5 (65 ILCS 5/11-15.5-10 new)

6 Sec. 11-15.5-10. Prohibitions. Notwithstanding any
7 provision of this Code or other provision of law, the adoption
8 of any ordinance or resolution, or exercise of any power, by a
9 municipality that prohibits or has the effect of prohibiting
10 the installation of a solar energy system or low voltage solar
11 powered device is expressly prohibited; provided, however,
12 that municipalities that own local electric distribution
13 systems may adopt and implement reasonable policies, not
14 inconsistent with Section 17-900 of the Public Utilities Act,
15 regarding the interconnection and use of solar energy systems.

16 (65 ILCS 5/11-15.5-15 new)

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

1 (65 ILCS 5/11-15.5-20 new)

2 Sec. 11-15.5-20. 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 Section 15. The Public Utilities Act is amended by
7 changing Section 17-900 as follows:

8 (220 ILCS 5/17-900)

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

10 (a) The General Assembly finds and declares that municipal
11 systems and electric cooperatives shall continue to be
12 governed by their respective governing bodies, but that such
13 governing bodies should recognize and implement policies to
14 provide the opportunity for their residential and small
15 commercial customers who wish to self-generate electricity and
16 for reasonable credits to customers for excess electricity,
17 balanced against the rights of the other non-self-generating
18 customers. This includes creating consistent, fair policies
19 that are accessible to all customers and transparent, fair
20 processes for raising and addressing any concerns.

21 (b) Customers have the right to install renewable
22 generating facilities to be located on the customer's premises
23 or customer's side of the billing meter and that are intended
24 primarily to offset the customer's own electrical requirements

1 and produce, consume, and store their own renewable energy
2 without discriminatory repercussions from an electric
3 cooperative or municipal system. This includes a customer's
4 rights to:

5 (1) generate, consume, and deliver excess renewable
6 energy to the distribution ~~grid~~ and reduce his or her use
7 of electricity obtained from the grid;

8 (2) use technology to store energy at his or her
9 residence;

10 (3) interconnect his or her electrical system that
11 generates renewable energy, stores energy, or any
12 combination thereof, with the electricity meter on the
13 customer's premises that is provided by an electric
14 cooperative or municipal system:

15 (A) in a timely manner;

16 (B) in accordance with requirements established by
17 the electric cooperative or municipal utility to
18 ensure the safety of utility workers; and

19 (C) after providing written notice to the electric
20 cooperative or municipal utility system providing
21 service in the service territory, installing a
22 nomenclature plate on the electrical meter panel and
23 meeting all applicable State and local safety and
24 electrical code requirements associated with
25 installing a parallel distributed generation system;
26 and

1 (4) receive fair credit for excess energy delivered to
2 the distribution grid.

3 (c) The policies of municipal systems and electric
4 cooperatives regarding self-generation and credits for excess
5 electricity may reasonably differ from those required of other
6 entities by Article XVI of the Public Utilities Act or other
7 Acts. The credits must recognize the value of self-generation
8 to the distribution grid and benefits to other customers.

9 (c-1) The aggregate value of the credit in total shall be
10 at least equal to a kilowatt-hour supply charge for energy
11 calculated at the retail rate of the municipal system or
12 electric cooperative for energy, in cents per kilowatt-hour,
13 applicable to the customer, including any purchased energy
14 adjustment.

15 (c-2) The billing periods for crediting purposes must be
16 monthly. The municipal system or electric cooperative shall:

17 (1) carry over any unused credits earned by the
18 customer and apply those credits to subsequent billing
19 periods to offset usage based electric energy charges on
20 the customer's subsequent bills until all credits are used
21 or until the end of the annual period, which ends each year
22 in March or October as chosen by the customer, at which
23 time the customer shall receive a direct payment for any
24 remaining credit balance; or

25 (2) compensate customers for excess credits each
26 billing period when earned through either direct payment

1 or allowing the credit to offset other charges on the
2 bill, including allowing the bill to go negative.

3 (c-3) The policies of municipal systems and electric
4 cooperatives regarding self-generation shall include the
5 following requirements concerning system sizing and additional
6 insured liability limits:

7 (1) Self-generation is intended primarily to offset a
8 customer's own current or future electrical requirements.
9 The municipal system or electric cooperative shall allow
10 the customer to install renewable generating facilities
11 with system sizing that is based on the alternating
12 current rather than direct current.

13 (2) The municipal system or electric cooperative shall
14 not require residential or small commercial customers to
15 name the municipal utility or electric cooperative as an
16 additional insured on the customer's insurance policies or
17 have any set liability limit requirement for the homeowner
18 or resident in connection with the installation and
19 operation of the renewable generating facilities, provided
20 that the renewable generating facilities meet the safety
21 standards listed in the applicable interconnection
22 agreement and the contractor used to install the
23 facilities is licensed and possesses commercial general
24 liability insurance coverage of at least \$1,000,000 per
25 occurrence and \$2,000,000 in aggregate per year.

26 (d) By June 1, 2025 ~~Within 180 days after this amendatory~~

1 ~~Act of the 102nd General Assembly~~, each electric cooperative
2 and municipal system shall review and update its policies and
3 billing systems for the interconnection and fair crediting of
4 customer self-generation and storage, if necessary, to comply
5 with the standards of subsections (c-1) through (c-2)
6 ~~subsection (b)~~ of this Section. Each electric cooperative and
7 municipal system shall post its updated policies to a
8 public-facing area of its website.

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

15 (f) An electric cooperative or municipal utility system
16 customer shall have a right to appeal any decision related to
17 self-generation and storage that violates these rights to
18 self-generation and non-discrimination pursuant to the
19 provisions of this Section through a complaint under the
20 Administrative Review Law or similar legal process.

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

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

24 (765 ILCS 165/10)

1 Sec. 10. Definitions. In this Act:

2 "Low voltage solar powered device" means a piece of
3 equipment designed for a particular purpose, including, but
4 not limited to, doorbells, security systems and illumination
5 equipment, powered by a solar collector operating at less than
6 50 volts and located:

7 (1) entirely within the lot or parcel owned by the
8 property owner; or

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

11 "Solar energy" means radiant energy received from the sun
12 at wave lengths suitable for heat transfer, photosynthetic
13 use, or photovoltaic use.

14 "Solar collector" means:

15 (1) an assembly, structure, or design, including
16 passive elements, used for gathering, concentrating, or
17 absorbing direct and indirect solar energy, specially
18 designed for holding a substantial amount of useful
19 thermal energy and to transfer that energy to a gas,
20 solid, or liquid or to use that energy directly; or

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

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

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

1 "Solar storage mechanism" means equipment or elements
2 (such as piping and transfer mechanisms, containers, heat
3 exchangers, batteries, or controls thereof, and gases, solids,
4 liquids, or combinations thereof) that are utilized for
5 storing solar energy, gathered by a solar collector, for
6 subsequent use.

7 "Solar energy system" means:

8 (1) a complete assembly, structure, or design of solar
9 collector, or a solar storage mechanism, which uses solar
10 energy for generating electricity or for heating or
11 cooling gases, solids, liquids, or other materials; and

12 (2) the design, materials, or elements of a system and
13 its maintenance, operation, and labor components, and the
14 necessary components, if any, of supplemental conventional
15 energy systems designed or constructed to interface with a
16 solar energy system.

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

18 (765 ILCS 165/15)

19 Sec. 15. Associations; prohibitions. Notwithstanding any
20 provision of this Act or other provision of law, the adoption
21 of a bylaw or exercise of any power by the governing entity of
22 a homeowners' association, common interest community
23 association, or condominium unit owners' association which
24 prohibits or has the effect of prohibiting the installation of
25 a solar energy system or low voltage solar powered device is

1 expressly prohibited.

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

3 (765 ILCS 165/20)

4 Sec. 20. Deed restrictions; covenants.

5 (a) No deed restrictions, covenants, or similar binding
6 agreements running with the land shall prohibit or have the
7 effect of prohibiting a solar energy system or low voltage
8 solar powered device from being installed on a lot or parcel or
9 on a building erected on a lot or parcel covered by the deed
10 restrictions, covenants, or binding agreements, if the
11 building is subject to a homeowners' association, common
12 interest community association, or condominium unit owners'
13 association. A property owner may not be denied permission to
14 install a low voltage solar powered device or solar energy
15 system, or be required to utilize specific technology,
16 including, but not limited to, solar shingles rather than
17 traditional solar panels, by any entity granted the power or
18 right in any deed restriction, covenant, or similar binding
19 agreement to approve, forbid, control, or direct alteration of
20 property. However, for purposes of this Act, the entity may
21 determine the specific configuration of the elements of a
22 solar energy system on a given lot or parcel or roof face,
23 provided that it may not prohibit elements of the system from
24 being installed on any roof face and that any such
25 determination may not reduce the production of the solar

1 energy system by more than 10%. For the purposes of this
2 Section, "production" means the estimated annual electrical
3 production of the solar energy system.

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

1 concerning the maintenance, repair, replacement, and ultimate
2 removal of damaged or inoperable systems so long as such
3 conditions are not more onerous than the association's
4 analogous conditions for nonsolar projects. An association
5 shall disclose, upon request, its written energy policy
6 statement and shall include the statement in its homeowners'
7 common interest community, or condominium unit owners'
8 association declaration.

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

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

14 (765 ILCS 165/45)

15 Sec. 45. Inapplicability; applicability.

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

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

18 (2) has a shared roof and is subject to a homeowners'
19 association, common interest community association,
20 condominium unit owners' association.

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

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

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

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

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

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