

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 1. Short title. This Act may be cited as the
5 Homeowners' Solar Rights Act.

6 Section 5. Legislative intent. The legislative intent in
7 enacting this Act is to protect the public health, safety, and
8 welfare by encouraging the development and use of solar energy
9 systems in order to conserve and protect the value of land,
10 buildings, and resources by preventing the adoption of measures
11 which will have the ultimate effect, however unintended, of
12 preventing the use of solar energy systems on homes.

13 Section 10. Associations; prohibitions. Notwithstanding
14 any provision of this Act or other provision of law, the
15 adoption of a bylaw or exercise of any power by the governing
16 entity of a homeowners' association, property owners'
17 association, or condominium unit owners' association which
18 prohibits or has the effect of prohibiting the installation of
19 a solar energy system is expressly prohibited.

20 Section 15. Deed restrictions; covenants. No deed
21 restrictions, covenants, or similar binding agreements running

1 with the land shall prohibit or have the effect of prohibiting
2 a solar energy system from being installed on a building
3 erected on a lot or parcel covered by the deed restrictions,
4 covenants, or binding agreements. A property owner may not be
5 denied permission to install a solar energy system by any
6 entity granted the power or right in any deed restriction,
7 covenant, or similar binding agreement to approve, forbid,
8 control, or direct alteration of property. However, for
9 purposes of this Act, the entity may determine the specific
10 location where a solar energy system may be installed on the
11 roof within an orientation to the south or within 45 degrees
12 east or west of due south provided that the determination does
13 not impair the effective operation of the solar energy system.
14 Each homeowners' association, property owner's association, or
15 condominium unit owners' association shall adopt an energy
16 policy statement regarding the location, design, and
17 architectural requirements of solar energy systems within 120
18 days after an association receives a request for a policy
19 statement or an application from an association member. An
20 association shall disclose, upon request, its energy policy
21 statement and shall include the statement in its homeowners',
22 property owners', or condominium unit owners' association
23 declaration.

24 Section 20. Standards and requirements. A solar energy
25 system shall meet applicable standards and requirements

1 imposed by State and local permitting authorities.

2 Section 25. Application for approval. Whenever approval is
3 required for the installation or use of a solar energy system,
4 the application for approval shall be processed by the
5 appropriate approving entity of the association within 90 days
6 after the submission of the application. However, if an
7 application is submitted before an energy policy statement is
8 adopted by an association, the 90 day period shall not begin to
9 run until the date that the policy is adopted.

10 Section 30. Violations. Any entity, other than a public
11 entity, that willfully violates this Act shall be liable to the
12 applicant for actual damages occasioned thereby and for any
13 other consequential damages. Any entity that complies with the
14 requirements of this Act shall not be liable to any other
15 resident or third party for such compliance.

16 Section 35. Costs; attorney's fees. In any litigation
17 arising under this Act, the prevailing party shall be entitled
18 to costs and reasonable attorney's fees.