

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 any home that is
13 subject to a homeowners' association, common interest
14 community association, or condominium unit owners'
15 association.

16 Section 10. Definitions. In this Act:

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

20 "Solar collector" means:

21 (1) an assembly, structure, or design, including
22 passive elements, used for gathering, concentrating, or

1 absorbing direct and indirect solar energy, specially
2 designed for holding a substantial amount of useful thermal
3 energy and to transfer that energy to a gas, solid, or
4 liquid or to use that energy directly; or

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

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

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

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

16 "Solar energy system" means:

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

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

1 Section 15. Associations; prohibitions. Notwithstanding
2 any provision of this Act or other provision of law, the
3 adoption of a bylaw or exercise of any power by the governing
4 entity of a homeowners' association, common interest community
5 association, or condominium unit owners' association which
6 prohibits or has the effect of prohibiting the installation of
7 a solar energy system is expressly prohibited.

8 Section 20. Deed restrictions; covenants. No deed
9 restrictions, covenants, or similar binding agreements running
10 with the land shall prohibit or have the effect of prohibiting
11 a solar energy system from being installed on a building
12 erected on a lot or parcel covered by the deed restrictions,
13 covenants, or binding agreements, if the building is subject to
14 a homeowners' association, common interest community
15 association, or condominium unit owners' association. A
16 property owner may not be denied permission to install a solar
17 energy system by any entity granted the power or right in any
18 deed restriction, covenant, or similar binding agreement to
19 approve, forbid, control, or direct alteration of property.
20 However, for purposes of this Act, the entity may determine the
21 specific location where a solar energy system may be installed
22 on the roof within an orientation to the south or within 45
23 degrees east or west of due south provided that the
24 determination does not impair the effective operation of the
25 solar energy system. Each homeowners' association, common

1 interest community association, or condominium unit owners'
2 association shall adopt an energy policy statement regarding
3 the location, design, and architectural requirements of solar
4 energy systems within 120 days after an association receives a
5 request for a policy statement or an application from an
6 association member. An association shall disclose, upon
7 request, its energy policy statement and shall include the
8 statement in its homeowners' common interest community, or
9 condominium unit owners' association declaration.

10 Section 25. Standards and requirements. A solar energy
11 system shall meet applicable standards and requirements
12 imposed by State and local permitting authorities.

13 Section 30. Application for approval. Whenever approval is
14 required for the installation or use of a solar energy system,
15 the application for approval shall be processed by the
16 appropriate approving entity of the association within 90 days
17 after the submission of the application. However, if an
18 application is submitted before an energy policy statement is
19 adopted by an association, the 90 day period shall not begin to
20 run until the date that the policy is adopted.

21 Section 35. Violations. Any entity, other than a public
22 entity, that willfully violates this Act shall be liable to the
23 applicant for actual damages occasioned thereby and for any

1 other consequential damages. Any entity that complies with the
2 requirements of this Act shall not be liable to any other
3 resident or third party for such compliance.

4 Section 40. Costs; attorney's fees. In any litigation
5 arising under this Act, the prevailing party shall be entitled
6 to costs and reasonable attorney's fees.

7 Section 45. Inapplicability. This Act shall not apply to
8 any building which is greater than 30 feet in height.