



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3390

by Rep. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

765 ILCS 605/18.4a new

Amends the Condominium Property Act. Provides that the board of managers has the authority to install solar energy devices and wind energy devices on the common elements; provided that solar or wind energy devices may not be installed upon any limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. Provides that the installation of solar energy devices and wind energy devices on the common elements by the board shall not be deemed to alter, impair, or diminish the common interest, common elements, or easements appurtenant to each unit or to be a structural alteration or addition to the property, provided that the installation does not directly affect any nonconsenting unit owner. Defines "directly affect", "solar energy device", and "wind energy device". Effective immediately.

LRB098 07552 HEP 37623 b

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 Condominium Property Act is amended by  
5 adding Section 18.4a as follows:

6 (765 ILCS 605/18.4a new)

7 Sec. 18.4a. Installation of solar and wind energy devices.

8 (a) In addition to the powers and duties of the board of  
9 managers set forth in Section 18.4 of this Act and  
10 notwithstanding any other law to the contrary, or any  
11 provisions in the declaration of any project or in the bylaws  
12 of any association, the board of managers has the authority to  
13 install, cause the installation of, or lease or license the  
14 common elements for the installation of solar energy devices  
15 and wind energy devices on the common elements; provided that  
16 solar or wind energy devices may not be installed upon any  
17 limited common element without the consent of the owner or  
18 owners of the unit or units for which use of the limited common  
19 element is reserved.

20 (b) The installation of solar energy devices and wind  
21 energy devices on the common elements by the board shall not be  
22 deemed to alter, impair, or diminish the common interest,  
23 common elements, or easements appurtenant to each unit or to be

1 a structural alteration or addition to the property, provided  
2 that the installation does not directly affect any  
3 nonconsenting unit owner.

4 (c) As used in this Section:

5 (1) "Directly affect" means the installation of solar  
6 energy devices or wind energy devices in a manner which  
7 would specially, personally, and adversely affect an  
8 individual unit owner in a manner not common to the unit  
9 owners as a whole.

10 (2) "Solar energy device" means any new identifiable  
11 facility, equipment, apparatus, or the like which makes use  
12 of solar energy for heating, cooling, or reducing the use  
13 of other types of energy dependent upon fossil fuel for its  
14 generation; provided that if the equipment as it is sold to  
15 consumers cannot be used as a solar device without  
16 incorporation with other equipment, it shall be installed  
17 in place and ready to be operational to qualify as a solar  
18 energy device. "Solar energy device" does not include  
19 skylights or windows.

20 (3) "Wind energy device" means any new identifiable  
21 facility, equipment, apparatus, or the like which makes use  
22 of wind energy for producing electricity or reducing the  
23 use of other types of energy that are dependent upon fossil  
24 fuel for generation; provided that if the facility,  
25 equipment, apparatus, or the like cannot be used as a wind  
26 energy device without incorporation with other equipment,

1           it shall be installed in place and ready to be operational  
2           to qualify as a wind energy device.

3           Section 99. Effective date. This Act takes effect upon  
4           becoming law.