



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3987

Introduced 2/26/2009, by Rep. Julie Hamos - Thomas Holbrook - Chapin Rose - William D. Burns - Dennis M. Reboletti, et al.

SYNOPSIS AS INTRODUCED:

- 20 ILCS 3125/1
- 20 ILCS 3125/5
- 20 ILCS 3125/10
- 20 ILCS 3125/15
- 20 ILCS 3125/20
- 20 ILCS 3125/45

Amends the Energy Efficient Commercial Building Act. Changes the name to the Energy Efficient Building Act. Provides a definition of "building". Applies the Act to all buildings (now, all commercial buildings). Provides that the Capital Development Board must adopt the specified energy conservation code as the minimum requirements for commercial buildings and as the minimum and maximum requirements for the construction of residential buildings. Provides that units of local government may not regulate energy efficient building standards for residential buildings in a manner that is either less or more stringent than the standards in the Act. Provides that units of local government may not enact any annexation ordinance or resolution, or require or enter into any annexation agreement, that imposes energy efficiency building standards for residential buildings that are either less or more stringent than the energy efficiency standards in effect throughout the unit of local government. Provides that any unit of local government that has adopted any previously published editions of the International Energy Conservation Code on or before January 1, 2009 may continue to regulate energy efficient building standards under that Code and any supplements the unit of local government has adopted prior to January 1, 2009. Preempts home rule powers. Effective immediately.

LRB096 11406 JDS 21870 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning energy efficiency.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 "Section 5. The Energy Efficient Commercial Building Act is
5 amended by changing Sections 1, 5, 10, 15, 20, and 45 as
6 follows:

7 (20 ILCS 3125/1)

8 Sec. 1. Short title. This Act may be cited as the Energy
9 Efficient ~~Commercial~~ Building Act.

10 (Source: P.A. 93-936, eff. 8-13-04.)

11 (20 ILCS 3125/5)

12 Sec. 5. Findings.

13 (a) The legislature finds that an effective energy
14 efficient ~~commercial~~ building code is essential to:

15 (1) reduce the air pollutant emissions from energy
16 consumption that are affecting the health of residents of
17 this State;

18 (2) moderate future peak electric power demand;

19 (3) assure the reliability of the electrical grid and
20 an adequate supply of heating oil and natural gas; and

21 (4) control energy costs for residents and businesses
22 in this State.

1 (b) The legislature further finds that this State has a
2 number of different climate types, all of which require energy
3 for both cooling and heating, and that there are many
4 cost-effective measures that can reduce peak energy use and
5 reduce cooling, heating, lighting, and other energy costs in
6 ~~commercial~~ buildings.

7 (Source: P.A. 93-936, eff. 8-13-04.)

8 (20 ILCS 3125/10)

9 Sec. 10. Definitions.

10 "Board" means the Capital Development Board.

11 "Building" includes both residential buildings and
12 commercial buildings.

13 "Code" means the latest published edition of the
14 International Code Council's International Energy Conservation
15 Code, excluding published supplements but including the
16 adaptations to the Code that are made by the Board.

17 "Commercial building" means any building except a building
18 that is a residential building, as defined in this Section.

19 "Department" means the Department of Commerce and Economic
20 Opportunity.

21 "Municipality" means any city, village, or incorporated
22 town.

23 "Residential building" means (i) a detached one-family or
24 2-family dwelling or (ii) any building that is 3 stories or
25 less in height above grade that contains multiple dwelling

1 units, in which the occupants reside on a primarily permanent
2 basis, such as a townhouse, a row house, an apartment house, a
3 convent, a monastery, a rectory, a fraternity or sorority
4 house, a dormitory, and a rooming house.

5 (Source: P.A. 93-936, eff. 8-13-04; 94-815, eff. 5-26-06.)

6 (20 ILCS 3125/15)

7 Sec. 15. Energy Efficient Building Code. The Board, in
8 consultation with the Department, shall adopt the Code as
9 minimum requirements for commercial buildings, applying to the
10 construction of, renovations to, and additions to all
11 commercial buildings in the State. The Board, in consultation
12 with the Department, shall also adopt the Code as the minimum
13 and maximum requirements for residential buildings, applying
14 to the construction of all residential buildings in the State.

15 The Board may appropriately adapt the International Energy
16 Conservation Code to apply to the particular economy,
17 population distribution, geography, and climate of the State
18 and construction therein, consistent with the public policy
19 objectives of this Act.

20 (Source: P.A. 93-936, eff. 8-13-04.)

21 (20 ILCS 3125/20)

22 Sec. 20. Applicability.

23 (a) The Code shall take effect one year after it is adopted
24 by the Board and shall apply to any new ~~commercial~~ building or

1 structure in this State for which a building permit application
2 is received by a municipality or county, except as otherwise
3 provided by this Act. In the case of any addition, alteration,
4 renovation, or repair to an existing commercial structure, the
5 Code adopted under this Act applies only to the portions of
6 that structure that are being added, altered, renovated, or
7 repaired.

8 (b) The following buildings shall be exempt from the Code:

9 (1) Buildings otherwise exempt from the provisions of a
10 locally adopted building code and buildings that do not
11 contain a conditioned space.

12 (2) Buildings that do not use either electricity or
13 fossil fuel for comfort conditioning. For purposes of
14 determining whether this exemption applies, a building
15 will be presumed to be heated by electricity, even in the
16 absence of equipment used for electric comfort heating,
17 whenever the building is provided with electrical service
18 in excess of 100 amps, unless the code enforcement official
19 determines that this electrical service is necessary for
20 purposes other than providing electric comfort heating.

21 (3) Historic buildings. This exemption shall apply to
22 those buildings that are listed on the National Register of
23 Historic Places or the Illinois Register of Historic
24 Places, and to those buildings that have been designated as
25 historically significant by a local governing body that is
26 authorized to make such designations.

1 (4) Additions, alterations, renovations, or repairs to
2 existing residential structures ~~Residential buildings.~~

3 (5) Other buildings specified as exempt by the
4 International Energy Conservation Code.

5 (c) A unit of local government that does not regulate
6 energy efficient building standards is not required to adopt,
7 enforce, or administer the Code; however, any energy efficient
8 building standards adopted by a unit of local government must
9 comply with this Act. If a unit of local government does not
10 regulate energy efficient building standards, any
11 construction, renovation, or addition to buildings or
12 structures is subject to the provisions contained in this Act.

13 (Source: P.A. 93-936, eff. 8-13-04.)

14 (20 ILCS 3125/45)

15 Sec. 45. Home rule. Except as otherwise provided in this
16 Section, no ~~no~~ unit of local government, including any home
17 rule unit, may regulate energy efficient building standards for
18 commercial buildings in a manner that is less stringent than
19 the provisions contained in this Act.

20 Except as otherwise provided in this Section, no unit of
21 local government, including any home rule unit, may regulate
22 energy efficient building standards for residential buildings
23 in a manner that is either less or more stringent than the
24 standards established pursuant to this Act.

25 Except as otherwise provided in this Section, no unit of

1 local government, including any home rule unit, may hereafter
2 enact any annexation ordinance or resolution, or require or
3 enter into any annexation agreement, that imposes energy
4 efficiency building standards for residential buildings that
5 are either less or more stringent than the energy efficiency
6 standards in effect throughout the unit of local government,
7 including a unit of local government that is subject to State
8 regulation under the Code as provided in Section 15 of this
9 Act, at the time of construction.

10 Any unit of local government that has adopted, on or before
11 January 1, 2009, efficiency standards at least as stringent as
12 the 2006 International Energy Conservation Code may continue to
13 regulate energy efficient building standards under that Code.

14 This Section is a denial and limitation of home rule powers
15 and functions under subsection (i) of Section 6 of Article VII
16 of the Illinois Constitution on the concurrent exercise by home
17 rule units of powers and functions exercised by the State.
18 Nothing in this Section, however, prevents a unit of local
19 government from adopting an energy efficiency code or standards
20 for commercial buildings that are more stringent than the Code
21 under this Act.

22 (Source: P.A. 93-936, eff. 8-13-04.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.