

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB3322**

Introduced 2/18/2025, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code and the Illinois Municipal Code to prohibit a county or municipality from adopting any ordinance or resolution that prohibits or has the effect of prohibiting the installation of a solar energy system or low voltage solar powered device. Provides that, in any litigation arising under the Act or involving the application of the Act, the prevailing party shall be entitled to costs and reasonable attorney's fees. Exempts from the Act any building that: (1) is greater than 60 feet in height or (2) has a shared roof and is subject to a homeowners' association, common interest community association, or condominium unit owners' association. Provides that the provisions of the amendatory Act may apply to a shared roof if: (1) the solar energy system is located entirely within that portion of the shared roof owned and maintained by the property owner and (2) all property owners sharing the shared roof are in agreement to install a solar energy system. Amends the Homeowners' Energy Policy Statement Act to make the same changes. Amends the Public Utilities Act. Provides that residential and small commercial customers of an electric cooperative and municipal utility system have the right to interconnect renewable energy systems sized up to and including 25 kW AC. Provides that the policies of municipal utility systems and electrical cooperatives regarding self-generation and credits for excess electricity shall be consistent with specified standards. Requires each electric cooperative and municipal utility system to update its policies to comply with the standards within days after the amendatory Act. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB104 09999 RTM 20069 b

1 AN ACT concerning local government.

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

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

6 (55 ILCS 5/Div. 5-46 heading new)

7 Division 5-46. Solar Bill of Rights

8 (55 ILCS 5/5-46005 new)

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

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

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

17 (2) within a common area without being permanently
18 attached to common property.

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

22 "Solar collector" means:

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

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

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

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

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

19 "Solar energy system" means:

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

24 (2) the design, materials, or elements of a system and
25 its maintenance, operation, and labor components, and the
26 necessary components, if any, of supplemental conventional

1 energy systems designed or constructed to interface with a
2 solar energy system.

3 (55 ILCS 5/5-46010 new)

4 Sec. 5-46010. Prohibitions. Notwithstanding any provision
5 of this Code or other provision of law, the adoption of any
6 ordinance or resolution, or exercise of any power, by a county
7 which prohibits or has the effect of prohibiting the
8 installation of a solar energy system or low voltage solar
9 powered device is expressly prohibited.

10 (55 ILCS 5/5-46015 new)

11 Sec. 5-46015. Home rule. A home rule unit may not regulate
12 the Solar Bill of Rights in a manner more restrictive than the
13 regulation by the State under this Division. This Section is a
14 limitation under subsection (i) of Section 6 of Article VII of
15 the Illinois Constitution on the concurrent exercise by home
16 rule units of powers and functions exercised by the State.

17 (55 ILCS 5/5-46020 new)

18 Sec. 5-46020. Costs; attorney's fees. In any litigation
19 arising under this Division or involving the application of
20 this Division, the prevailing party shall be entitled to costs
21 and reasonable attorney's fees.

22 (55 ILCS 5/5-46025 new)

1 Sec. 5-46025. Inapplicability; applicability.

2 (a) This Division shall not apply to any building that:

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

4 (2) has a shared roof and is subject to a homeowners'
5 association, common interest community association, or
6 condominium unit owners' association.

7 (b) Notwithstanding subsection (a) of this Section, this
8 Division shall apply to any building with a shared roof:

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

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

14 (3) to the extent this Division applies to low voltage
15 solar powered devices.

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

20 Section 10. The Illinois Municipal Code is amended by
21 adding Division 15.5 to Article 11 as follows:

22 (65 ILCS 5/ Art. 11 Div. 15.5 heading new)

23 Division 15.5. SOLAR BILL OF RIGHTS

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

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

3 "Low voltage solar powered device" means a piece of
4 equipment designed for a particular purpose, including, but
5 not limited to, doorbells, security systems and illumination
6 equipment, powered by a solar collector operating at less than
7 50 volts and located:

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

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

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

15 "Solar collector" means:

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

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

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

26 (4) a component used to transfer thermal energy to a

1 gas, solid, or liquid, or to convert it into electricity.

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

8 "Solar energy system" means:

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

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

18 (65 ILCS 5/11-15.5-10 new)

19 Sec. 11-15.5-10. Prohibitions. Notwithstanding any
20 provision of this Code or other provision of law, the adoption
21 of any ordinance or resolution, or exercise of any power, by a
22 municipality that prohibits or has the effect of prohibiting
23 the installation of a solar energy system or low voltage solar
24 powered device is expressly prohibited; provided, however,
25 municipalities that own local electric distribution systems

1 may adopt reasonable policies, consistent with Section 17-900
2 of the Public Utilities Act, regarding the interconnection and
3 use of solar energy systems.

4 (65 ILCS 5/11-15.5-15 new)

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

12 (65 ILCS 5/11-15.5-20 new)

13 Sec. 11-15.5-20. Costs; attorney's fees. In any litigation
14 arising under this Division or involving the application of
15 this Division, the prevailing party shall be entitled to costs
16 and reasonable attorney's fees.

17 (65 ILCS 5/11-15.5-25 new)

18 Sec. 11-15.5-25. Inapplicability; applicability.

19 (a) This Division shall not apply to any building that:

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

21 (2) has a shared roof and is subject to a homeowners'
22 association, common interest community association, or
23 condominium unit owners' association.

1 (b) Notwithstanding subsection (a) of this Section, this
2 Division shall apply to any building with a shared roof:

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

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

8 (3) to the extent this Division applies to low voltage
9 solar powered devices.

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

14 Section 15. The Public Utilities Act is amended by
15 changing Section 17-900 as follows:

16 (220 ILCS 5/17-900)

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

18 (a) The General Assembly finds and declares that municipal
19 utility systems and electric cooperatives shall continue to be
20 governed by their respective governing bodies, but that such
21 governing bodies should recognize and implement policies to
22 provide the opportunity for their residential and small
23 commercial customers who wish to self-generate electricity and
24 for reasonable credits to customers for excess electricity,

1 balanced against the rights of the other non-self-generating
2 customers. This includes creating consistent, fair policies
3 that are accessible to all customers and transparent, fair
4 processes for raising and addressing any concerns.

5 (b) Customers have the right to install renewable
6 generating facilities to be located on the customer's premises
7 or customer's side of the billing meter and that are intended
8 primarily to offset the customer's own electrical requirements
9 and produce, consume, and store their own renewable energy
10 without discriminatory repercussions from an electric
11 cooperative or municipal utility system. This includes a
12 customer's rights to:

13 (1) generate, consume, and deliver excess renewable
14 energy to the distribution grid and reduce his or her use
15 of electricity obtained from the grid;

16 (2) use technology to store energy ~~at his or her~~
17 ~~residence~~;

18 (3) interconnect his or her electrical system that
19 generates renewable energy, stores energy, or any
20 combination thereof, with the electricity meter on the
21 customer's premises that is provided by an electric
22 cooperative or municipal utility system:

23 (A) in a timely manner;

24 (B) in accordance with requirements established by
25 the electric cooperative or municipal utility system
26 to ensure the safety of utility workers; and

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

(4) receive fair credit for excess energy delivered to the distribution grid; and

(5) for residential and small commercial customers, interconnect renewable energy systems sized up to and including 25 kW AC.

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

(c-5) The policies of municipal utility systems and electrical cooperatives regarding self-generation and credits for excess electricity shall be consistent with following:

(1) The credit for excess energy delivered to the distribution grid shall be at least equal to the average price to compare for the relevant regional transmission organization area reflecting the electric supply charge

1 and transmission service charge published by the Illinois
2 Commerce Commission for the most recent 12 months ending
3 March 31 to be effective for the 12 months beginning June
4 1.

5 (2) The billing periods for crediting purposes must be
6 monthly. The municipal utility system or electric
7 cooperative shall carry over any unused credits earned by
8 the customer and apply those credits to subsequent billing
9 periods to offset usage-based energy and delivery charges
10 on the customer's subsequent bills until the end of the
11 annual period. The annual period shall end each year in
12 March.

13 (3) Renewable generating facilities shall be sized
14 based on the alternating current rather than direct
15 current.

16 (4) Customers shall not be required to name the
17 municipal utility system or electric cooperative as an
18 additional insured on the customer's insurance policies or
19 have any minimum liability limit requirement in connection
20 with the installation and operation of the renewable
21 generating facilities, provided that the renewable
22 generating facilities meet the safety standards listed in
23 the applicable interconnection agreement and the
24 contractor utilized to install the facilities is licensed
25 and possesses commercial general liability insurance
26 coverage of at least \$1,000,000 per occurrence and

1 \$2,000,000 in aggregate per year.

2 (5) Customers may install renewable generating
3 facilities under a lease or power purchase agreement.

4 (6) For renewable generating facilities energized on
5 or after September 15, 2021, customers shall not be
6 adversely affected by changes to tariff terms and
7 conditions specific to renewable generating facilities or
8 the operation thereof for a period of 25 years from the
9 energization date. For renewable generating facilities
10 energized after September 15, 2021 but before the
11 effective date of this amendment, each municipal utility
12 system or electric cooperative has the discretion to
13 credit customers for diminished value for excess energy
14 delivered to the distribution grid prior to this
15 amendment.

16 (7) For renewable generating facilities 25 kW AC or
17 less, a municipal utility system or electric cooperative
18 may charge an interconnection application fee of up to
19 \$500 for application review, a new meter, site inspection,
20 or interconnection study.

21 (8) For renewable generating facilities 25 kW AC or
22 less, if an interconnection study indicates that new
23 utility facilities are necessary to accommodate
24 interconnection, then a municipal utility system or
25 electric cooperative shall charge the customer the lesser
26 of \$500 or the actual cost for any new utility facilities.

(9) Within 15 business days of receiving a complete application to interconnect a renewable generating facility 25 kW AC or less, the municipal utility system or electric cooperative shall approve or deny the application. An applicant may agree to a reasonable extension if requested in writing by the municipal utility system or electric cooperative. Any request for extension must specify the reason for the requested extension and inform the applicant of the 15 business day limit provided for under this paragraph (9). Any denial of the application must be in writing and clearly specify all reasons for denial.

(d) Within 180 days after this amendatory Act of the 102nd General Assembly, each electric cooperative and municipal utility system shall update its policies for the interconnection and fair crediting of customer self-generation and storage if necessary, to comply with the standards of subsection (b) of this Section. Within 180 days after this amendatory Act of the 104th General Assembly, each electric cooperative and municipal utility system shall update its policies to comply with the standards of subsection (c-5) of this Section. Each electric cooperative and municipal utility system shall post its updated policies to a public-facing area of its website.

(e) An electric cooperative or municipal utility system customer who produces, consumes, and stores his or her own

1 renewable energy shall not face discriminatory rate design,
2 fees or charges, treatment, or excessive compliance
3 requirements that would unreasonably affect that customer's
4 right to self-generate electricity as provided for in this
5 Section.

6 (f) An electric cooperative or municipal utility system
7 customer shall have a right to appeal any decision related to
8 self-generation and storage that violates these rights to
9 self-generation and non-discrimination pursuant to the
10 provisions of this Section through a complaint under the
11 Administrative Review Law or similar legal process.

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

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

15 (765 ILCS 165/10)

16 Sec. 10. Definitions. In this Act:

17 "Low voltage solar powered device" means a piece of
18 equipment designed for a particular purpose, including, but
19 not limited to, doorbells, security systems and illumination
20 equipment, powered by a solar collector operating at less than
21 50 volts and located:

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

24 (2) within a common area without being permanently

1 attached to common property.

2 "Solar energy" means radiant energy received from the sun
3 at wave lengths suitable for heat transfer, photosynthetic
4 use, or photovoltaic use.

5 "Solar collector" means:

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

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

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

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

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

24 "Solar energy system" means:

25 (1) a complete assembly, structure, or design of solar
26 collector, or a solar storage mechanism, which uses solar

1 energy for generating electricity or for heating or
2 cooling gases, solids, liquids, or other materials; and

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

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

9 (765 ILCS 165/15)

10 Sec. 15. Associations; prohibitions. Notwithstanding any
11 provision of this Act or other provision of law, the adoption
12 of a bylaw or exercise of any power by the governing entity of
13 a homeowners' association, common interest community
14 association, or condominium unit owners' association which
15 prohibits or has the effect of prohibiting the installation of
16 a solar energy system or low voltage solar powered device is
17 expressly prohibited.

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

19 (765 ILCS 165/20)

20 Sec. 20. Deed restrictions; covenants.

21 (a) No deed restrictions, covenants, or similar binding
22 agreements running with the land shall prohibit or have the
23 effect of prohibiting a solar energy system or low voltage
24 solar powered device from being installed on a lot or parcel or

1 on a building erected on a lot or parcel covered by the deed
2 restrictions, covenants, or binding agreements, if the
3 building is subject to a homeowners' association, common
4 interest community association, or condominium unit owners'
5 association. A property owner may not be denied permission to
6 install a low voltage solar powered device or solar energy
7 system, or be required to utilize specific technology,
8 including, but not limited to, solar shingles rather than
9 traditional solar panels, by any entity granted the power or
10 right in any deed restriction, covenant, or similar binding
11 agreement to approve, forbid, control, or direct alteration of
12 property. However, for purposes of this Act, the entity may
13 determine the specific configuration of the elements of a
14 solar energy system on a given lot or parcel or roof face,
15 provided that it may not prohibit elements of the system from
16 being installed on any roof face and that any such
17 determination may not reduce the production of the solar
18 energy system by more than 10%. For the purposes of this
19 Section, "production" means the estimated annual electrical
20 production of the solar energy system.

21 (b) Within 90 days after a homeowners' association, common
22 interest community association, or condominium unit owners'
23 association receives a request for a policy statement or an
24 application from an association member, the association shall
25 adopt a written energy policy statement. Any energy policy
26 statement, regardless of when adopted, shall explicitly

1 include as the minimum standards the terms of this Section but
2 may also include standards regarding: (i) the location,
3 design, and architectural requirements of solar energy
4 systems; and (ii) whether a wind energy collection, rain water
5 collection, or composting system is allowed, and, if so, the
6 location, design, and architectural requirements of those
7 systems. A written energy policy statement may not condition
8 approval of an application on approval by adjacent property
9 owners. An association may not inquire into a property owner's
10 energy usage, impose conditions impairing the operation of a
11 solar energy system, impose conditions negatively impacting
12 any component industry standard warranty, or require
13 post-installation reporting. Nor may a property owner be
14 denied permission to install a solar energy system based on
15 system ownership or financing method chosen by the property
16 owner. Notwithstanding the foregoing, an association's written
17 energy policy statement may impose reasonable conditions
18 concerning the maintenance, repair, replacement, and ultimate
19 removal of damaged or inoperable systems so long as such
20 conditions are not more onerous than the association's
21 analogous conditions for nonsolar projects. An association
22 shall disclose, upon request, its written energy policy
23 statement and shall include the statement in its homeowners'
24 common interest community, or condominium unit owners'
25 association declaration.

26 (c) Any provision of a homeowners' common interest

1 community or condominium unit owners' declaration or energy
2 policy statement that conflicts with this Act shall be void
3 and unenforceable as contrary to public policy.

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

5 (765 ILCS 165/45)

6 Sec. 45. Inapplicability; applicability.

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

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

9 (2) has a shared roof and is subject to a homeowners'
10 association, common interest community association,
11 condominium unit owners' association.

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

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

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

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

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/Div. 5-46

4 heading new

5 55 ILCS 5/5-46005 new

6 55 ILCS 5/5-46010 new

7 55 ILCS 5/5-46015 new

8 55 ILCS 5/5-46020 new

9 55 ILCS 5/5-46025 new

10 65 ILCS 5/ Art. 11 Div.

11 15.5 heading new

12 65 ILCS 5/11-15.5-5 new

13 65 ILCS 5/11-15.5-10 new

14 65 ILCS 5/11-15.5-15 new

15 65 ILCS 5/11-15.5-20 new

16 65 ILCS 5/11-15.5-25 new

17 220 ILCS 5/17-900

18 765 ILCS 165/10

19 765 ILCS 165/15

20 765 ILCS 165/20

21 765 ILCS 165/45