



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5402

Introduced 2/13/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

765 ILCS 165/15
765 ILCS 165/45

Amends the Homeowners' Energy Policy Statement Act. Provides that the Act applies to any building with a shared roof if (1) a solar energy system is located entirely within that portion of the shared roof owned and maintained by the property owner or (2) all property owners sharing the shared roof agree to install a solar energy system. Provides that the governing entity of a homeowners' association, common interest community association, or condominium unit owners' association may adopt for those buildings with a shared roof that are under its control and that are subject to the Act bylaws or other requirements that set standards regarding the installation, maintenance, and use of solar energy systems, including, but not limited to, regulations that require the governing entity to approve the vendor that will supply, install, or maintain the solar energy system and regulations that grant vendors exclusive rights to perform those functions. Provides that, when exercising powers over properties with shared roofs, a governing entity must act solely in the collective interest of the members of the association; must cooperate with property owners interested in installing, maintaining, or using a solar energy system on property under their ownership or control; and must not delay any request for a decision involving the installation, maintenance, or use of a solar energy system by an association member for more than 60 days. Provides that the failure of a governing entity to comply with these provisions renders voidable any bylaw or other requirement adopted by the governing authority pursuant to the provisions of the amendatory Act.

LRB104 15709 JRC 28891 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 Homeowners' Energy Policy Statement Act is
5 amended by changing Sections 15 and 45 as follows:

6 (765 ILCS 165/15)

7 Sec. 15. Associations; prohibitions.

8 (a) As used in this Section, "shared roof" has the meaning
9 given to that term in Section 45.

10 (b) Notwithstanding any provision of this Act or other
11 provision of law, the adoption of a bylaw or exercise of any
12 power by the governing entity of a homeowners' association,
13 common interest community association, or condominium unit
14 owners' association ~~that which~~ prohibits or has the effect of
15 prohibiting property owners from installing, maintaining, or
16 using a solar energy system on property that they own or
17 control ~~the installation of a solar energy system~~ is expressly
18 prohibited, except as provided in subsection (c).

19 (c) The governing entity of a homeowners' association,
20 common interest community association, or condominium unit
21 owners' association may adopt for those buildings with a
22 shared roof that are under its control and that are subject to
23 this Act under subsection (b) of Section 45 bylaws or other

1 requirements that set standards regarding the installation,
2 maintenance, and use of solar energy systems, including, but
3 not limited to, regulations that require the governing entity
4 to approve the vendor that will supply, install, or maintain
5 the solar energy system and regulations that grant vendors
6 exclusive rights to perform those functions. When exercising
7 the powers described in this subsection (c), a governing
8 entity must act solely in the collective interest of the
9 members of the association; must cooperate with property
10 owners interested in installing, maintaining, or using a solar
11 energy system on property under their ownership or control;
12 and must not delay any request for a decision involving the
13 installation, maintenance, or use of a solar energy system by
14 an association member for more than 60 days. The failure of a
15 governing entity to comply with this subsection renders
16 voidable any bylaw or other requirement adopted by the
17 governing authority under this subsection.

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

19 (765 ILCS 165/45)

20 Sec. 45. Inapplicability; applicability.

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

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

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

1 (b) Notwithstanding subsection (a) of this Section, this
2 Act applies to any building with a shared roof if:

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

6 (2) all property owners sharing the shared roof agree
7 to install a solar energy system.

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

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