



Rep. Daniel Didech

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10200HB0644ham001

LRB102 13470 LNS 23792 a

1 AMENDMENT TO HOUSE BILL 644

2 AMENDMENT NO. _____. Amend House Bill 644 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Homeowners' Energy Policy Statement Act is
5 amended by changing Sections 10, 20, 30, and 45 as follows:

6 (765 ILCS 165/10)

7 Sec. 10. Definitions. In this Act:

8 "Solar energy" means radiant energy received from the sun
9 at wave lengths suitable for heat transfer, photosynthetic
10 use, or photovoltaic use.

11 "Solar collector" means:

12 (1) an assembly, structure, or design, including
13 passive elements, used for gathering, concentrating, or
14 absorbing direct and indirect solar energy, specially
15 designed for holding a substantial amount of useful
16 thermal energy and to transfer that energy to a gas,

1 solid, or liquid or to use that energy directly; or

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

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

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

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

14 "Solar energy system" means:

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

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

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

25 (765 ILCS 165/20)

1 Sec. 20. Deed restrictions; covenants. No deed
2 restrictions, covenants, or similar binding agreements running
3 with the land shall prohibit or have the effect of prohibiting
4 a solar energy system from being installed on a building
5 erected on a lot or parcel covered by the deed restrictions,
6 covenants, or binding agreements, if the building is subject
7 to a homeowners' association, common interest community
8 association, or condominium unit owners' association. A
9 property owner may not be denied permission to install a solar
10 energy system by any entity granted the power or right in any
11 deed restriction, covenant, or similar binding agreement to
12 approve, forbid, control, or direct alteration of property.
13 However, for purposes of this Act, the entity may determine
14 the specific configuration of the elements of a solar energy
15 system on a given roof face, provided that it may not prohibit
16 elements of the system from being installed on any roof face
17 and that any such determination may not reduce the production
18 of the solar energy system by more than 10%. For the purposes
19 of this Section, "production" means the estimated annual
20 electrical production of the solar energy system ~~specific~~
21 ~~location where a solar energy system may be installed on the~~
22 ~~roof within an orientation to the south or within 45 degrees~~
23 ~~east or west of due south provided that the determination does~~
24 ~~not impair the effective operation of the solar energy system.~~
25 Within 90 ~~120~~ days after a homeowners' association, common
26 interest community association, or condominium unit owners'

1 association receives a request for a policy statement or an
2 application from an association member, the association shall
3 adopt an energy policy statement regarding: (i) the location,
4 design, and architectural requirements of solar energy
5 systems; and (ii) whether a wind energy collection, rain water
6 collection, or composting system is allowed, and, if so, the
7 location, design, and architectural requirements of those
8 systems. An association shall disclose, upon request, its
9 energy policy statement and shall include the statement in its
10 homeowners' common interest community, or condominium unit
11 owners' association declaration.

12 (Source: P.A. 96-1436, eff. 1-1-11; 97-105, eff. 1-1-12.)

13 (765 ILCS 165/30)

14 Sec. 30. Application for approval. Whenever approval is
15 required for the installation or use of a solar energy system,
16 the application for approval shall be processed by the
17 appropriate approving entity of the association within 75 ~~90~~
18 days of ~~after~~ the submission of the application. However, if
19 an application is submitted before an energy policy statement
20 is adopted by an association, the 75-day ~~90-day~~ period shall
21 not begin to run until the date that the policy is adopted.

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

23 (765 ILCS 165/45)

24 Sec. 45. Inapplicability. This Act shall not apply to any

1 building that:

2 (1) ~~which~~ is greater than 60 ~~30~~ feet in height; or

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

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

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