



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5176

Introduced 2/9/2024, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Solar-Ready Buildings Act. Requires all building permits issued 90 days after the effective date of this Act in a new, large multifamily residential building or a large multifamily residential building being renovated by a developer converting the property to an association to be built to accommodate the installation of a solar energy system on the roof. Requires all building permits issued 24 months after the effective date of this Act to accommodate the installation of a solar energy system on their roofs in new construction single-family residence or small multifamily residence that qualifies as an affordable housing development under the same project ownership and is located on a campus to be built to accommodate the installation of a solar energy system on their roofs. Requires that unless provided otherwise in this Act, all new residential and commercial buildings shall be built to accommodate the installation of an on-site solar energy system with preference for rooftop solar energy systems. Authorities shall develop and adopt amendments to their respective building codes within one year from the effective date of this Act to establish this requirement. Makes specific requirements for a solar energy system to produce electricity. Makes exemptions for developers in certain situations. Any person who fails to comply with or otherwise violates this Act is liable for a civil administrative penalty not to exceed \$10,000 for each violation, or twice the estimated additional cost that would have been incurred by constructing a building to meet the requirements of this Act, whichever is greater. Applies to new buildings constructed after the effective date of this Act.

LRB103 38338 JRC 68473 b

1 AN ACT concerning energy.

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

4 Section 1. Short title. This Act may be cited as the  
5 Solar-Ready Buildings Act.

6 Section 5. Legislative intent. Solar energy is an  
7 important tool to enable consumers to reduce their energy  
8 costs, fight the climate crisis, tackle air pollution, and  
9 provide safe energy while facilitating energy production where  
10 it is consumed, thereby lessening the burden on aging electric  
11 transmission lines and reducing energy loss over long  
12 distances. The State should encourage urgent and widespread  
13 adoption of solar energy.

14 Section 10. Definitions. As used in this Act:

15 "Affordable housing development" means (i) any housing  
16 that is subsidized by the federal or State government or (ii)  
17 any housing in which at least 20% of the dwelling units are  
18 subject to covenants or restrictions that require that the  
19 dwelling units to be sold or rented at prices that preserve  
20 them as affordable housing for a period of at least 10 years.

21 "Association" has the meaning as used in the Condominium  
22 Property Act or the Common Interest Community Association Act,

1 as applicable.

2 "Authorities" means the office in a unit of local  
3 government or county government that is responsible for  
4 allowing, regulating, enforcing, and updating building codes.

5 "Developer" means any person or company that constructs  
6 residential or commercial buildings.

7 "Effective solar area" means the portion of a building  
8 roof on which the output of a solar energy system, taking into  
9 account shading from existing permanent natural or man-made  
10 barriers external to the building (including, but not limited  
11 to, trees, hills, and adjacent structures), would be  
12 equivalent to 70% or greater of the output of an unshaded solar  
13 energy system on an annual basis.

14 "Large commercial building" means a commercial building  
15 with 10,000 or more square feet of gross floor area.

16 "Large multifamily residence" means a single residential  
17 building that accommodates 5 families or more. "New" means  
18 newly constructed.

19 "New building" means any newly constructed residential or  
20 commercial building that requires a building permit to  
21 proceed.

22 "Single-family residence" means a detached single-family  
23 residence on a single lot.

24 "Small multifamily residence" means a single residential  
25 building that accommodates 2 to 4 families.

26 "Solar energy system" means any solar photovoltaic system

1 that is installed on-site and uses solar energy to provide all  
2 or a portion of the electrical needs of a residential or  
3 commercial building.

4 "Solar hot water heater" means any system that uses solar  
5 energy to heat water for use in a residential or commercial  
6 building.

7 "Substitute renewable energy system" means a renewable  
8 energy generating source that is not a solar photovoltaic  
9 system, is installed on-site, and provides all or a portion of  
10 the electrical needs of a residential or commercial building.

11 Section 15. Building permit requirements for a solar  
12 energy system.

13 (a) Beginning 90 days after the effective date of this  
14 Act, all building permits issued shall require a new, large  
15 multifamily residential building or a large multifamily  
16 residential building being renovated by a developer converting  
17 the property to an association to be built to accommodate the  
18 installation of a solar energy system on the roof.

19 (b) Beginning 24 months after the effective date of this  
20 Act, all building permits issued shall require a new  
21 construction single-family residence or small multifamily  
22 residence that qualifies as an affordable housing development  
23 under the same project ownership and is located on a campus to  
24 be built to accommodate the installation of a solar energy  
25 system on the roof.

1 Section 20. Solar energy system requirements.

2 (a) Certain categories of new buildings, as specified in  
3 this Section, shall be required to have a solar energy system.  
4 The authorities shall develop and adopt amendments to their  
5 respective building codes within one year from the effective  
6 date of this Act, in consultation with the corresponding  
7 building regulations and standards, to establish this  
8 requirement.

9 (b) Single-family residences shall have a solar energy  
10 system producing sufficient electricity on an annual basis to  
11 meet at least 80% of the estimated average annual electricity  
12 use of buildings of a similar size.

13 (c) Multifamily residences and large commercial buildings  
14 up to 10 stories in height shall have a solar energy system of  
15 a minimum generating capacity established by the Illinois  
16 Environmental Protection Agency, which may be based on the  
17 size of the roof, building type and occupancy, estimated  
18 average annual electricity use of similar buildings, or other  
19 factors.

20 (d) The Agency may require other categories of new  
21 buildings to have a solar energy system and set requirements  
22 for the minimum generating capacity of the solar energy  
23 system.

24 (e) Authorities may reduce the required minimum generating  
25 capacity of solar energy systems for single-family residences

1 by up to 25% if installed in conjunction with a battery storage  
2 system with a minimum capacity of 7.5 kilowatt-hours per  
3 dwelling unit.

4 (f) The Agency shall estimate the average annual  
5 electricity use for the categories of buildings described in  
6 this Section and revise its determination at least every 3  
7 years taking into account changes in electricity use because  
8 of energy-efficiency improvements, electric vehicle charging,  
9 electric heating and cooling technologies, building  
10 electrification, and other factors.

11 Section 25. Exemptions.

12 (a) Developers may seek an exemption from authorities from  
13 the requirements of Sections 15 and 20 of this Act upon a  
14 sufficient showing that the effective solar area is less than  
15 80 contiguous square feet. Developers may seek a reduction in  
16 the required generating capacity of a solar energy system upon  
17 a sufficient showing that the effective solar area is 80  
18 contiguous square feet or greater, but is insufficient to  
19 allow for the installation of a solar energy system meeting  
20 the minimum requirements established by the Agency.

21 (b) Developers may seek an exemption from authorities from  
22 the requirements of Sections 15 and 20 of this Act upon a  
23 sufficient showing that a substitute renewable energy system  
24 will be installed at the time of construction, generating an  
25 equal or greater amount of electricity on an annual basis as

1 the minimum required solar installation under Section 20 of  
2 this Act. Developers may seek a reduction in the required  
3 generating capacity of a solar energy system upon a sufficient  
4 showing that a substitute renewable energy system will be  
5 installed at the time of construction, generating sufficient  
6 electricity on an annual basis to offset the reduction in  
7 electricity produced by the solar energy system.

8 (c) Developers may seek an exemption from the inspector of  
9 buildings or building commissioner from the requirements of  
10 Sections 15 and 20 of this Act, or a reduction in the required  
11 generating capacity of a solar energy system, upon a  
12 sufficient showing that a solar hot water heater will be  
13 installed at the time of construction. Such exemption or  
14 reduction shall only be granted to the extent that the  
15 installation of a solar hot water heater reduces the portion  
16 of the effective solar area available for a solar energy  
17 system.

18 (d) The Agency may allow exemptions from the requirements  
19 of this Act for affordable housing developments after  
20 consulting with affordable housing developers and operators,  
21 community development corporations, organizations that  
22 represent affordable housing residents, and other  
23 stakeholders.

24 (e) The authorities shall promulgate regulations within  
25 one year of the effective date of this Act that clearly define  
26 the process for seeking an exemption.

1           (f) The provisions of a building code adopted under this  
2 Act shall allow for the installation of a green roof in  
3 conjunction with a rooftop solar energy system.

4           Section 30. Future building codes.

5           (a) All future editions and amended versions of the  
6 building codes across the State, as adopted by the authorities  
7 shall include provisions meeting the requirements of Sections  
8 15, 20, and 25 of this Act.

9           (b) The authorities, with the consent of the Agency, may  
10 from time to time revise the regulations promulgated under  
11 Sections 15, 20, and 25 of this Act, in accordance with changes  
12 in technology and building practices.

13           Section 35. Eligibility for other energy incentives.  
14 Compliance with the provisions of this Act shall not impair a  
15 building's eligibility for any incentives, rebates, credits,  
16 or other programs to encourage development of renewable energy  
17 sources.

18           Section 40. Compliance with this Act. A building permit  
19 for a new building may not be granted without showing that the  
20 building will comply with the requirements of this Act.

21           Section 45. Violations. Any person who fails to comply  
22 with or otherwise violates this Act is liable for a civil



1 administrative penalty not to exceed \$10,000 for each  
2 violation, or twice the estimated additional cost that would  
3 have been incurred by constructing a building to meet the  
4 requirements of this Act, whichever is greater.

5 Section 50. Applicability. This Act applies to new  
6 buildings constructed after the effective date of this Act.