

1 AN ACT concerning civil law.

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 Homeowners' Solar Rights Act.

6 Section 5. The legislative intent in enacting this Act is  
7 to protect the public health, safety, and welfare by  
8 encouraging the development and use of renewable resources in  
9 order to conserve and protect the value of land, buildings, and  
10 resources by preventing the adoption of measures which will  
11 have the ultimate effect, however unintended, of increasing the  
12 costs of owning and operating commercial or residential  
13 property beyond the capacity of private owners to maintain.

14 Section 10. Notwithstanding any provision of this Act or  
15 other provision of law, the adoption of a bylaw or exercise of  
16 any power by the governing entity of a homeowners' association,  
17 property owners' association, or condominium unit owners'  
18 association which prohibits or has the effect of prohibiting  
19 the installation of a solar energy system or other energy  
20 device based on a renewable resource is expressly prohibited.

21 Section 15. No deed restrictions, covenants, or similar

1 binding agreements running with the land shall prohibit or have  
2 the effect of prohibiting a solar energy system or other energy  
3 device based on a renewable resource from being installed on a  
4 building erected on a lot or parcel covered by the deed  
5 restrictions, covenants, or binding agreements. A property  
6 owner may not be denied permission to install a solar energy  
7 system or other energy device based on a renewable resource by  
8 any entity granted the power or right in any deed restriction,  
9 covenant, or similar binding agreement to approve, forbid,  
10 control, or direct alteration of property with respect to  
11 residential dwellings not exceeding 3 stories in height.  
12 However, for purposes of this Act, the entity may determine the  
13 specific location where a solar energy system may be installed  
14 on the roof within an orientation to the south or within 45  
15 degrees east or west of due south provided that the  
16 determination does not impair the effective operation of the  
17 solar energy system.

18 Section 20. A solar energy system or other energy device  
19 based on a renewable resource shall meet applicable standards  
20 and requirements imposed by State and local permitting  
21 authorities. A solar energy system shall be certified by the  
22 Solar Rating and Certification Corporation (SRCC) or another  
23 similar nationally recognized certification entity.

24 Section 25. Whenever approval is required for the

1 installation or use of a solar energy system, the application  
2 for approval shall be processed and approved by the appropriate  
3 approving entity in the same manner as an application for  
4 approval of an architectural modification to the property, and  
5 the application shall not be willfully avoided or delayed.

6 Section 30. Any entity, other than a public entity, that  
7 willfully violates this Act shall be liable to the applicant or  
8 any other party affected by a willful violation of this Act for  
9 actual damages occasioned thereby and for any other  
10 consequential damages.

11 Section 35. In any litigation arising under this Act, the  
12 prevailing party shall be entitled to costs and reasonable  
13 attorney's fees.