

1 AN ACT concerning energy efficiency.

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

4 Section 5. The Energy Efficient Commercial Building Act is
5 amended by changing Sections 1, 5, 10, 15, 20, and 45 as
6 follows:

7 (20 ILCS 3125/1)

8 Sec. 1. Short title. This Act may be cited as the Energy
9 Efficient ~~Commercial~~ Building Act.

10 (Source: P.A. 93-936, eff. 8-13-04.)

11 (20 ILCS 3125/5)

12 Sec. 5. Findings.

13 (a) The legislature finds that an effective energy
14 efficient ~~commercial~~ building code is essential to:

15 (1) reduce the air pollutant emissions from energy
16 consumption that are affecting the health of residents of
17 this State;

18 (2) moderate future peak electric power demand;

19 (3) assure the reliability of the electrical grid and
20 an adequate supply of heating oil and natural gas; and

21 (4) control energy costs for residents and businesses
22 in this State.

1 (b) The legislature further finds that this State has a
2 number of different climate types, all of which require energy
3 for both cooling and heating, and that there are many
4 cost-effective measures that can reduce peak energy use and
5 reduce cooling, heating, lighting, and other energy costs in
6 ~~commercial~~ buildings.

7 (Source: P.A. 93-936, eff. 8-13-04.)

8 (20 ILCS 3125/10)

9 Sec. 10. Definitions.

10 "Board" means the Capital Development Board.

11 "Building" includes both residential buildings and
12 commercial buildings.

13 "Code" means the latest published edition of the
14 International Code Council's International Energy Conservation
15 Code, excluding published supplements but including the
16 adaptations to the Code that are made by the Board.

17 "Commercial building" means any building except a building
18 that is a residential building, as defined in this Section.

19 "Department" means the Department of Commerce and Economic
20 Opportunity.

21 "Municipality" means any city, village, or incorporated
22 town.

23 "Residential building" means (i) a detached one-family or
24 2-family dwelling or (ii) any building that is 3 stories or
25 less in height above grade that contains multiple dwelling

1 units, in which the occupants reside on a primarily permanent
2 basis, such as a townhouse, a row house, an apartment house, a
3 convent, a monastery, a rectory, a fraternity or sorority
4 house, a dormitory, and a rooming house; provided, however,
5 that when applied to a building located within the boundaries
6 of a municipality having a population of 1,000,000 or more, the
7 term "residential building" means a building containing one or
8 more dwelling units, not exceeding 4 stories above grade, where
9 occupants are primarily permanent.

10 (Source: P.A. 93-936, eff. 8-13-04; 94-815, eff. 5-26-06.)

11 (20 ILCS 3125/15)

12 Sec. 15. Energy Efficient Building Code. The Board, in
13 consultation with the Department, shall adopt the Code as
14 minimum requirements for commercial buildings, applying to the
15 construction of, renovations to, and additions to all
16 commercial buildings in the State. The Board, in consultation
17 with the Department, shall also adopt the Code as the minimum
18 and maximum requirements for residential buildings, applying
19 to the construction of all residential buildings in the State,
20 except as provided for in Section 45 of this Act. The Board may
21 appropriately adapt the International Energy Conservation Code
22 to apply to the particular economy, population distribution,
23 geography, and climate of the State and construction therein,
24 consistent with the public policy objectives of this Act.

25 (Source: P.A. 93-936, eff. 8-13-04.)

1 (20 ILCS 3125/20)

2 Sec. 20. Applicability.

3 (a) The Board shall adopt the Code within 9 months after
4 its publication. The Code shall take effect within 3 months ~~one~~
5 ~~year~~ after it is adopted by the Board and shall apply to any
6 new ~~commercial~~ building or structure in this State for which a
7 building permit application is received by a municipality or
8 county, except as otherwise provided by this Act. In the case
9 of any addition, alteration, renovation, or repair to an
10 existing commercial structure, the Code adopted under this Act
11 applies only to the portions of that structure that are being
12 added, altered, renovated, or repaired.

13 (b) The following buildings shall be exempt from the Code:

14 (1) Buildings otherwise exempt from the provisions of a
15 locally adopted building code and buildings that do not
16 contain a conditioned space.

17 (2) Buildings that do not use either electricity or
18 fossil fuel for comfort conditioning. For purposes of
19 determining whether this exemption applies, a building
20 will be presumed to be heated by electricity, even in the
21 absence of equipment used for electric comfort heating,
22 whenever the building is provided with electrical service
23 in excess of 100 amps, unless the code enforcement official
24 determines that this electrical service is necessary for
25 purposes other than providing electric comfort heating.

1 (3) Historic buildings. This exemption shall apply to
2 those buildings that are listed on the National Register of
3 Historic Places or the Illinois Register of Historic
4 Places, and to those buildings that have been designated as
5 historically significant by a local governing body that is
6 authorized to make such designations.

7 (4) (Blank). ~~Residential buildings.~~

8 (5) Other buildings specified as exempt by the
9 International Energy Conservation Code.

10 (c) Additions, alterations, renovations, or repairs to an
11 existing building, building system, or portion thereof shall
12 conform to the provisions of the Code as they relate to new
13 construction without requiring the unaltered portion of the
14 existing building or building system to comply with the Code.
15 The following need not comply with the Code, provided that the
16 energy use of the building is not increased: (i) storm windows
17 installed over existing fenestration, (ii) glass-only
18 replacements in an existing sash and frame, (iii) existing
19 ceiling, wall, or floor cavities exposed during construction,
20 provided that these cavities are filled with insulation, and
21 (iv) construction where the existing roof, wall, or floor is
22 not exposed.

23 (d) A unit of local government that does not regulate
24 energy efficient building standards is not required to adopt,
25 enforce, or administer the Code; however, any energy efficient
26 building standards adopted by a unit of local government must

1 comply with this Act. If a unit of local government does not
2 regulate energy efficient building standards, any
3 construction, renovation, or addition to buildings or
4 structures is subject to the provisions contained in this Act.

5 (Source: P.A. 93-936, eff. 8-13-04.)

6 (20 ILCS 3125/45)

7 Sec. 45. Home rule.

8 (a) No unit of local government, including any home rule
9 unit, may regulate energy efficient building standards for
10 commercial buildings in a manner that is less stringent than
11 the provisions contained in this Act.

12 (b) No unit of local government, including any home rule
13 unit, may regulate energy efficient building standards for
14 residential buildings in a manner that is either less or more
15 stringent than the standards established pursuant to this Act;
16 provided, however, that the following entities may regulate
17 energy efficient building standards for residential buildings
18 in a manner that is more stringent than the provisions
19 contained in this Act: (i) a unit of local government,
20 including a home rule unit, that has, on or before May 15,
21 2009, adopted or incorporated by reference energy efficient
22 building standards for residential buildings that are
23 equivalent to or more stringent than the 2006 International
24 Energy Conservation Code, (ii) a unit of local government,
25 including a home rule unit, that has, on or before May 15,

1 2009, provided to the Capital Development Board, as required by
2 Section 55 of the Illinois Building Commission Act, an
3 identification of an energy efficient building code or
4 amendment that is equivalent to or more stringent than the 2006
5 International Energy Conservation Code, and (iii) a
6 municipality with a population of 1,000,000 or more.

7 (c) No unit of local government, including any home rule
8 unit or unit of local government that is subject to State
9 regulation under the Code as provided in Section 15 of this
10 Act, may hereafter enact any annexation ordinance or
11 resolution, or require or enter into any annexation agreement,
12 that imposes energy efficient building standards for
13 residential buildings that are either less or more stringent
14 than the energy efficiency standards in effect, at the time of
15 construction, throughout the unit of local government.

16 (d) This Section is a denial and limitation of home rule
17 powers and functions under subsection (i) of Section 6 of
18 Article VII of the Illinois Constitution on the concurrent
19 exercise by home rule units of powers and functions exercised
20 by the State. Nothing in this Section, however, prevents a unit
21 of local government from adopting an energy efficiency code or
22 standards for commercial buildings that are more stringent than
23 the Code under this Act.

24 (Source: P.A. 93-936, eff. 8-13-04.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.