



Rep. Julie Hamos

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LRB096 11406 JDS 24556 a

1 AMENDMENT TO HOUSE BILL 3987

2 AMENDMENT NO. _____. Amend House Bill 3987, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 1, line 4 by replacing "Section 5. The Energy
5 Efficient Commercial Building Act is" with the following:

6 "Section 1. Short title. This Act may be cited as the
7 Homeowners' Solar Rights Act.

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

1 Section 10. Notwithstanding any provision of this Act or
2 other provision of law, the adoption of a bylaw or exercise of
3 any power by the governing entity of a homeowners' association,
4 property owners' association, or condominium unit owners'
5 association which prohibits or has the effect of prohibiting
6 the installation of a solar energy system or other energy
7 device based on a renewable resource is expressly prohibited.

8 Section 15. No deed restrictions, covenants, or similar
9 binding agreements running with the land shall prohibit or have
10 the effect of prohibiting a solar energy system or other energy
11 device based on a renewable resource from being installed on a
12 building erected on a lot or parcel covered by the deed
13 restrictions, covenants, or binding agreements. A property
14 owner may not be denied permission to install a solar energy
15 system or other energy device based on a renewable resource by
16 any entity granted the power or right in any deed restriction,
17 covenant, or similar binding agreement to approve, forbid,
18 control, or direct alteration of property with respect to
19 residential dwellings not exceeding 3 stories in height.
20 However, for purposes of this Act, the entity may determine the
21 specific location where a solar energy system may be installed
22 on the roof within an orientation to the south or within 45
23 degrees east or west of due south provided that the
24 determination does not impair the effective operation of the
25 solar energy system.

1 Section 20. A solar energy system or other energy device
2 based on a renewable resource shall meet applicable standards
3 and requirements imposed by State and local permitting
4 authorities. A solar energy system shall be certified by the
5 Solar Rating and Certification Corporation (SRCC) or another
6 similar nationally recognized certification entity.

7 Section 25. Whenever approval is required for the
8 installation or use of a solar energy system, the application
9 for approval shall be processed and approved by the appropriate
10 approving entity in the same manner as an application for
11 approval of an architectural modification to the property, and
12 the application shall not be willfully avoided or delayed.

13 Section 30. Any entity, other than a public entity, that
14 willfully violates this Act shall be liable to the applicant or
15 any other party affected by a willful violation of this Act for
16 actual damages occasioned thereby and for any other
17 consequential damages.

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

21 Section 90. The Energy Efficient Commercial Building Act

1 is".