

Clubhomes of Windhill HOA Solar Energy Systems Policy 11-15-21

In accordance with the Illinois Homeowners' Energy Policy Statement Act, 765 ILCS 165/10/20 /30/45 (at the end of the document)

Clubhomes of Windhill Association homeowners may install solar energy systems (SEG) on their homes solely for the personal use and benefit of the homeowner under the Policy and Resolution conditions.

I. Policy:

1. Homeowner, and not a third party, must own or lease the system that is to be installed. The system can only be solely for the personal use and benefit of the installing homeowner and not for use and benefit of another homeowner.
2. The SEG shall be installed on the back portion of the roof of the house (if possible) to not be visible from the front of the home and within an orientation to the south or within 45 degrees east or west of due south, provided that such installation does not impair the effective operation of the SEG solely for the personal use and benefit of the homeowner. In the event the company tasked with designing and/or installing the SEG is of the opinion that the SEG cannot be located on the back portion of the roof of the house, that company shall detail other options that best comply with this requirement and explain why such back-of-the-roof location would or would not impair the effective operation of the solar energy system solely for the personal use and benefit of the homeowner.
3. Any solar panels must be mounted on the roof of the home and not on the ground, any side or corner of the home, or on any other apparatus. Any such roof-mounted solar panels must match the color of the roof as closely as possible and have as low a profile as possible to reduce their visibility. The Board may ask for alternative combinations in smaller groupings when large areas of grouped solar panels or the solar energy systems are found not to be aesthetically satisfactory.
4. Care shall be taken to make all components of the SEG blend in with/to the aesthetics of the home to be as invisible and unobtrusive as possible. Panel material for SEG should be dark in color and/or be consistent with the existing character of the structure. A matte finish is preferable. A cover plate or the glazing for solar energy systems should be either transparent or consistent with the character of the structure.
5. Homeowner must follow the by-laws of the association in all regards with respect to seeking and obtaining architectural approval before beginning any SEG installation. As with other routine architectural requests, the HOA Board has the authority to approve requests made by homeowners that comply with this Policy or reject requests made by homeowners that do not comply with this Policy without the need for the Board to vote.
6. All of the work necessary to complete the solar energy installation must take place on the Homeowner's property and none of the work shall be permitted in the common area or on a neighbor's property.
7. Homeowner shall comply with all applicable federal, state, and local codes, building ordinances, or other guidelines.

II. Application and Approval Process:

- 1) Detailed plans for installation and placement of any solar panel / energy device must be submitted to the HOA Board for review and receive written approval from the Board at least 60 days prior to such installation. The Board shall have the right to disapprove an application for a proposed solar energy system based on aesthetics pertaining to profile, size, mass, color, texture, material, and other aesthetic criteria considered by the Board pursuant to the Guidelines referenced herein.
- 2) An illustrated brochure of the proposed system, which depicts the materials to be used, and drawings showing the location and number of collectors, the attachment to the roof structure, and the location of exterior system components, shall be submitted with the Architectural Request.
- 3) Owner is required to use an installer licensed for solar equipment. The contractor must have an appropriate contractor's license and insurance. Owner is entirely and solely responsible for knowing what county and village permits may be required and obtaining any such permits before installation begins. Village of Palatine <https://www.palatine.il.us/DocumentCenter/View/1960/Solar-Panel-Handout?bidId=>.
- 4) Homeowners are urged to check with their home builder or insurance company prior to installation of devices for how such installation may impact their roof warranty or other aspects of their structure. The HOA Board of Directors is not liable to the property owners from roof damage or for effects to roof warranties. The Association and its Board has no expertise or special knowledge regarding such systems and therefore the Board's approval for installation of any such device(s) or system is not a representation that the system chosen by an Owner is safe to use or is compatible with Owner's roof or other structures on the Lot or the Lot involved, and Owner assumes and bears all risks regarding installation and use of such a system.

III. Infractions and Fines:

Once a violation has been reported and confirmed, the violating homeowner shall be notified in writing and has 30 days to correct the infraction. Fines may be imposed and assessed according to Windhill Article #9.

At the Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Fines will continue to be imposed and accrue while the legal action is in process if the homeowner remains in violation of this Rule or any other provisions of the HOA's governing documents. Appeals must be in writing to the Board and received within 7 days of the infraction notice received by the Homeowner.

Fines:

All fines imposed by the HOA upon an owner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the HOA's governing documents and the laws of the State of Illinois. The HOA may file a formal lien with the county in order to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and

expenses, including attorney fees, incurred by the HOA in the imposition and collection of such unpaid fine(s).

- a) Fines for a violation will start 30 days after Homeowner notification at \$10/day for the first 30 days.
- b) If the violation is not remedied after within 30 days of notification the fine will increase to \$25 for the next 30 days.
- c) Any violation not remedied within 60 days will increase to \$50 per day.
- d) The Association will bill the violating Homeowner the applicable fine monthly until the violation is remedied.

Reference Item: Illinois Homeowners' Energy Policy Statement Act, 765 ILCS 165/20

Sec. 20. Deed restrictions; covenants. No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting a solar energy system from being installed on a building erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements, if the building is subject to a homeowners' association, common interest community association, or condominium unit owners' association. A property owner may not be denied permission to install a solar energy system by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property. However, for purposes of this Act, the entity may determine the specific location where a solar energy system may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that the determination does not impair the effective operation of the solar energy system. Within 120 days after a homeowners' association, common interest community association, or condominium unit owners' association receives a request for a policy statement or an application from an association member, the association shall adopt an energy policy statement regarding: (i) the location, design, and architectural requirements of solar energy systems; and (ii) whether a wind energy collection, rain water collection (Should we add language specifically mentioning these?), or composting system is allowed, and, if so, the location, design, and architectural requirements of those systems. An association shall disclose, upon request, its energy policy statement and shall include the statement in its homeowners' common interest community, or condominium unit owners' association declaration.

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(765 ILCS 165/) Homeowners' Energy Policy Statement Act.

(765 ILCS 165/1)

Sec. 1. Short title. This Act may be cited as the Homeowners' Energy Policy Statement Act.

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

(765 ILCS 165/5)

Sec. 5. Legislative intent. The legislative intent in enacting this Act is to protect the public health, safety, and welfare by encouraging the development and use of solar energy systems in order to conserve and protect the value of land, buildings, and resources

by preventing the adoption of measures which will have the ultimate effect, however unintended, of preventing the use of solar energy systems on any home that is subject to a homeowners' association, common interest community association, or condominium unit owners' association.

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

(765 ILCS 165/10)

Sec. 10. Definitions. In this Act:

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

"Solar collector" means:

(1) an assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct and indirect solar energy, specially designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid, or liquid or to use that energy directly; or

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

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

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

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

"Solar energy system" means:

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

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

(Source: P.A. 102-161, eff. 7-26-21.)

(765 ILCS 165/15)

Sec. 15. Associations; prohibitions. Notwithstanding any provision of this Act or other provision of law, the adoption of a bylaw or exercise of any power by the governing entity of a homeowners' association, common interest community association, or condominium unit owners' association which prohibits or has the effect of prohibiting the installation of a solar energy system is expressly prohibited.

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

(765 ILCS 165/20)

Sec. 20. Deed restrictions; covenants. No deed restrictions,

covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting a solar energy system from being installed on a building erected on a lot or parcel covered by the deed restrictions, covenants, or binding agreements, if the building is subject to a homeowners' association, common interest community association, or condominium unit owners' association. A property owner may not be denied permission to install a solar energy system by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property. However, for purposes of this Act, the entity may determine the specific configuration of the elements of a solar energy system on a given roof face, provided that it may not prohibit elements of the system from being installed on any roof face and that any such determination may not reduce the production of the solar energy system by more than 10%. For the purposes of this Section, "production" means the estimated annual electrical production of the solar energy system. Within 90 days after a homeowners' association, common interest community association, or condominium unit owners' association receives a request for a policy statement or an application from an association member, the association shall adopt an energy policy statement regarding: (i) the location, design, and architectural requirements of solar energy systems; and (ii) whether a wind energy collection, rain water collection, or composting system is allowed, and, if so, the location, design, and architectural requirements of those systems. An association shall disclose, upon request, its energy policy statement and shall include the statement in its homeowners' common interest community, or condominium unit owners' association declaration.

(Source: P.A. 102-161, eff. 7-26-21.)

(765 ILCS 165/25)

Sec. 25. Standards and requirements. A solar energy system shall meet applicable standards and requirements imposed by State and local permitting authorities.

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

(765 ILCS 165/30)

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

(Source: P.A. 102-161, eff. 7-26-21.)

(765 ILCS 165/35)

Sec. 35. Violations. Any entity, other than a public entity, that willfully violates this Act shall be liable to the applicant for actual damages occasioned thereby and for any other consequential damages. Any entity that complies with the requirements of this Act

shall not be liable to any other resident or third party for such compliance.

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

(765 ILCS 165/40)

Sec. 40. Costs; attorney's fees. In any litigation arising under this Act, the prevailing party shall be entitled to costs and reasonable attorney's fees.

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

(765 ILCS 165/45)

Sec. 45. Inapplicability. This Act shall not apply to any building that:

(1) is greater than 60 feet in height; or

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

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

(Source: P.A. 102-161, eff. 7-26-21.)