

Legislative and Regulatory Update–June 14, 2010

Since the last Legislative Update dated May 14, 2010, we have the following to report:

As of May 24, Senate Bill 3429 -CDB-BUILDING ENERGY LABELS- became Public Act 96-089. The Capital Development Board will now initiate a study of building energy performance measures for identifying a simple and easily understood label for a building or facility that indicates its energy use. The study will be based upon existing reports and data from the Illinois Energy Efficiency Committee, the Commercial Buildings Energy Consumption Survey, the Residential Energy Consumption Survey, and other available sources and the Board shall report its findings to the General Assembly by July 1, 2012. Such a labeling scheme could cause a major push towards efficiency measures for buildings. The Illinois Chapter may prove a reliable resource for the Capital Development Board during this study while showcasing the value we bring to those seeking our assistance.

Also on the Senate side, SB 2810 -LOC GOV/SCHOOL-ENERGY CONSERV- has been sent to the Governor for signing. If passed, SB 2810 would amend the Local Government Energy Conservation Act, the School Code, and the Public University Energy Conservation Act, by expanding the definition of “energy savings” relating to “guaranteed energy savings contracts” to include energy reduction and offsetting sources of renewable energy funds including renewable energy credits and carbon credits.

Movement in the House comes with 2 bills being sent to the Governor, and three others now passing both Chambers of the General Assembly.

HB 4758 -CNTY CD-ENERGY IMPROVEMENTS- has now been sent to the Governor. As discussed last month, the bill would authorize agreements between the county and property owners providing for contractual assessments on land to finance renewable energy sources or energy efficiency improvements much like a “property assessed clean energy (‘PACE’)” plan operates. Also being sent to the Governor is HB 4797 -PROP TX-WIND FARMS-EXTEND- which would benefit the Illinois wind power industry by amending the Property Tax Code by setting forth special valuation procedures for wind energy devices to apply through assessment year 2016, rather than allowing this special procedure to expire in 2011.

Two bills passing both Chambers could become a huge boost for the Illinois solar energy industry. First, HB 5429 -HOMEOWNERS SOLAR RIGHTS ACT– would prohibit bylaws, rules, and restrictions on the use of solar energy systems on any home subject to a homeowners' association, common interest community association, or condominium unit owners' association. Nor can any deed restrictions, covenants, or similar binding agreements running with the land, prohibit or have the effect of prohibiting a solar energy system from being installed.

Associations may however impose certain location restrictions when such systems are affixed to the roofs. If passed, the HOMEOWNERS SOLAR RIGHTS ACT would also require associations to adopt an energy policy statement regarding the location, design, and architectural requirements of solar energy systems within certain time frames, and process an application for approval within 90 days of submission.

HB 6202 -UTILITIES-NET METERING– could also further the growth of renewable solar energy here in Illinois. If passed, HB 6202 would require a specific percentage of renewable energy procured through

the Illinois Power Agency Renewable Energy Resources Fund or procured to meet the renewable portfolio standard be from photovoltaics: 0.5% by June 1, 2012; 1.5% by June 1, 2013; 3% by June 1, 2014; and 6% by June 1, 2015 and thereafter. Such requirements on this scale would place solar renewable energy right up there with wind resources in terms of its importance in our energy mix.

Also passing both Chambers is HB 6047 -ALTERNATE FUELS-HYBRID REBATE– amending the Alternate Fuels Act by providing a conversion cost rebate for the cost of converting a conventional vehicle or a hybrid vehicle (now, just a conventional vehicle) to an alternate fuel vehicle.

Spotlight: Introducing the SLGC's Research Team.

In strategizing for great success in the future, the Illinois Chapter State and Local Government Committee has a new structure, and one of its components is the SLGC Research Team (RT). RT may be considered the central processing unit for researching and tracking state and local legislation and policies relevant to green buildings and the sustainability movement. In addition to producing the monthly *Legislative Update* and *Spotlight*, the Research Team must be thoughtful of the important issues that must be addressed but have not been either through policy or proposed legislation. In short, we must identify challenges to the high performance building movement, and when able, offer to those responsible for addressing these issues information or potential solutions, thereby bringing true value to these decision-makers.

Some of the current Team tasks and goals for 2010 include the following:

- Continue to identify, summarize, and analyze bills introduced in the Illinois General Assembly that are related to the mission of the Illinois Chapter, and the sustainability movement in general;
- Identify policy makers and individuals that have proven instrumental in furthering the sustainability movement here in Illinois, and feature these individuals in the *Spotlight* included in the monthly *Legislative Update*;
- Invite Illinois Chapter branches to contribute to the *Legislative Update* and *Spotlight* by identifying local policy initiatives and local individuals making an impact on green buildings or the sustainability movement in their area;
- Contact other USGBC Chapter SLGCs across the country regarding their own knowledge of issues/trends/obstacles being encountered with green buildings in their areas to better understand challenges or opportunities the Illinois Chapter may prepare for or pursue.

In order to achieve these objectives, there are certain necessary resources required for success:

- Individuals with an interest in public policy and the factors contributing to its creation;
- Commitment by Team Members to take responsibility for a particular issue, or piece of legislation and follow it, then reporting developments to the RT;
- Individuals willing to keep track of politicians or those seeking office and their stance on sustainable development, mostly

through the Internet, but periodic phone calls or emails may be necessary;

- Individuals that have the ability to identify potential challenges/obstacles to the green building movement, and then pose potential solutions or strategies for dealing with them;
- Someone with skills relating to graphic/website orientation/operation.

If interested in learning more about the research team, or becoming involved, I welcome you to contact me. I also look forward to hearing your own suggestions in making the research team a valuable and affective resource of the USGBC Illinois Chapter. And as always, more information on legislation can be found at ilga.gov. Information on the Illinois EPA / Pollution Control Board rules is at www.ipcb.state.il.us or contact Sean Ziadeh at seanziadeh@hotmail.com or by calling (248) 320-3208 for any other information.