

## *Legislative and Regulatory Update–September 21, 2010*

The end of the 96<sup>th</sup> General Assembly soon approaches, and the Assembly is not scheduled to convene again until November 11, 2010. Nevertheless, we have the following noteworthy legislative activity to report to you since our last Legislative Update dated July 7, 2010.

First, HB 5429-HOMEOWNERS SOLAR RIGHTS ACT–was signed by Governor Quinn making it Public Act 96-1436. 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 is now prohibited. Nor can any agreement running with the land prohibit or have the effect of prohibiting such installations. In addition, associations must now adopt an energy policy statement regarding the location, design, and architectural requirements of solar energy systems and set procedures for the application and approval process.

The Governor also signed into law HB 6202 -UTILITIES-NET METERING. Public Act 96-1437 now requires 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.

HB 4758-CNTY CD-ENERGY IMPROVEMENTS-authorizing 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 has been signed into law as Public Act 96-1032 . The municipal counterpart of this law, Illinois Public Act 96-0481 (SB 583- MUNI CD-ENERGY IMPROVEMENT) was signed on August 14, 2009.

The signing of HB 4797-PROP TX-WIND FARMS-EXTEND-as Public Act 96-1036 benefits the Illinois wind power industry by extending the special valuation procedures for wind energy devices to apply through assessment year 2016. The original expiration year was 2011. Those converting conventional cars or hybrids into alternative fuel vehicles will also benefit by the enactment of HB 6047-ALTERNATE FUELS-HYBRID REBATE–as Public Act 96-1278. Now a rebate exists for the cost of making such conversions.

Moving onto the Senate, SB 2810-LOC GOV/SCHOOL-ENERGY CONSERV, now Public Act 96-1197, amends 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.” More specifically, it requires that a guaranteed energy savings contract include a written guarantee of the qualified provider of the energy conservation measure that the energy or operational savings, or both, will meet or exceed within 20 years (instead of 10 years) the costs of the energy conservation measure. A guaranteed energy savings contract may now also provide for payments over a period of time, not to exceed

20 years (instead of 10 years) from the date of the final installation of the energy conservation measure.

Once the General Assembly reconvenes, it will move into Veto Session where it will consider the Governor's Veto of legislation during the Term.

***USGBC – Illinois Chapter – Spotlight: Senator Antonio Muñoz (D) 1st District.***

Senator Muñoz having served in the Illinois General Assembly since 1999 will be faced with a growing number of bills relating to combating climate-change, including green building codes and rating systems, energy efficiency standards, renewable energy, and material use/recycling. A representative of The People must now become more aware of these issues, and the ramifications any proposed legislation may bear. So it is good to see representatives expressing their interest in learning more about these areas.

Antonio Muñoz is such a man, and he shared with us areas on which he is interested in learning more. Of importance to Senator Muñoz is recycling and energy reduction throughout the State. “Chicago and many other communities already have recycling programs in place, but we need to ensure that this is a state effort to help conserve the resources we have.” He also points out, “With the situation in the gulf and the growing demand for energy, as a state we need to focus on other options such as wind farms and solar energies.”

The Senator pointed out that in 2009 the Illinois General Assembly adopted House Joint Resolution 45 creating a LEED Certification Task Force. The Resolution charges the Task Force to investigate how to retrofit Illinois public schools as well as how to finance these efforts. These findings and recommendations will be presented to the General Assembly in a report by November 1, 2010, and on which he stated, “The LEED certification task force report will prove unequivocally that Illinois needs to ensure our future development meets these sustainability goals.”

Senator Muñoz supports the Leadership in Energy and Environmental Design program. “The LEED green building certification program and others like it encourages and accelerates global adoption of sustainable green building and development practices. Illinois has proven its commitment to building green and renovating green with the passage of legislation.” He points out that the 96th General Assembly and the Governor enacted Public Act 96-0630, which addresses several components of building design to improve sustainability through renovation projects. LEED and Green Globes certification costs also have been added as valid “Redevelopment Project Costs” that can be funded by the Illinois Tax Increment Fund.

In addition, Governor Quinn signed into law HB 1013, requiring all new state-funded building construction and major renovation of existing state-owned facilities to seek LEED or equivalent certification. Finally, the Illinois General Assembly adopted House Joint Resolution 10 stating that the passage of a sustainable capital construction plan ought to be a top priority. The

resolution also states that any allocations of funding for the construction or renovation of government buildings should require builders to adhere to LEED or equivalent green building standards.

The Senator is very interested in learning more about these issues and is interested in having a continued dialogue with the Illinois Chapter of USGBC. And the Senator is looking forward to working with the Green Building Council in their efforts to promote green building initiatives throughout Illinois. These are just a few areas that the State and Local Government Committee can assist Senator Muñoz with, and other similarly situated representatives. And we look forward to being a continued resource upon which they all can rely.

More information on Senator Muñoz can be found by visiting <http://www.ilga.gov/senate/Senator.asp?GA=96&MemberID=1433>. And for information on this Monthly Update contact Sean Ziadeh at [seanziadeh@hotmail.com](mailto:seanziadeh@hotmail.com) or by calling (248) 320-3208.