

**EVERGREEN VIEW HOMEOWNERS ASSOCIATION'S
ENERGY POLICY STATEMENT As Required By
the ILLINOIS HOMEOWNERS ENERGY POLICY ACT, 765 ILCS 165/1, et seq.**

WHEREAS, the Evergreen View Homeowners Association (“Association”) is governed by a certain Declaration of Covenants, Conditions and Restrictions of Evergreen View Subdivision of Orland Park, recorded in the office of the Cook County Recorder of Deeds (now the Cook County Clerk) on October 25, 2001, as document no. 0010996978 (the “Declaration”), as same was from time to time amended, and

WHEREAS, the Declaration was subsequently amended by the First Amendment thereto, on June 20, 2002, as document no. 0020688532; and by the Second Amendment thereto, recorded on November 18, 2002 as document no. 0021268879, and by the Third Amendment thereto, recorded on July 12, 2005 as document no. 0519346064, and

WHEREAS, the Declaration, at Article 5, provides for the Association to have an Architectural Review Committee to submit for prior review any proposed structure or facility that lot owner wishes to construct on his/her property, and in Articles 6, 7, and 8, the Declaration sets forth specific architectural standards, restrictions, and community controls, and

WHEREAS, the Illinois General Assembly enacted legislation as Public Act 96-1436, titled: Homeowners’ Energy Policy Statement Act, set forth in the Illinois Compiled Statutes as Chapter 765 ILCS 165/1 *et seq.*, (the “Act”), as thereafter from time to time amended, and

WHEREAS, the Act requires that Illinois homeowners’ associations and/or common interest community associations, including the Association, whose members, or any member thereof desire(s) and applies to install a solar energy system, as defined in the Act, (an “SES”) on their property within such Association, shall adopt an Energy Policy Statement in compliance with the Act, and

WHEREAS, the Act mandates that any Energy Policy Statement adopted under the Act shall be recorded as part of the Association’s Declaration, notwithstanding that Article 12, Section 5 of the Declaration (“Amendments”) would otherwise require the approval of such amendment in a written instrument signed by fifty percent (50%) of the Owners, and

WHEREAS, the Village of Orland Park (the “Village”), in which the Association is located and to the ordinances of which it is subject, currently has and at all relevant times has had in effect certain ordinances setting forth Environmental Technology Standards which require submission of an application to the Village and obtain Village approval prior to construction/installation of a solar energy system,

WHEREAS, the Association’s Board of Directors, by a vote of a majority of its members at a meeting called on notice as required in the Association’s Bylaws, Article V, Section 5.06 or 5.07, as may apply, approved and adopted this Evergreen View Homeowners Association Energy Policy Statement on or about SEPTEMBER 27, 2022, a true and correct copy of which shall

hereafter be recorded in the Office of the Cook County Clerk as an Amendment to the Declaration, effective as against the Association and each Lot therein as required by the referenced Act;

NOW, THEREFORE, the following provisions and regulations for the Evergreen View Homeowners Association (the "Association") shall be titled the 'Evergreen View Homeowners Association's Energy Policy Statement,' (the "Energy Policy Statement") and is/ is intended to be the policy required pursuant to Illinois law under the Homeowners Energy Policy Statement Act, 765 ILCS 165/1, *et seq.*

1. The above-stated Recitals are adopted and incorporated herein by this reference as if fully set forth in this Paragraph 1.

2. Set forth below is the text of the Association's Energy Policy Statement:

**Evergreen View Homeowners Association
ENERGY POLICY STATEMENT, Pursuant to
Illinois Homeowners Energy Policy Statement Act**

A. Approved Association Application and Prior Village of Orland Park Approval Required.

An Owner of a Lot within the Association ("Owner", as that term is defined in the Declaration) who requests approval to install a Solar Energy System ("SES") shall submit an application (in the form provided/attached hereto as Appendix A) pursuant to the Association's Energy Policy Statement, but may submit such application prior to, after, or at the same time as Owner submits to the Village the application for such SES required by the Village's ordinances. However, in no event will the Association's time to review and respond to such application as provided under the Act run/begin to run until it has received from the Owner confirmation in writing that the Village has issued final approved of the Owner's application.

B. Declaration Restrictions Contrary to HEPA Not Controlling.

Notwithstanding certain provisions in the Association's Declaration purporting to limit or ban installation of certain improvements on a particular roof face (for example, limitations on installation of skylights on roof face(s) visible from the street in front of the house), the Act limits or prohibits application of such provisions to Solar Energy Systems, where doing so would reduce the production of the Solar Energy System by more than ten percent (10%). This Energy Policy Statement sets forth in subsection C below, "preferences" with regard to the proposed location of a Solar Energy System and/or its components on the subject Owner's home and/or property, and the Owner shall be required to install the Solar Energy System and/or the subject component(s) of same at the location bearing the lowest number (the number "1" being most preferred, as compared to preferences with higher numbers) on the list of preferred locations that does not reduce the production of the SES by more than ten percent (10%), as determined according to the opinion of the engineer/designer of the proposed SES and/or other applicable Owner contractors involved in the proposed design and construction/installation of the proposed SES.

C. Association Preferences re Location of Proposed Solar Energy System ('SES').

Preferences of the Board/Association for installation of an SES and/or component(s) of same, in order from most preferred to less/least preferred¹ are as follows:

1. On a roof face not visible from the street in front of the house and shielded from view of occupants in neighboring house(s);
2. On a roof face not visible from the street in front of the house but visible to occupants in neighboring house(s);
3. On a side elevation of a house visible from the street in front of the house only to the minimum extent possible;
4. In the rear yard of the subject house not visible from the street in front of the house;
5. In a side-yard of the subject home visible from the street in front of the house to the least extent reasonably possible;
6. On a roof face visible from the street in front of the house;
7. On a face of a house visible from the street in front of the house;
8. On the front lawn or other location in front of a house, as viewed from the street.

In the event proposed construction/installation of an SES includes portions of a Lot that are within a setback (whether a main-building or accessory-structure setback) dictated by municipal and/or county or township ordinance, or any utility easement of record, it shall at all times be the responsibility of the Owner to account for and obtain all approvals/permits (if any) required with regard to same. Further, if at any time it becomes necessary that an SES or a portion/component of same constructed within such setback or easement be moved or removed, all consequences of same –including any expenses incurred – shall be the sole responsibility of the Owner.

D. No Association Guarantee of Acceptable Location for Solar Energy System ('SES') or Municipal Approval.

Notwithstanding the foregoing, if, because of the location and/or existence of trees or other conditions and/or obstructions on the Owner's property or on neighboring property within the Association and not within the control of the Owner submitting the application to install an SES there is no location on a particular Owner's lot where production of the SES would not be reduced by more than ten percent (10%), the Association has no obligation to identify, provide for, or provide any such location. It is the sole responsibility of an Owner submitting an application to install an SES for negotiating with other Owners of Lots within the Association in the vicinity for

¹ All Lot Owners/ Applicants desiring to install a Solar Energy System should be aware that the Village of Orland Park's ordinance(s) titled its 'Environmental Technology Standards,' as may from time to time be revised, is entirely beyond the Association's control or input and may prohibit installation of an SES in locations and/or upon portions of a house that the Association might otherwise approve or have approved according to its stated preferences.

any desired solar access easements to protect access to sunlight. In submitting an application and in having plans for an SES prepared by a contractor, an Owner shall provide the preceding list of preferences to the Owner's contractor and require that said contractor take into account and plan for same to the greatest extent reasonably practicable.

The Association also has no duty to permit construction/installation of an SES if not approved by the Village and/or other applicable municipal/governmental entity.

APPROVED and ADOPTED by the Board of Directors of **EVERGREEN VIEW HOMEOWNERS ASSOCIATION** at a meeting duly held pursuant to notice on this 27 day of SEPTEMBER, 2022 at Orland Park, Illinois.


Motion made by: RON STEPANUSKY Vote Taken:

Seconded by: MICHAEL REIS

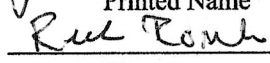
| | |
|---------------|----------|
| Votes FOR | <u>6</u> |
| Votes AGAINST | <u>0</u> |
| Abstain: | <u>0</u> |

Signatures of Voting Board Members:

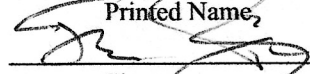
Yea/Nay: _____, its President,


 Signature
JOHN PIONKE
 Printed Name

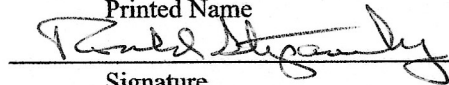
Yea/Nay: _____


 Signature
RICK ROMELI
 Printed Name

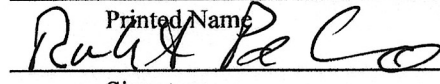
Yea/Nay: _____

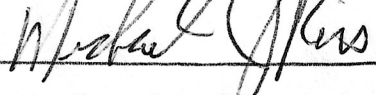

 Signature
TOM PAJKOS
 Printed Name

Yea/Nay: _____


 Signature
RONALD STEPANUSKY
 Printed Name

Yea/Nay: _____


 Signature
ROBERT PALERMO
 Printed Name

YEA/NAY: 
MICHAEL REIS
 PRINTED NAME

I, ROBERT PALERMO, do hereby certify that I am the duly qualified and acting Secretary of the Association and hereby attest and state that the Board Members whose name(s) are subscribed to the foregoing Resolution are the true and correct Board Members of the Evergreen View Homeowners Association and that the signatures to this Resolution were freely and voluntary affixed for the uses and purposes therein set forth.

EVERGREEN VIEW HOMEOWNERS ASSOCIATION

APPLICATION FOR ARCHITECTURAL REVIEW COMMITTEE/BOARD REVIEW
FOR APPROVAL OF SOLAR ENERGY SYSTEMS ("SES")

APPLICANT/HOMEOWNER INFORMATION:

Property Address: _____

Property Identification Number (PIN): _____

Owner(s) Name(s): _____

Contact Information: Phone- _____ Email: _____

Date Submitted: _____

Solar Panels/Solar Collector(s) Proposed

Geothermal/Other

CONTRACTOR INFORMATION:

Company/Entity Name: _____ d/b/a: _____

Physical Address (City/St./Zip) _____

Mailing Address (City/St./Zip) _____

Representative (Name): _____

Illinois Lic. No(s): _____ Village Lic. No. _____

Contractor Proof of Insurance: Issuer: _____
Policy No. _____ Expiration Date: _____

Certificate of Insurance Received (Listing Association as Additional Insured – *Requirements*:
\$1,000,000 per Occurrence; Proof of Workers' Compensation *per statute* (unless certification provided
stating contractor has no employees/independent contractors on any job site).

Location(s) Preference for Installation: Number _____ (Energy Policy Statement Sec. C,
Preference Numbers 1 through 8.) Per the Energy Policy Statement, Section D, Applicant is required
to provide list of location preferences to Contractor, to be taken into account in preparation of plans to
the greatest extent reasonably possible.

Board/ACC Approval YES/NO -- Date: _____

(If NO, list additional steps/information required:)

Required Materials for Application:

NOTE: All Drawings must be drawn to scale and provide a title block including:

- Project name and address
 - Contact information for company or Individual preparing the drawing
 - Original date of preparation and all revision dates
 - Scale, north arrow and legend
 - Sheet number(s) and drawing title(s)
-

1. **Site Plan (referenced in Checklist, below), which shall include:**

Plat/Drawing of subj .property, showing accurate representation with dimensions and labels for the following features:

- Property Lines
- Easements
- Stormwater management areas/swales
- Hard surfaces, including pavement/other impervious surfaces
- All buildings/structures on Lot and their setbacks
- Landscape areas, trees and other natural features
- Perimeter and/or other fences

2. Construction plans for SES (referenced in Checklist, below), which shall specify:

- Proposed solar panel type, size, color, and orientation (with elevation drawings)
- Specifications for solar collectors;
- Specifications for Support Structure supports;
- Specifications for electrical system and all components, including schematics;
- Location and layout of piping/tubing;
- Calculation(s) of anticipated reflection (by season) and property(ies) potentially affected;
- Description of proposed location with reference to numbered list of preferences (per Association Energy Policy Statement, Section C, subsections 1. through 8.)
- Drawing depicting appearance of SES from Street in front of subject Property, if visible.

3. Copy(ies) of solar access agreements and/or easements.

In the event Applicant (or anyone acting on Applicant's behalf) negotiates and enters into, secures or obtains an agreement/agreements with any neighbor or other property owner in the vicinity of Applicant's property for or granting a solar access easement (to protect access to sunlight), Applicant shall provide a copy(ies) of same to the Association either with the Application or upon obtaining same (if later).

4. Information/Detail Regarding Tree Removal Required per Plan (if any).

In the event installation/proposed installation of an SES will require/involve the removal of any tree(s), whether from Applicant's property or any other property (including pursuant to a solar access agreement or easement), Applicant shall provide, for each tree to be removed, the following information shall be specified (for each tree):¹-

- Species: _____; Height: _____ Ft.
Trunk Diameter (DBH measurement): _____ Inches; Est. crown circum/Drip line: _____ Ft.

CHECKLIST (for Board/Architectural Review Committee use):

- APPLICATION SUBMITTED (Date Received): _____
- COMPLETE Site Plan Received: _____ (See Site Plan Requirements above).
- CONSTRUCTION Plans Received: _____ (See Construction Plan Requirements above).
- APPROVAL by Village of Orland Park: Issued (date): _____ Copy Received: _____
- BOARD/ARC APPROVAL Granted: _____ / _____
Initials Date

¹ Note: Removal of tree(s) on land not an Applicant's own requires express written agreement of property owner where tree is located. Removal of branches of a tree on a neighboring property actually encroaching/overhanging Applicant's property is subject to applicable law and property rights. All tree removal/trimming with the Association in connection with SES installation shall be performed by qualified, insured professional/contractor(s).