Navigating a Home Sale with an Illinois Shines Project Installed

Guide for Real Estate Professionals

Illinois Shines | IPA ILLINOIS POWER AGENCY

Energy Solutions
Program Administrator

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About Illinois Shines

Illinois Shines, statutorily known as the Adjustable Block Program, is a solar incentive program managed by the Illinois Power Agency that supports the development of solar distributed generation projects hosted directly on a property, or participation as a subscriber to a Community Solar project. Illinois Shines was established by the Future Energy Jobs Act (FEJA), passed in 2016 by the Illinois legislature following significant collaboration and negotiation between energy companies, environmental groups, and consumer advocates. The Act mandated higher renewable energy targets in the state's Renewable Portfolio Standard, ultimately requiring 100 percent use of clean energy sources in Illinois by 2050 and containing provisions to make solar energy more available to low- and moderate-income communities. The 2021 passage of the Climate and Equitable Jobs Act (CEJA) included significant expansion of the Program, reinforced its consumer protection requirements, included prevailing wage requirements, and incorporated policies to ensure an equitable transition to a clean energy future.

Introduction

What is the Purpose of this Document?

The Illinois Power Agency ("Agency") has received feedback from participating homeowners that navigating a home sale with an Illinois Shines solar project installed can be challenging. Homeowners have noted that their real estate agents require further support in navigating these transactions. As a result, the Program has prepared this guide to help Illinois real estate professionals navigate the distinct sale process and better support participating homeowners.

What is Illinois Shines?

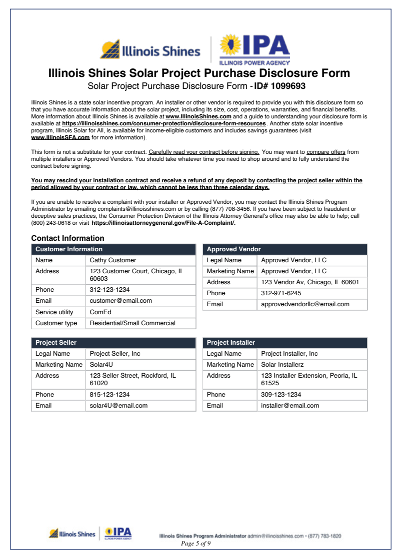
Illinois Shines is a state-administered solar incentive program that supports the development of new solar projects throughout Illinois. The Program provides incentives for solar projects through the purchase of Renewable Energy Credits, or RECs, produced by the projects. RECs are widely used in energy markets and represent the environmental value of energy generated by renewable sources, including solar. By participating in Illinois Shines, the RECs produced by the homeowner's solar project will be transferred to an Illinois electric utility over the term of 15 years. More information on RECs and REC Contracts can be found in the section "Renewable Energy Credit (REC) Contracts" on page 6.

How Do You Know if a Homeowner is Participating in Illinois Shines?

To confirm that a homeowner and their project participate in the Illinois Shines program, request to review their Disclosure Form. All homeowners are required to receive an informational brochure on Illinois Shines and a standard **Disclosure Form**, a document that summarizes key details about the agreement the homeowner will enter into in choosing to participate in Illinois Shines.

The homeowner's Disclosure Form is originally provided to them by their Approved Vendor ("AV"), an entity that submits the homeowner's solar project into the Illinois Shines program. The AV might also be the Project Seller and/or Installer but doesn't have to be. The AV is whom the homeowner enters into contract with to sell the Renewable Energy Credits ("RECs") generated by their solar project. The AV can be different from the seller or installer, who the homeowner interfaced with during project development. Both the company designated as the Project Installer and Approved Vendor are listed on the first page of the homeowner's Disclosure Form, respectively.

It is important to notify the homeowner's AV when a homeowner is preparing to sell their home. The AV may require the new homeowner to sign an agreement, so that the project can continue participating in Illinois Shines. The AV may also be able to answer questions related to the project and guide the homeowner through the process of transferring the project to the new homeowner.



Illinois Shines Solar Project Purchase Disclosure Form

Solar Project Purchase Disclosure Form - **ID# 1099693**

Illinois Shines is a state solar incentive program. An installer or other vendor is required to provide you with this disclosure form so that you have accurate information about the solar project, including its size, cost, operations, warranties, and financial benefits. More information about Illinois Shines is available at www.IllinoisShines.com and a guide to understanding your disclosure form is available at https://illinoisshines.com/consumer-protection/disclosure-form-resources. Another state solar incentive program, Illinois Solar for All, is available for income-eligible customers and includes savings guarantees (visit www.IllinoisSFA.com for more information).

This form is not a substitute for your contract. Carefully read your contract before signing. You may want to compare offers from multiple installers or Approved Vendors. You should take whatever time you need to shop around and to fully understand the contract before signing.

You may rescind your installation contract and receive a refund of any deposit by contacting the project seller within the period allowed by your contract or law, which cannot be less than three calendar days.

If you are unable to resolve a complaint with your installer or Approved Vendor, you may contact the Illinois Shines Program Administrator by emailing complaints@illinoisshines.com or by calling (877) 708-3456. If you have been subject to fraudulent or deceptive sales practices, the Consumer Protection Division of the Illinois Attorney General's office may also be able to help; call (800) 243-0618 or visit **https://illinoisattorneygeneral.gov/File-A-Complaint/.**

Contact Information

Customer Information	
Name	Cathy Customer
Address	123 Customer Court, Chicago, IL 60603
Phone	312-123-1234
Email	customer@email.com
Service utility	ComEd
Customer type	Residential/Small Commercial

Approved Vendor	
Legal Name	Approved Vendor, LLC
Marketing Name	Approved Vendor, LLC
Address	123 Vendor Av, Chicago, IL 60601
Phone	312-971-6245
Email	approvedvendorllc@email.com

Project Seller	
Legal Name	Project Seller, Inc
Marketing Name	Solar4U
Address	123 Seller Street, Rockford, IL 61020
Phone	815-123-1234
Email	solar4U@email.com

Project Installer	
Legal Name	Project Installer, Inc
Marketing Name	Solar Installerz
Address	123 Installer Extension, Peoria, IL 61525
Phone	309-123-1234
Email	installer@email.com

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Sample Illinois Shines Purchase Disclosure Form

Understanding Solar Panel Ownership Models

Distributed Generation (DG) solar projects are systems located on-site, either on a roof or mounted on the ground, that generate electricity that is used directly on site. Solar panels are considered a 'home improvement,' like a new roof or HVAC system. These are not typically taken by a homeowner to a new home. Solar systems usually stay with the property, thus are transferred to or sold to the new homeowner.

There are multiple ways to build and finance Distributed Generation solar projects, including three primary financial and contract structures – purchase, lease, and power purchase agreement ("PPA"). The different models present distinct challenges during the home sale process.

Purchase

Under the purchase model, the homeowner buys the system outright, either via upfront payment or through a loan. Ownership includes all financial benefits that accompany a system including net metering credits—which are financial credits that can be earned when a system generates more electricity than it uses—as well as all responsibilities, such as ongoing maintenance or repairs. Loans to finance an installation may be traditional home equity loans or can be specific solar loans issued by banks or other financial institutions, or some solar installers offer financing options themselves.

How to Verify Ownership

If a homeowner has purchased their project, they should be listed as the 'Project Owner' in the following documents:

- Illinois Shines Disclosure Form
- Contract with Installer or Approved Vendor
- Interconnection Approval Letter (if applicable)[1]

If it is still unclear who the owner of the project is after reviewing these documents, contact the project's Approved Vendor to verify.

Navigating Solar Loans During a Home Sale

Once it has been confirmed that the homeowner is the owner of the project, determine if the homeowner took out a loan to finance the project and whether the loan has been paid off or if there is a remaining principle yet to be paid off.

If the project was paid in full upfront or if the homeowner took out a loan but has already paid it off, the solar system can be sold outright along with the home. Often, a paid-off system can be a notable selling point that raises the value of the home. Purchased systems present the following benefits for the buyer:

- Lower utility bills
- No monthly cost for the system
- No transfer paperwork

If the loan has not yet been paid off, sellers are often expected to pay off the loan before transferring the ownership of the system. The seller may be able to pay off their loan using the proceeds of the home sale. In some instances, the buyer may assume responsibility for the loan, but this is not common.

1 An interconnection agreement is a legally binding contract that establishes the rules and terms for connecting a distributed energy project (e.g., rooftop solar) to a utility's distribution system. Some Illinois utilities do not require small projects (<25 kW) to execute an interconnection agreement.

If a homeowner took out a loan to finance their solar project, their loan holder may have filed a notice with the county that must be resolved before the home sale process is complete—usually called a UCC-1 financing statement.[2] The financing entity will often take responsibility for this part of the process but talk with the loan holder or the project's Approved Vendor to verify that the homeowner does not need to be involved.

Lease and Power Purchase Agreement (PPA)

Lease: Much like leasing a car, the homeowner makes monthly payments for the use of the solar system, while the project is owned by the Approved Vendor or installer. There may be no upfront cost, allowing homeowners to start saving immediately if the value of the savings the solar project brings is more than the cost of the lease.

PPA: homeowner pays monthly for the electricity generated by the system using an agreed upon price-per-kilowatt hour, while the project is owned by the Approved Vendor or installer. A PPA may not have large upfront costs like an outright purchase and may yield immediate savings if the price the homeowner pays for the electricity from the panels is less than they would have paid to buy the electricity from the utility.

While leasing solar panels or having a Power Purchase Agreement in place are have some differences, the transfer and sale process is largely the same. **If a homeowner has a leased solar project or has a Power Purchase Agreement, they have two options when selling their home:**

1. **Buy the solar project:** Once the homeowner owns the solar project outright, they can sell it along with the home. Purchasing the project before the home sale allows the homeowner to benefit from the added value of a fully paid for solar system, as described in the section above. Solar vendors calculate the estimated RECs that an individual project will produce over a period of 15 or 20 years.

   - If the homeowner decides to purchase the project, they should check their solar contract for the "buy-out price" or a formula for calculating the price. The contract may also outline any restrictions on buying out or paying off the lease or PPA and assuming ownership of the project.

2. **Transfer the lease or PPA:** If the homeowner does not want to purchase the project, they can transfer the lease or PPA and related payments to the new homeowner (buyer).

   - The seller and buyer may need to sign a transfer agreement provided by the Approved Vendor to execute the transfer. To avoid any delay or issues in the home sale and transfer process, the seller should consider including a contingency clause in the home sale contract that requires the homebuyer to sign the transfer agreement.
   - Buyer Qualification: When a lease or PPA is being transferred, the project owner (often the Approved Vendor or project installer) may require that the buyer be "qualified" before moving forward with the transaction. Often, this may look like a credit or income check. The project owner may also request that the new owner meet existing insurance requirements, as detailed in the terms of the lease or PPA.

Regardless of the transfer method chosen, before the transfer can occur it is important to determine if the project owner has filed a UCC-1, a notice with the county that demonstrates that they own the solar project. The project owner may need to lift this notice for the homebuyer's mortgage to be approved. Typically, the project owner will handle this process. It is possible that the UCC-1 may need to be refiled following the transfer. To ensure the homebuyer is aware that there may be a new UCC-1 filed—and what this means for them—homeowners should discuss the process of lifting and refiling the UCC-1 with the project owner and/or Approved Vendor. To identify the project owner, reference the homeowner's Disclosure Form. The project owner will be referred to as either the Project Lessor (lease) or Project Owner (PPA) on the form.

2 A UCC-1 financing statement is a notice filing under Article 9 of the Uniform Commercial Code. When a solar company leases panels to a homeowner, it files a UCC-1 to give public notice that it owns the panels — even though the panels are physically attached to the property. Sometimes, these filings are misunderstood as liens on the home itself. While the UCC-1 is not automatically a lien on the real property in the traditional sense, because the panels are affixed to the structure, and because of the way title insurance underwriters treat these filings, most title companies require these be resolved before issuing a clean policy. In practical terms, the resolution of UCC-1s should be considered a closing requirement.

How the Ownership Model Affects Marketability

Project marketability is subject to several factors regardless of the project ownership model, including:

- Operating history
- Maintenance and repair history
- Module make and warranty terms
- System design quality
- And many more

However, the project ownership model can impact the approach the homeowner may take when marketing the solar system. As established, projects that have been purchased outright by the homeowner tend to have a more streamlined transfer process, making them easier to market. Projects that are under a lease or PPA require more proactive work on the part of the seller and realtor. Communicating early and often with the project owner and/or AV is necessary to successfully facilitate the project transfer process. Some buyers may be intimidated by the additional steps that the transfer of a lease or PPA may require, so it is helpful to set expectations early and assure buyers that the Approved Vendor is available to support them.

The benefits of a solar system under lease or PPA include:

- Predictable rates: all PPAs and some leases provide a stable, predictable rate for the purchase of energy that is set for years at a time.
- No added maintenance costs: the project owner covers all costs related to the project's equipment, service, and performance.
- Lower monthly utility bills: like with a purchased system, monthly electric bills will be lower from day one.

Renewable Energy Credit (REC) Contracts

What are RECs? Why do they matter for Illinois Shines?

Renewable Energy Credits, or RECs, are widely used in energy markets and represent the environmental value of energy generated by renewable sources, including solar. With RECs, the amount of renewable energy sent to the utility grid is tracked, and a REC is issued when one megawatt-hour of electricity from a renewable energy source is produced.

With Illinois Shines, homeowners with a Distributed Generation solar project agree to transfer ownership of RECs to their Approved Vendor who then receives payment for them from electric utilities. AVs may pass the value of these payments to the homeowner in the form of reduced purchase prices, installation costs, lease payments, or other methods agreed upon in a contract. AVs will disclose the Illinois Shines REC incentive payment on the Disclosure Form.

What is a REC Contract?

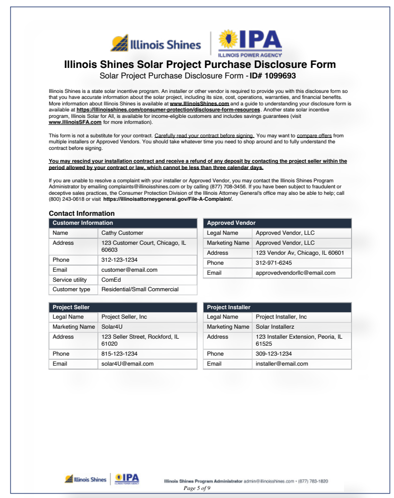
In agreeing to participate in Illinois Shines, homeowners are consenting to allow the Approved Vendor to sell the RECs produced by their solar system on their behalf to a designated Illinois utility company, referred to as the Contracting Utility. In turn, to be able to sell the RECs produced by the system to the Contracting Utility, Approved Vendors must execute a REC Contract. A REC Contract is an agreement an Approved Vendor enters into with the project's Contracting Utility, which establishes the terms of the REC transfer and incentive payment. This includes the duration of the transfer (15 years) and the price at which the utility will purchase the RECs produced.

The homeowner is not a party to the REC Contract. Instead, the homeowner enters a separate contract with their Approved Vendor, which reflects the terms of the REC transfer that are established by the REC Contract. Once the REC Contract is in place, the Approved Vendor is contractually obligated to transfer the RECs produced by the system to the Contracting Utility. As such, it is critical that the agreement between the Approved Vendor and the homeowner is transferred, alongside the solar panel ownership, during a home sale.

Required Disclosures and Documentation

Before entering into a contract, all homeowners are required to receive an informational brochure on Illinois Shines and a standard Disclosure Form, a document that summarizes key details about the agreement the homeowner will enter into in choosing to participate in Illinois Shines. A Disclosure Form can include:

- A summary of all payments made throughout the life of a project, including the value of monthly payments for Leases and PPAs
- Deposits and payments that are due (related to installation and maintenance)
- How much of the Illinois Shines incentive payment the vendor will be passing on to the consumer
- System design specifications
- Estimated installation start and completion dates
- Project efficiency levels
- Terms for project operations
- Maintenance, warranties, and guarantees
- Property transfer requirements
- Estimates of the value of electricity and savings the system will produce
- (For purchase systems) The amount of collateral paid to the utility by the Approved Vendor to cover any system underproduction.[3]
- And additional information



Illinois Shines Solar Project Purchase Disclosure Form

Solar Project Purchase Disclosure Form - **ID# 1099693**

Illinois Shines is a state solar incentive program. An installer or other vendor is required to provide you with this disclosure form so that you have accurate information about the solar project, including its size, cost, operations, warranties, and financial benefits. More information about Illinois Shines is available at www.IllinoisShines.com and a guide to understanding your disclosure form is available at https://illinoisshines.com/consumer-protection/disclosure-form-resources. Another state solar incentive program, Illinois Solar for All, is available for income-eligible customers and includes savings guarantees (visit www.IllinoisSFA.com for more information).

This form is not a substitute for your contract. Carefully read your contract before signing. You may want to compare offers from multiple installers or Approved Vendors. You should take whatever time you need to shop around and to fully understand the contract before signing.

You may rescind your installation contract and receive a refund of any deposit by contacting the project seller within the period allowed by your contract or law, which cannot be less than three calendar days.

If you are unable to resolve a complaint with your installer or Approved Vendor, you may contact the Illinois Shines Program Administrator by emailing complaints@illinoisshines.com or by calling (877) 708-3456. If you have been subject to fraudulent or deceptive sales practices, the Consumer Protection Division of the Illinois Attorney General's office may also be able to help; call (800) 243-0618 or visit **https://illinoisattorneygeneral.gov/File-A-Complaint/.**

Contact Information

Customer Information	
Name	Cathy Customer
Address	123 Customer Court, Chicago, IL 60603
Phone	312-123-1234
Email	customer@email.com
Service utility	ComEd
Customer type	Residential/Small Commercial

Approved Vendor	
Legal Name	Approved Vendor, LLC
Marketing Name	Approved Vendor, LLC
Address	123 Vendor Av, Chicago, IL 60601
Phone	312-971-6245
Email	approvedvendorllc@email.com

Project Seller	
Legal Name	Project Seller, Inc
Marketing Name	Solar4U
Address	123 Seller Street, Rockford, IL 61020
Phone	815-123-1234
Email	solar4U@email.com

Project Installer	
Legal Name	Project Installer, Inc
Marketing Name	Solar Installerz
Address	123 Installer Extension, Peoria, IL 61525
Phone	309-123-1234
Email	installer@email.com

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Sample Illinois Shines Lease Disclosure Form

A homeowner's Disclosure Form is a powerful tool that can help you navigate the home sale process. For more information on Disclosure Forms, reference the dynamic [Disclosure Form "Deep Dive"](#) resource on the Program website.

The homeowner should also receive a copy of their contract from their Approved Vendor. The contract will outline expectations for the home sale and transfer process. Some contracts require notice before selling, restrict early termination, limit alterations to the system, and/or require the seller to remain responsible until assumption is completed. To ensure no terms are violated during the sale, review the contract terms thoroughly and, if possible, consult with a legal professional.

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3 As part of their REC Contract agreement, Approved Vendors are required to pay 5% of the overall contract value to the Contracting Utility (counterparty to the REC Contract) to cover any event of under delivery of RECs. If the AV does not deliver the number of RECs that the Contracting Utility paid for (usually due to an underperforming system), the Contracting Utility may use the collateral the AV paid to cover the undelivered RECs. It is important to learn whether, and under what conditions, the homeowner may be required to replenish this collateral and whether they will receive any collateral payment back at the end of the REC contract term (generally 15 years).

Legal and Administrative Logistics of Transferring Solar to the New Homeowner

Documentation to Gather

Important documents to review and that will likely have to be provided to the new homeowner, including:

- **Contracts (lease/PPA/loan):** These agreements explain the financial obligations the buyer will inherit. Buyers want to know monthly payments, rates, term length, escalators, and any transfer requirements.
- **Warranty Information:** Homebuyers will want to know what is covered under the existing warranty and for how much longer. Warranties often transfer automatically, but documentation is usually required.
- **Maintenance Records:** Maintenance logs show the system has been cared for and is performing as expected.
- **System Diagrams and Permits:** Site plans, electrical diagrams, and permits show that the installation was done legally, safely, and up to code. Buyers (and their inspectors) may ask for this to verify compliance.
- **Interconnection Agreement:** This is the agreement between the solar owner and the utility that allows the system to connect to the grid. The agreement confirms to the buyer that the system is legally allowed to operate, and that the utility recognizes it.

Steps in the Project Transfer Process

1. Review the Homeowner's Disclosure Form and Contract:

Before beginning the home sale process, it is important to identify who is the Approved Vendor, who is the project owner, the ownership model, and any terms dictating how the transfer or sale of the solar panels can or cannot occur. This information can be found in the homeowner's Disclosure Form and their contract with their Approved Vendor. A helpful section of the Disclosure Form in the "If you move" box, which details the terms the homeowner has agreed to uphold if they decide to move or sell their home.

2. Reach Out to the Project's Approved Vendor:

It's important to let your AV know that you're selling your home. They may require the new homeowner to sign an agreement so that the project can continue participating in Illinois Shines. The new homeowner may also need to grant the AV access to the project's monitoring system. Additionally, the AV can answer questions and guide the homeowner through the process of transferring the project to the new homeowner.

3. Communicate Expectations to Potential Buyer:

Frequent, early communication shows transparency and allows the seller to present accurate information and help address any questions the buyer may have. It is important to set clear expectations from the beginning, as buyers may not be familiar with the transfer process. Explaining the benefits of PPAs or leases early —lower bills, fixed rates, no maintenance—is particularly valuable, as it increases buyer confidence and prevents misunderstandings later.

4. Buyer Qualification (if transferring the lease/PPA payments):

Before moving forward with the sale, the project owner may want to ensure the homebuyer can meet long term payment obligations. To qualify the buyer, they will likely run a credit or income check.

5. Finalize Project Transfer Details in the Home Purchase Agreement:

To finalize the sale, buyer and seller must formally include and approve the documents that legally transfer the solar system's rights and/or obligations as part of the home sale. **Depending on the ownership model, this may be expressed as:**

a. *For owned systems: that the solar system is included as part of the property.*

b. *For loans: whether the buyer will assume the solar loan or if the seller will pay it off before closing.*

c. *For leases/PPAs: that the buyer agrees to assume the lease/PPA payments, with details on the terms of the payments.*

6. Title Considerations and UCC-1 filings:

Before closing, title considerations and UCC-1 filings must be reviewed (or cleared) to ensure the buyer's mortgage be finalized with the bank. UCC-1 filings show that the project owner has a financial interest in the solar equipment, not the home. Sometimes, these filings are misunderstood as liens on the home itself. Starting this work early gives the buyer's lender time to evaluate and approve the arrangement. If a UCC-1 filing needs to be released, the project owner or the seller themselves will need time to get paperwork prepared.

What Happens if the Buyer Declines Assumption of a Lease or PPA?

If the homebuyer declines assumption of leased or PPA solar panels, the seller may need to:

- **Buy out the system**: particularly if the original homeowner has a lease or PPA, they may have to purchase the system outright, allowing them to sell the system as part of the home.
- **Pay for a system removal:** If purchasing the system is not an option or is too costly and the homebuyer is not interested in taking over the lease/PPA, the original homeowner may have to pay their Approved Vendor or installer to remove the system from the home.

Homeowners with a lease or PPA in place have an "Early Termination or Completion of Contract" section in their Disclosure Forms. Reference this section to understand what the homeowner is responsible for if the buyer declines assumption.

If the buyer declines assumption of purchased, paid-off solar panels, this becomes a point of negotiation. Because purchased solar panels are considered part of the property, their removal or maintenance may be factored into the asking price. If no path forward works for the seller and buyer, the buyer may choose to walk away from the sale.

To reduce the probability of a buyer declining assumption, transparent and active communication is necessary. Best practices to avoid this result are:

- Familiarize the buyer with the solar system and its functions early in the process
- Share all documents related to the solar project upfront
- Clarify financial obligations and savings
- Walk the homebuyer through the project transfer steps
- Prepare for the possibility of needing backup options (buyout, removal)

Key Takeaways

Buying a home that has a solar system installed can provide multiple benefits. While the project transfer process can seem intimidating, it doesn't have to be. The process can be manageable if the homeowner and real estate agent are proactive. To make the sale and transfer as easy possible, remember:

1. **Communication is Key:** Frequent, early communication among the homeowner and the home buyer, their real estate agent, and their Approved Vendor is critical to ensuring a seamless project transfer process. It is important to set expectations right away, to avoid misunderstandings and errors that may delay or jeopardize the transfer.
2. **Carefully Review the Disclosure Form and Solar Contract:** Before embarking on the home sale journey, it is important for the homeowner to understand the requirements that have been established by their contractual agreements with their Approved Vendor and/or solar installer. Often, these can have particular stipulations surrounding how a solar project can or cannot be transferred in the event of a home sale. For help navigating a Disclosure Form, reference the Disclosure Form Deep Dive webpage on the Illinois Shines website.
3. **Reach Out for Support:** Like the homeowner, Approved Vendors are negatively impacted by the failure of a project transfer. It is in their best interest to continue the project service, so AVs are often available to provide support throughout the sale and project transfer process. If an AV is unresponsive or the homeowner suspects malpractice, the Illinois Power Agency's Consumer Protection team is available to help mitigate the situation. Learn more on the Consumer Protections page of the Illinois Shines website or reach out at complaints@illinoisshines.com.

Ultimately, understanding the solar project's structure and engaging proactively throughout the transaction promotes transparency, preserves system value, and fosters trust. By following the guidance outlined in this resource, stakeholders can navigate the transfer process confidently and support a positive experience for both the seller and the future homeowner.

Quick Reference Checklist

Use this list to position your home sale for success. More information on all these items can be found throughout the guide.

- ☐ Disclosure Form and contracts collected
- ☐ Project Approved Vendor and/or installer identified
- ☐ Outreach to AV or installer begun
- ☐ Project ownership model confirmed
- ☐ Production and warranty documentation acquired and reviewed
- ☐ Disclosure Form and contract terms reviewed (Look for sections on: If You Move/Early Termination or Completion of Contract)
- ☐ Discussion with property buyer about the project transfer process
- ☐ Project transfer steps scheduled

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