



Testimony in Opposition to SB 3794

To: Honorable Members of the Senate Energy and Public Utilities Committee

From: Joe McCoy, Executive Director, ISACo

Date: March 11, 2026

Subject: Opposition to Senate Bill 3794 (Residential Energy Backup Systems)

The Illinois State Association of Counties (ISACo) appreciates the opportunity to express our opposition to Senate Bill 3794. While ISACo supports the state's transition toward energy resiliency and the adoption of renewable energy technologies, we must oppose this legislation as currently written due to its broad preemption of local authority and its disregard for the essential safety and land-use roles served by county governments.

SB 3794 proposes to amend the Counties Code and the Illinois Municipal Code to strip local governments of the ability to "adopt or enforce an ordinance, rule, or other measure" regarding the installation or inspection of residential energy backup systems.

This follows a troubling trend in recent years where the State has increasingly moved to preempt local control over energy policy, most notably with the 2023 Wind and Solar Facility Law (P.A. 102-1123). By centralizing these decisions in Springfield, the General Assembly ignores that Illinois is a diverse state where a "one-size-fits-all" approach to building codes and energy siting often fails to account for regional differences in geography, density, and infrastructure.

Local regulation is not an "obstacle" to progress; it is a vital safeguard for the public. Specifically regarding residential battery storage (BESS), local oversight is necessary for several reasons:

Fire Safety and Emergency Response: Lithium-ion battery systems pose unique fire risks, including "thermal runaway," which requires specialized equipment and training for local fire departments. Counties must be able to regulate placement (e.g., away from egress points or in specific enclosures) to protect residents and first responders.

Structural and Environmental Context: A system installed in a flood-prone unincorporated area requires different inspection criteria than one in a high-density suburban townhome. Local inspectors are the only officials with the granular knowledge necessary to ensure these systems are safe for their specific environment.

Public Nuisance and Siting: Counties play a key role in managing impact and aesthetic concerns that affect property values and community harmony.

Preemption should be the absolute last resort of the General Assembly, not a starting point. By removing local inspection authority, the State assumes the risk of unregulated or improperly installed high-capacity electrical systems without providing the necessary resources for state-level enforcement.

ISACo believes that the best governance occurs closest to the people and that expediency, while convenient, can invite other problems. SB 3794 shifts the balance of power too far toward private developers at the expense of local public safety.

Thank you for your consideration of our concerns. We respectfully ask for a "no" vote on SB 3794.