
A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds the preservation of the
2 State's finite resources for future generations to be an
3 important undertaking. In this era of rising fuel and energy
4 expenditures, utilizing renewable energy sources is integral to
5 any far-reaching conservation effort. Given Hawaii's tropical
6 setting, the legislature finds that solar energy is an abundant
7 resource that should be used to its maximum potential. While
8 several applications have been developed to harness the power of
9 the sun, the most simple and direct applications of solar power,
10 such as drying laundry, should not be overlooked. In its 2001
11 analysis of end-use consumption of electricity, the United
12 States Energy Information Administration estimated that clothes
13 dryers accounted for six per cent of total residential
14 electricity consumption in the United States. This places
15 clothes dryers fourth behind refrigerators, water heaters, and
16 lighting in average energy consumption. In more specific terms,
17 a 2005 report by the Association of Home Appliance Manufacturers
18 estimates that the average clothes dryer consumes 1,079 kilowatt



1 hours of energy per year resulting in 2,224 pounds of carbon
2 dioxide emissions.

3 The legislature finds that many community and condominium
4 associations and cooperatives have rules that prohibit the use
5 of clotheslines on their members' properties. The legislature
6 further finds that these rules curtail the unique ability of the
7 residents to dry their clothes outdoors on a year-round basis
8 and further perpetuate a dependence on nonrenewable energy
9 sources. Given growing data on global climate change and
10 nonrenewable energy shortfalls, the legislature finds that it
11 has a responsibility to promote conservation and to protect the
12 people's right to voluntarily conserve.

13 The purpose of this Act is to require community,
14 condominium, and cooperative associations to allow for the
15 placement of clotheslines by clarifying the definition of solar
16 energy devices to include clotheslines.

17 SECTION 2. Section 196-7, Hawaii Revised Statutes is
18 amended by amending subsection (b) to read as follows:

19 "(b) Every private entity shall adopt rules by
20 [~~December 31, 2006,~~] December 31, 2009, that provide for the
21 placement of solar energy devices. The rules shall facilitate
22 the placement of solar energy devices and shall not unduly or



1 unreasonably restrict that placement so as to render the device
2 more than twenty-five per cent less efficient or to increase the
3 cost of the device by more than fifteen per cent. No private
4 entity shall assess or charge any homeowner any fees for the
5 placement of any solar energy device."

6 SECTION 3. Section 196-7, Hawaii Revised Statutes, is
7 amended by amending subsection (f) to read as follows:

8 "(f) For the purposes of this section:

9 "Private entity" means any association of homeowners,
10 community association, condominium association, cooperative, or
11 any other non-governmental entity with covenants, bylaws, and
12 administrative provisions with which the homeowner's compliance
13 is required.

14 "Solar energy device" means any identifiable facility,
15 equipment, apparatus, or the like, [~~including a photovoltaic~~
16 ~~cell application,~~] that is applicable to a single-family
17 residential dwelling or townhouse and makes use of solar energy
18 for heating, cooling, or reducing the use of other types of
19 energy dependent upon fossil fuel for generation~~[+]~~, including,
20 but not limited to, photovoltaic cell applications and
21 clotheslines; provided that for purposes of this section,
22 "clothesline" means a rope, cord, or wire on which laundry is



1 hung to dry; provided further that "solar energy device" shall
2 not include skylights or windows."

3 SECTION 4. Section 235-12.5, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) For the purposes of this section:

6 "Actual cost" means costs related to the renewable energy
7 technology systems under subsection (a), including accessories
8 and installation, but not including the cost of consumer
9 incentive premiums unrelated to the operation of the system or
10 offered with the sale of the system and costs for which another
11 credit is claimed under this chapter.

12 "Renewable energy technology system" means a new system
13 that captures and converts a renewable source of energy, such as
14 wind, heat (solar thermal), or light (photovoltaic) from the sun
15 into:

- 16 (1) A usable source of thermal or mechanical energy;
17 (2) Electricity; or
18 (3) Fuel[-];

19 provided that for purposes of this section, "renewable energy
20 technology system" shall not include skylights, windows, or
21 clotheslines.



1 "Solar or wind energy system" means any identifiable
2 facility, equipment, apparatus, or the like that converts
3 insolation or wind energy to useful thermal or electrical energy
4 for heating, cooling, or reducing the use of other types of
5 energy that are dependent upon fossil fuel for their
6 generation[~~+~~]; provided that or purposes of this section, "solar
7 or wind energy system" shall not include skylights, windows, or
8 clotheslines."

9 SECTION 5. Section 514A-89, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) Nonmaterial structural additions to the common
12 elements, including without limitation additions to or alterations
13 of an apartment made within the apartment or within a limited
14 common element appurtenant to and for the exclusive use of the
15 apartment shall require approval only by the board of directors of
16 the association of apartment owners and such percentage, number,
17 or group of apartment owners as may be required by the declaration
18 or bylaws; provided that the installation of solar energy devices
19 shall be allowed on single-family residential dwellings or
20 townhouses pursuant to the provisions in section 196-7.

21 As used in this section:



1 "Nonmaterial structural additions to the common elements",
2 means a structural addition to the common elements that does not
3 jeopardize the soundness or safety of the property, reduce the
4 value thereof, impair any easement or hereditament, detract from
5 the appearance of the project, interfere with or deprive any
6 nonconsenting owner of the use or enjoyment of any part of
7 property, or directly affect any nonconsenting owner.

8 "Solar energy device" means any new identifiable facility,
9 equipment, apparatus, or the like which makes use of solar energy
10 for heating, cooling, or reducing the use of other types of energy
11 dependent upon fossil fuel for its generation[+], including, but
12 not limited to, photovoltaic cell applications and clotheslines;
13 provided that for purposes of this section, "clothesline" means
14 a rope, cord, or wire on which laundry is hung to dry; provided
15 further that if the equipment sold cannot be used as a solar
16 device without its incorporation with other equipment, it shall be
17 installed in place and ready to be made operational to qualify as
18 a "solar energy device"; and provided further that "solar energy
19 device" shall not include skylights or windows.

20 "Townhouse" means a series of individual houses having
21 architectural unity and a common wall between each unit;
22 provided that each unit extends from the ground to the roof."



1 SECTION 6. Section 514B-140, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Subject to the provisions of the declaration,
4 nonmaterial additions to or alterations of the common elements
5 or units, including, without limitation, additions to or
6 alterations of a unit made within the unit or within a limited
7 common element appurtenant to and for the exclusive use of the
8 unit, shall require approval only by the board, which shall not
9 unreasonably withhold the approval, and such percentage, number,
10 or group of unit owners as may be required by the declaration or
11 bylaws; provided that the installation of solar energy devices
12 shall be allowed on single-family residential dwellings or
13 townhouses pursuant to the provisions in section 196-7.

14 As used in this subsection:

15 "Nonmaterial additions and alterations" means an addition
16 to or alteration of the common elements or a unit that does not
17 jeopardize the soundness or safety of the property, reduce the
18 value thereof, impair any easement, detract from the appearance
19 of the project, interfere with or deprive any nonconsenting
20 owner of the use or enjoyment of any part of property, or
21 directly affect any nonconsenting owner.



1 "Solar energy device" means any new identifiable facility,
2 equipment, apparatus, or the like which makes use of solar
3 energy for heating, cooling, or reducing the use of other types
4 of energy dependent upon fossil fuel for its generation[+],
5 including, but not limited to, photovoltaic cell applications
6 and clotheslines; provided that for purposes of this section,
7 "clothesline" means a rope, cord, or wire on which laundry is
8 hung to dry; provided further that if the equipment sold cannot
9 be used as a solar device without its incorporation with other
10 equipment, it shall be installed in place and be ready to be
11 made operational in order to qualify as a "solar energy device";
12 and provided further that "solar energy device" shall not
13 include skylights or windows.

14 "Townhouse" means a series of individual houses, having
15 architectural unity and a common wall between each unit,
16 provided that each unit extends from the ground to the roof."

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon approval;
20 provided that section 4 shall take effect on July 1, 2008; and



1 provided further that sections 5 and 6 shall take effect on
2 January 1, 2010.

3

INTRODUCED BY


JAN 15 2008



Report Title:

Solar Energy Devices; Clotheslines

Description:

Requires community and condominium associations and cooperatives to adopt rules regarding the placement of clotheslines by 12/31/09. Requires community and condominium associations and cooperatives to enforce rules regarding placement of clotheslines on 01/01/10, and thereafter. Clarifies that clotheslines are not included in the definition of "solar energy device" for purposes of claiming the solar energy device income tax credit.

