



GOV. MSG. NO. 693

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

July 7, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 2817 SD1 HD1 CD1

On July 6, 2010, Senate Bill No. 2817, entitled "A Bill for an Act Relating to Solar Energy Devices" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require private homeowners associations to revise their rules by July 1, 2011, so as not to impose conditions or restrictions that render a solar energy device more than 25 per cent less effective; increase the cost of installation, maintenance, and removal of a solar energy device by more than 15 per cent; or until June 20, 2015, require an encumbrance on title because of the placement of the solar energy device.

Solar energy technology remains an integral part to achieving Hawaii's 70% clean energy goals by 2030. I believe that facilitating access to and expanding the use of renewable energy technology, such as solar energy panels, helps the community achieve this critical goal.

However, I am concerned that this bill gives too much latitude to homeowners in community, condominium, and apartment associations. The legislation fails to address installation and placement of solar energy devices and does not consider the necessity for association control over common areas and structural elements. This bill impacts the planned community associations' ability to monitor community aesthetics and uniform conditions which may adversely impact the property values of homeowners.

Further, the bill would limit the ability of homeowner associations for a period of five years to ensure that the liability and costs of these devices are properly borne by the

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Page 2

individual homeowner who benefits from its installation. Exposing homeowners associations to the electrical costs, repairs, maintenance and possible damage caused by a solar device without recourse to take action against the homeowner's property could create undue fiscal and legal liabilities.

For the foregoing reasons, I allowed Senate Bill No. 2817 to become law as Act 201, effective July 6, 2010, without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO SOLAR ENERGY DEVICES.

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

1 SECTION 1. Section 196-7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Every private entity shall adopt rules by  
4 December 31, 2006, that provide for the placement of solar  
5 energy devices[-], and revise those rules as necessary by  
6 July 1, 2011. The rules shall facilitate the placement of solar  
7 energy devices and shall not [~~unduly or unreasonably restrict~~  
8 ~~that placement so as to~~] impose conditions or restrictions that  
9 render the device more than twenty-five per cent less efficient  
10 or [~~to~~] increase the cost of installation, maintenance, and  
11 removal of the device by more than fifteen per cent. No private  
12 entity shall assess or charge any homeowner any fees or require  
13 an encumbrance on title for the placement of any solar energy  
14 device."

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

17 "(b) Every private entity shall adopt rules by  
18 December 31, 2006, that provide for the placement of solar



1 energy devices [-], and revise those rules as necessary by  
 2 July 1, 2011. The rules shall facilitate the placement of solar  
 3 energy devices and shall not ~~[unduly or unreasonably restrict~~  
 4 ~~that placement so as to]~~ impose conditions or restrictions that  
 5 render the device more than twenty-five per cent less efficient  
 6 or ~~[to]~~ increase the cost of installation, maintenance, and  
 7 removal of the device by more than fifteen per cent. No private  
 8 entity shall assess or charge any homeowner any fees for the  
 9 placement of any solar energy device."

10 SECTION 3. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act, except section 2, shall take effect  
 13 on July 1, 2010; provided that on June 30, 2015:

- 14 (1) Section 1 of this Act shall be repealed; and
- 15 (2) Section 2 of this Act shall take effect.

16

APPROVED this                      day of                      , 2010

GOVERNOR OF THE STATE OF HAWAII