
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. At present, section 514B-140, Hawaii Revised
2 Statutes, gives apartment owners broad authority to install
3 solar energy devices for their personal use, to reduce Hawaii's
4 dependence on fossil fuels. Nevertheless, the law does not give
5 boards of directors the same authority on behalf of their
6 associations, even though associations can also benefit from
7 installing solar energy or wind energy devices on the common
8 elements for the same purpose. Some companies are now proposing
9 to lease areas of the common elements from associations to
10 install solar energy or wind energy devices, thereby reducing
11 the association's energy costs and dependence on fossil fuels.

12 The purpose of this Act is to amend sections 514A-13.4 and
13 514B-140, Hawaii Revised Statutes, to specifically provide
14 boards of directors with the same authority that owners now have
15 to install or allow the installation of solar energy or wind
16 energy devices on the common elements, under appropriate
17 circumstances, to further reduce Hawaii's dependence on energy
18 generated from fossil fuels.



1 SECTION 2. Section 514A-13.4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+] §514A-13.4 [+] Telecommunications equipment[-] and
4 renewable energy devices. (a) Notwithstanding any other
5 provisions to the contrary in this chapter, in the declaration
6 of any project, or in the bylaws of any association:

7 (1) The board of directors of an association shall have
8 the authority to install or cause the installation of
9 antennas, conduits, chases, cables, wires, and other
10 television signal distribution and telecommunications
11 equipment upon the common elements of the project;
12 provided that the same shall not be installed upon any
13 limited common element without the consent of the
14 owner or owners of the apartment or apartments for the
15 use of which the limited common element is reserved;
16 and

17 (2) The installation of antennas, conduits, chases,
18 cables, wires, and other television signal
19 distribution and telecommunications equipment upon the
20 common elements by the board shall not be deemed to
21 alter, impair, or diminish the common interest,
22 elements, and easements appurtenant to each apartment



1 or to be a structural alteration or addition to any
2 building different in any material respect from the
3 plans of the project filed in accordance with section
4 514A-12; provided that no such installation shall
5 directly affect any nonconsenting apartment owner.

6 (b) Notwithstanding any other provision to the contrary in
7 this chapter, in the declaration of any project or in the bylaws
8 of any association:

9 (1) The board shall be authorized to abandon or change the
10 use of any television signal distribution and
11 telecommunications equipment due to technological or
12 economic obsolescence or to provide an equivalent
13 function by different means or methods; and

14 (2) The abandonment or change of use of any television
15 signal distribution or telecommunications equipment by
16 the board due to technological or economic
17 obsolescence or to provide an equivalent function by
18 different means or methods shall not be deemed to
19 alter, impair, or diminish the common interest,
20 elements, and easements appurtenant to each apartment
21 or to be a structural alteration or addition to any
22 building different in any material respect from the



1 plans of the project filed in accordance with section
2 514A-12.

3 (c) Notwithstanding any other law to the contrary in this
4 chapter, or any provisions in the declaration of any project or
5 in the bylaws of any association:

6 (1) The board of directors of an association shall have
7 the authority to install or cause the installation of
8 solar energy devices and wind energy devices on the
9 common elements of the project, including leasing or
10 licensing the common elements for the installations;
11 provided that the same shall not be installed upon any
12 limited common element without the consent of the
13 owner or owners of the unit or units for the use of
14 which the limited common element is reserved; and

15 (2) The installation of solar energy devices and wind
16 energy devices on the common elements of the project
17 by the board shall not be deemed to alter, impair, or
18 diminish the common interest, common elements, and
19 easements appurtenant to each unit, or to be a
20 structural alteration or addition to any building
21 constituting a material change in the plans of the
22 project filed in accordance with sections 514A-12;



1 provided that no such installation shall directly
2 affect any nonconsenting unit owner.

3 ~~[-e-]~~ (d) As used in this section:

4 "Directly affect" means the installation of television
5 signal distribution and telecommunications equipment, solar
6 energy devices, or wind energy devices in a manner which would
7 specially, personally, and adversely affect an apartment owner
8 in a manner not common to the apartment owners as a whole.

9 "Solar energy device" means any new identifiable facility,
10 equipment, apparatus, or the like which makes use of solar
11 energy for heating, cooling, or reducing the use of other types
12 of energy dependent upon fossil fuel for its generation;
13 provided that if the equipment sold cannot be used as a solar
14 device without its incorporation with other equipment, it shall
15 be installed in place and be ready to be made operational to
16 qualify as a "solar energy device"; provided further that "solar
17 energy device" shall not include skylights or windows.

18 "Television signal distribution" and "telecommunications
19 equipment" shall be construed in their broadest possible senses
20 ~~[in order]~~ to encompass all present and future forms of
21 communications technology.



1 "Wind energy device" means any new identifiable facility,
2 equipment, apparatus, or the like which makes use of wind energy
3 for producing electricity or reducing the use of other types of
4 energy that are dependent upon fossil fuel for generation;
5 provided that if the facility, equipment, apparatus, or the like
6 cannot be used as a wind energy device without its incorporation
7 with other equipment, it shall be installed in place and be
8 ready to be made operational to qualify as a "wind energy
9 device."

10 SECTION 3. Section 514B-140, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) Notwithstanding any other [~~provisions~~] law to the
13 contrary in this chapter or any provisions in any declaration or
14 bylaws:

15 (1) Regarding the installment of telecommunications
16 equipment:

17 (A) The board shall have the authority to install or
18 cause the installation of antennas, conduits,
19 chases, cables, wires, and other television
20 signal distribution and telecommunications
21 equipment upon the common elements of the
22 project; provided that the same shall not be



1 installed upon any limited common element without
2 the consent of the owner or owners of the unit or
3 units for the use of which the limited common
4 element is reserved; and

5 (B) The installation of antennas, conduits, chases,
6 cables, wires, and other television signal
7 distribution and telecommunications equipment
8 upon the common elements by the board shall not
9 be deemed to alter, impair, or diminish the
10 common interest, common elements, and easements
11 appurtenant to each unit, or to be a structural
12 alteration or addition to any building
13 constituting a material change in the plans of
14 the project filed in accordance with sections
15 514B-33 and 514B-34; provided that no such
16 installation shall directly affect any
17 nonconsenting unit owner; [and]

18 (2) Regarding the abandonment of telecommunications
19 equipment:

20 (A) The board shall be authorized to abandon or
21 change the use of any television signal
22 distribution and telecommunications equipment due



1 to technological or economic obsolescence or to
2 provide an equivalent function by different means
3 or methods; and

4 (B) The abandonment or change of use of any
5 television signal distribution or telecommunications
6 equipment by the board due to technological or
7 economic obsolescence or to provide an equivalent
8 function by different means or methods shall not be
9 deemed to alter, impair, or diminish the common
10 interest, common elements, and easements appurtenant
11 to each unit or to be a structural alteration or
12 addition to any building constituting a material
13 change in the plans of the project filed in accordance
14 with sections 514B-33 and 514B-34 [✓];

15 and

16 (3) Regarding the installation of solar energy devices and
17 wind energy devices:

18 (A) The board shall have the authority to install or
19 cause the installation of solar energy devices
20 and wind energy devices on the common elements of
21 the project, including leasing or licensing the
22 common elements for the installations; provided



1 that the same shall not be installed upon any,
2 limited common element without the consent of the
3 owner or owners of the unit or units for the use
4 of which the limited common element is reserved;
5 and

6 (B) The installation of solar energy devices and wind
7 energy devices on the common elements of the
8 project by the board shall not be deemed to
9 alter, impair, or diminish the common interest,
10 common elements, and easements appurtenant to
11 each unit, or to be a structural alteration or
12 addition to any building constituting a material
13 change in the plans of the project filed in
14 accordance with sections 514B-33 and 514B-34;
15 provided that no such installation shall directly
16 affect any nonconsenting unit owner.

17 As used in this subsection:

18 "Directly affect" means the installation of television
19 signal distribution and telecommunications equipment, solar
20 energy devices, or wind energy devices in a manner which would
21 specially, personally, and adversely affect a unit owner in a
22 manner not common to the unit owners as a whole.



1 "Solar energy device" means the same as in subsection (c).

2 "Television signal distribution" and "telecommunications
3 equipment" shall be construed in their broadest possible senses
4 [~~in order~~] to encompass all present and future forms of
5 communications technology.

6 "Wind energy device" means any new identifiable facility,
7 equipment, apparatus, or the like which makes use of wind energy
8 for producing electricity or reducing the use of other types of
9 energy that are dependent upon fossil fuel for generation;
10 provided that if the facility, equipment, apparatus, or the like
11 cannot be used as a wind energy device without its incorporation
12 with other equipment, it shall be installed in place and be
13 ready to be made operational to qualify as a "wind energy
14 device."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18



Report Title:

Condominiums; Solar Energy; Wind Energy

Description:

Gives boards of directors authority to install or allow the installation of solar energy or wind energy devices on the common elements of condominiums. (HB 2197 HD1)

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