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# A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1           SECTION 1. The purpose of this Act is to amend sections  
2 514A-13.4 and 514B-140, Hawaii Revised Statutes, to specifically  
3 provide boards of directors with the authority to install or  
4 allow the installation of solar energy or wind energy devices on  
5 the common elements under appropriate circumstances to further  
6 reduce Hawaii's dependence on energy generated from fossil  
7 fuels.

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

10           "~~§~~514A-13.4~~§~~ **Telecommunications equipment~~[-]~~ and**  
11 **renewable energy devices.** (a) Notwithstanding any other  
12 provisions to the contrary in this chapter, in the declaration  
13 of any project, or in the bylaws of any association:

14           (1) The board of directors of an association shall have  
15 the authority to install or cause the installation of  
16 antennas, conduits, chases, cables, wires, and other  
17 television signal distribution and telecommunications  
18 equipment upon the common elements of the project;



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

6 (2) The installation of antennas, conduits, chases,  
7 cables, wires, and other television signal  
8 distribution and telecommunications equipment upon the  
9 common elements by the board shall not be deemed to  
10 alter, impair, or diminish the common interest,  
11 elements, and easements appurtenant to each apartment  
12 or to be a structural alteration or addition to any  
13 building different in any material respect from the  
14 plans of the project filed in accordance with section  
15 514A-12; provided that no such installation shall  
16 directly affect any nonconsenting apartment owner.

17 (b) Notwithstanding any other provision to the contrary in  
18 this chapter, in the declaration of any project or in the bylaws  
19 of any association:

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



1 economic obsolescence or to provide an equivalent  
2 function by different means or methods; and  
3 (2) The abandonment or change of use of any television  
4 signal distribution or telecommunications equipment by  
5 the board due to technological or economic  
6 obsolescence or to provide an equivalent function by  
7 different means or methods shall not be deemed to  
8 alter, impair, or diminish the common interest,  
9 elements, and easements appurtenant to each apartment  
10 or to be a structural alteration or addition to any  
11 building different in any material respect from the  
12 plans of the project filed in accordance with section  
13 514A-12.

14 (c) Notwithstanding any other provisions to the contrary  
15 in this chapter, in the declaration of any project, or in the  
16 bylaws of any association, regarding the installation of solar  
17 energy devices and wind energy devices:

18 (1) The board of directors of an association shall have  
19 the authority to install or cause the installation of,  
20 or lease or license the common elements for the  
21 installation of solar energy devices and wind energy  
22 devices on the common elements of the project;



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

6 (2) The installation of solar energy devices and wind  
7 energy devices on the common elements of the project  
8 by the board shall not be deemed to alter, impair, or  
9 diminish the common interest, common elements, or  
10 easements appurtenant to each unit or to be a  
11 structural alteration or addition to any building  
12 constituting a material change in the plans of the  
13 project filed in accordance with sections 514A-12;  
14 provided that the installation does not directly  
15 affect any nonconsenting unit owner.

16 [(e)] (d) As used in this section:

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



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 provided that if the equipment as it is sold to consumers cannot  
6 be used as a solar device without incorporation with other  
7 equipment, it shall be installed in place and ready to be  
8 operational in order to qualify as a "solar energy device";  
9 provided further that "solar energy device" shall not include  
10 skylights or windows.

11       "Television signal distribution" and "telecommunications  
12 equipment" shall be construed in their broadest possible senses  
13 in order to encompass all present and future forms of  
14 communications technology.

15       "Wind energy device" means any new identifiable facility,  
16 equipment, apparatus, or the like which makes use of wind energy  
17 for producing electricity or reducing the use of other types of  
18 energy that are dependent upon fossil fuel for generation;  
19 provided that if the facility, equipment, apparatus, or the like  
20 cannot be used as a wind energy device without incorporation  
21 with other equipment, it shall be installed in place and ready  
22 to be operational in order to qualify as a wind energy device."



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

3 "(d) Notwithstanding any other provisions to the contrary  
4 in this chapter or in any declaration or bylaws:

5 (1) Regarding the installment of telecommunications  
6 equipment:

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

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



1 appurtenant to each unit, or to be a structural  
2 alteration or addition to any building  
3 constituting a material change in the plans of  
4 the project filed in accordance with sections  
5 514B-33 and 514B-34; provided that no [such]  
6 installation shall directly affect any  
7 nonconsenting unit owner; [and]

8 (2) Regarding the abandonment of telecommunications  
9 equipment:

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

16 (B) The abandonment or change of use of any  
17 television signal distribution or  
18 telecommunications equipment by the board due to  
19 technological or economic obsolescence or to  
20 provide an equivalent function by different means  
21 or methods shall not be deemed to alter, impair,  
22 or diminish the common interest, common elements,



1 and easements appurtenant to each unit or to be a  
2 structural alteration or addition to any building  
3 constituting a material change in the plans of  
4 the project filed in accordance with sections  
5 514B-33 and 514B-34[-]; and

6 (3) Regarding the installation of solar energy devices and  
7 wind energy devices:

8 (A) The board shall have the authority to install or  
9 cause the installation of or lease or license  
10 common elements for the installation of solar  
11 energy devices and wind energy devices on the  
12 common elements of the project; provided that the  
13 solar or wind energy devices shall not be  
14 installed upon any limited common element without  
15 the consent of the owner or owners of the unit or  
16 units for which use of the limited common element  
17 is reserved; and

18 (B) The installation of solar energy devices and wind  
19 energy devices on the common elements of the  
20 project by the board shall not be deemed to  
21 alter, impair, or diminish the common interest,  
22 common elements, or easements appurtenant to each





1           unit or to be a structural alteration or addition  
2           to any building constituting a material change in  
3           the plans of the project filed in accordance with  
4           sections 514B-33 and 514B-34; provided that the  
5           installation does not directly affect any  
6           nonconsenting unit owner.

7           (e) As used in this subsection:

8           "Directly affect" means the installation of television  
9           signal distribution and telecommunications equipment, solar  
10           energy devices, or wind energy devices in a manner which would  
11           specially, personally, and adversely affect [a] an individual  
12           unit owner in a manner not common to the unit owners as a whole.

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

14           "Television signal distribution" and "telecommunications  
15           equipment" shall be construed in their broadest possible senses  
16           in order to encompass all present and future forms of  
17           communications technology.

18           "Wind energy device" means any new identifiable facility,  
19           equipment, apparatus, or the like which makes use of wind energy  
20           for producing electricity or reducing the use of other types of  
21           energy that are dependent upon fossil fuel for generation;  
22           provided that if the facility, equipment, apparatus, or the like



1 cannot be used as a wind energy device without incorporation  
2 with other equipment, it shall be installed in place and ready  
3 to be operational in order to qualify as a wind energy device."

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

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

7



**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. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

