

STAND. COM. REP. NO.

2546

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2423

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2423 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this measure is to specifically provide condominium boards of directors with the authority to install or allow, under certain circumstances, the installation of solar energy or wind energy devices on the common elements.

The measure authorizes the board of directors of an association to install or cause the installation of solar energy devices and wind energy devices on the common elements of a condominium property, including leasing or licensing the common elements for the installations; provided that such devices are not installed upon any limited common element without the consent of the owner or owners of the unit or units for the use of which the limited common element is reserved. In addition, the measure establishes that the board of director's installation of solar energy devices and wind energy devices on the common elements of the condominium project shall not be deemed to alter, impair, or diminish the common interest, common elements, and easements appurtenant to each unit, or to be a structural alteration or addition to any building constituting a material change in the plans of the condominium project and that the installation of such devices shall directly affect any nonconsenting unit owner.

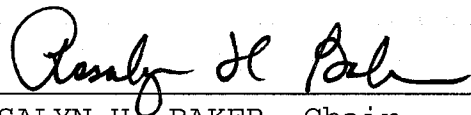


Your Committee finds that this measure capitalizes on an opportunity to further reduce the State's dependence on fossil fuels by facilitating the installation of renewable energy devices on common elements of condominiums. Your Committee further finds that this measure provides a benefit not only to the State but also to condominium owners who have the potential to reduce their energy costs and to lease or license common elements for the installation of those renewable energy devices.

Your Committee has amended this measure by making technical, nonsubstantive changes to ensure clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2423, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2423, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



