

Honolulu, Hawaii

April 1, 2010

RE: S.B. No. 2817  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2817, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES,"

begs leave to report as follows:

The purpose of this bill is to clarify that homeowners associations may not impose restrictions or conditions that:

- (1) Render a solar energy device more than 25 percent less effective;
- (2) Increase the cost of installation, maintenance, and removal of the device by more than 15 percent; or
- (3) Require an encumbrance on title.

This bill also requires homeowners associations to adopt rules for the placement of solar energy devices by December 31, 2010.

Hawaii Solar Energy Association, Blue Planet Foundation, and Sierra Club-Hawaii Chapter testified in support of this bill.

Your Committee has amended this bill by:

- (1) Extending the deadline for homeowners associations to adopt rules to December 31, 2011; and

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- (2) Clarifying that a private entity shall not require an encumbrance on title relating to liability.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2817, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2817, S.D. 1, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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JON RIKI KARAMATSU, Chair



