
A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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

1 SECTION 1. As the cost of photovoltaic systems continues
2 to fall, the installation of residential photovoltaic systems
3 become increasingly cost-effective. The legislature finds,
4 however, that the effectiveness of these systems decreases if
5 vegetation on neighboring property grows to extensive heights
6 and blocks sunlight. A policy requiring the maintenance of
7 neighboring vegetation to prevent blocking solar energy devices
8 would balance the State's policy of promoting alternative energy
9 supply resources while encouraging the planting of trees and
10 shrubs.

11 SECTION 2. Chapter 196, Hawaii Revised Statutes, is
12 amended by adding two new sections to be appropriately
13 designated and to read as follows:

14 "§196-A Prohibition on blocking neighboring solar energy
15 devices. (a) After January 1, 2013, no person owning or in
16 control of a property shall allow vegetation to be placed or
17 grow upward so as to cast a shadow of greater than ten per cent
18 of the collective solar energy device surfaces on the property



1 of another at any time between the hours of 10 a.m. and 2 p.m.;
2 provided that this section shall not apply to vegetation, or
3 replacement vegetation of similar height and shape, that cast a
4 shadow upon the underlying area of the solar energy devices at
5 the time of installation.

6 (b) For purposes of this section, the solar energy device
7 surfaces shall comply with all building setback requirements and
8 shall be no less than ten feet above the ground.

9 §196-B Penalties for blocking neighboring solar energy
10 devices. (a) The department of land and natural resources
11 shall issue notices to landowners who fail to comply with
12 section 196-A.

13 (b) Any landowner who fails to comply with section 196-A,
14 after thirty days of receiving notice from the department of
15 land and natural resources, shall be fined not more than \$1,000
16 for each separate violation. Each day of continued violation of
17 this provision shall constitute a distinct and separate
18 violation for which the violator may be punished.

19 (c) Any person who is injured by a neighboring landowner's
20 failure to comply with section 196-A may bring proceedings to
21 enjoin the landowner to trim or remove the vegetation after
22 providing thirty days notice. The prevailing party shall be



1 awarded reasonable attorneys' fees and costs, and \$100. Any
2 action pursuant to this part shall be subject to the
3 jurisdiction of the district court as provided in chapter 604,
4 and may be commenced and conducted in the small claims division
5 of the district court."

6 SECTION 3. Section 196-2, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Solar energy device" means any identifiable facility,
10 equipment, apparatus, or the like, including a photovoltaic cell
11 application, that is applicable to a single-family residential
12 dwelling or townhouse and makes use of solar energy for heating,
13 cooling, or reducing the use of other types of energy dependent
14 upon fossil fuel for generation; provided that "solar energy
15 device" shall not include skylights or windows."

16 SECTION 4. Section 196-7, Hawaii Revised Statutes, is
17 amended by amending subsection (f) to read as follows:

18 "(f) For the purposes of this section:

19 "Private entity" means any association of homeowners,
20 community association, condominium association, cooperative, or
21 any other non-governmental entity with covenants, bylaws, and



1 administrative provisions with which the homeowner's compliance
2 is required.

3 ~~["Solar energy device" means any identifiable facility,
4 equipment, apparatus, or the like, including a photovoltaic cell
5 application, that is applicable to a single family residential
6 dwelling or townhouse and makes use of solar energy for heating,
7 cooling, or reducing the use of other types of energy dependent
8 upon fossil fuel for generation; provided that "solar energy
9 device" shall not include skylights or windows.] "~~

10 SECTION 5. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute the
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.

20

INTRODUCED BY: *Cynthia Hilden B.R.*

JAN 11 2012



H.B. NO. 1720

Report Title:

Solar energy device, vegetation, tree

Description:

Prevents neighboring vegetation from blocking more than 10% of a solar energy device from the hours of 10 a.m. to 2 p.m.

Establishes penalties.

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

