
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. In 2010, to reduce Hawaii's dependence on
2 fossil fuels, the legislature authorized the boards of directors
3 of condominium associations to install solar and wind energy
4 devices on the common elements of condominium projects and allow
5 the common elements to be leased for such installation.

6 Today, the legislature finds that further clarification is
7 necessary to ensure that electricity derived from the
8 installation of solar and wind energy devices is used toward the
9 energy consumption needs of the condominium project's
10 association.

11 The purpose of this Act is to require that electricity
12 generated from the installation and use of solar and wind energy
13 devices installed on the common elements of a condominium
14 project be used for the energy consumption needs of the
15 project's association.

16 SECTION 2. Section 514A-13.4, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:



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

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

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



1 provided that the installation does not directly
2 affect any nonconsenting unit owner.

3 Any energy produced by solar energy devices or wind energy
4 devices installed pursuant to this subsection shall be used, in
5 whole or in substantial part, for the energy consumption needs
6 of the association."

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

9 "(d) Notwithstanding any other law to the contrary in this
10 chapter or any provisions in any declaration or bylaws:

11 (1) Regarding the installment of telecommunications
12 equipment:

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



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

14 (2) Regarding the abandonment of telecommunications
15 equipment:

16 (A) The board shall be authorized to abandon or
17 change the use of any television signal
18 distribution and telecommunications equipment due
19 to technological or economic obsolescence or to
20 provide an equivalent function by different means
21 or methods; and



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

13 (3) Regarding the installation of solar energy devices and
14 wind energy devices:

15 (A) The board shall have the authority to install or
16 cause the installation of, or lease or license
17 [+]common[+] elements for the installation of
18 solar energy devices and wind energy devices on
19 the common elements of the project; provided that
20 solar or wind energy devices shall not be
21 installed upon any limited common element without
22 the consent of the owner or owners of the unit or



1 units for which use of the limited common element
2 is reserved; and

3 (B) The installation of solar energy devices and wind
4 energy devices on the common elements of the
5 project by the board shall not be deemed to
6 alter, impair, or diminish the common interest,
7 common elements, or easements appurtenant to each
8 unit or to be a structural alteration or addition
9 to any building constituting a material change in
10 the plans of the project recorded and filed in
11 accordance with sections 514B-33 and 514B-34;
12 provided that the installation does not directly
13 affect any nonconsenting unit owner.

14 Any energy produced by solar energy devices or wind
15 energy devices installed pursuant to this subsection
16 shall be used, in whole or in substantial part, for
17 the energy consumption needs of the association."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

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



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

2

INTRODUCED BY: Allen A. Beatti

DAW

JAN 25 2012



H.B. NO. 2783

Report Title:

Condominiums; Solar Energy Devices; Wind Energy Devices

Description:

Requires that energy produced by solar or wind energy devices installed on the common elements of a condominium or cooperative housing project be used in whole or in substantial part to meet the energy consumption needs of the association.

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

