

JAN 20 2012

A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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

1 SECTION 1. Section 196-7, Hawaii Revised Statutes, is
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) Any person may place a solar energy device on any
4 single-family residential dwelling ~~[or]~~, townhouse unit, or any
5 condominium unit in a condominium structure of not more than
6 three stories in height that is owned by that person, provided
7 that:

- 8 (1) The device is in compliance with the rules and
9 specifications adopted pursuant to subsection (b);
- 10 (2) The device is registered with the private entity of
11 record within thirty days of installation; ~~[and]~~
- 12 (3) If the unit is located in a condominium structure, the
13 device shall be located on the roof directly above the
14 owner's condominium unit and shall occupy an area of
15 the total roof space not to exceed an area greater
16 than the proportionate area of the owner's interest in
17 the common elements of the condominium compared to the



1 total area of the common elements of the condominium;
2 and

3 ~~[-3-]~~ (4) If the device is placed on a common element or
4 limited common element as defined by a project's
5 declaration, the homeowner shall first obtain the
6 consent of the private entity; provided further that
7 such consent shall be given if the homeowner agrees in
8 writing to:

9 (A) Comply with the private entity's design
10 specification for the installation of the device;

11 (B) Engage a duly licensed contractor to install the
12 device; and

13 (C) Within fourteen days of approval of the solar
14 device by the private entity, provide a
15 certificate of insurance naming the private
16 entity as an additional insured on the
17 homeowner's insurance policy.

18 (d) If a solar energy device is placed on a common element
19 or limited common element:

20 (1) The owner and each successive owner of the single-
21 family residential dwelling ~~[or]~~, townhouse unit, or
22 condominium unit on which the device is placed shall



1 be responsible for any costs for damages to the
2 device, the common elements, limited common elements,
3 and any adjacent units, arising or resulting from the
4 installation, maintenance, repair, removal, or
5 replacement of the device. The repair, maintenance,
6 removal, and replacement responsibilities shall be
7 assumed by each successive owner until the solar
8 energy device has been removed from the common
9 elements or limited common elements. The owner and
10 each successive owner shall at all times have and
11 maintain a policy of insurance covering the
12 obligations of the owner under this paragraph and
13 shall name the private entity as an additional insured
14 under said policy; and

15 (2) The owner and any successive owner of the single-
16 family residential dwelling [ø], townhouse unit, or
17 condominium unit on which the device is placed shall
18 be responsible for removing the solar energy device if
19 reasonably necessary or convenient for the repair,
20 maintenance, or replacement of the common elements or
21 limited common elements."



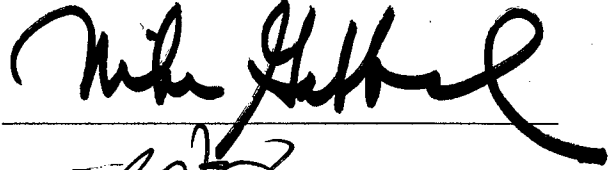
S.B. NO. 2291

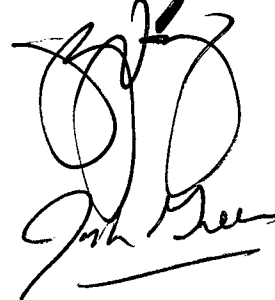
1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY:









S.B. NO. 2291

Report Title:

Solar Energy Devices; Condominium Units

Description:

Allows owners of condominium units in condominium structures no more than three stories in height to place a solar energy device on the roof directly above the condominium unit, subject to conditions.

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

