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# 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 above the owner's  
14 condominium unit and shall occupy an area of the total  
15 roof space not to exceed an area greater than the  
16 proportionate area of the owner's interest in the  
17 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; provided that an insurance carrier  
15 shall notify the private entity if the policy expires  
16 or lapses; and

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



1 maintenance, or replacement of the common elements or  
2 limited common elements."

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 Statutory material to be repealed is bracketed  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

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



**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 above the condominium unit, subject to conditions.  
(SD1)

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