
A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. Section 196-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§196-7 Placement of solar energy devices.** (a)

4 Notwithstanding any law to the contrary, no person shall be
5 prevented by any covenant, declaration, bylaws, restriction,
6 deed, lease, term, provision, condition, codicil, contract, or
7 similar binding agreement, however worded, from installing a
8 solar energy device on any single-family residential dwelling or
9 townhouse that the person owns. Any provision in any lease,
10 instrument, or contract contrary to the intent of this section
11 shall be void and unenforceable.

12 (b) Every private entity shall adopt rules by
13 December 31, 2006, that provide for the placement of solar
14 energy devices, and revise those rules as necessary by July 1,
15 2011. The rules shall facilitate the placement of solar energy
16 devices and shall not impose conditions or restrictions that
17 render the device more than twenty-five per cent less efficient
18 or increase the cost of installation, maintenance, and removal



1 of the device by more than fifteen per cent. No private entity
2 shall assess or charge any homeowner any fees or require an
3 encumbrance on title for the placement of any solar energy
4 device.

5 (c) Any person may place a solar energy device on any
6 single-family residential dwelling or townhouse unit owned by
7 that person[7]; provided 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 device is placed on a common element or limited
13 common element as defined by a project's declaration,
14 the homeowner shall first obtain the consent of the
15 private entity; provided further that such consent
16 shall be given if the homeowner agrees in writing to:

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

19 (B) Engage a duly licensed contractor to install the
20 device; and

21 (C) Within fourteen days of approval of the solar
22 device by the private entity, provide a



1 certificate of insurance naming the private
2 entity as an additional insured on the
3 homeowner's insurance policy.

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

6 (1) The owner and each successive owner of the single-
7 family residential dwelling or townhouse unit on which
8 the device is placed shall be responsible for any
9 costs for damages to the device, the common elements,
10 limited common elements, and any adjacent units,
11 arising or resulting from the installation,
12 maintenance, repair, removal, or replacement of the
13 device. The repair, maintenance, removal, and
14 replacement responsibilities shall be assumed by each
15 successive owner until the solar energy device has
16 been removed from the common elements or limited
17 common elements. The owner and each successive owner
18 shall at all times have and maintain a policy of
19 insurance covering the obligations of the owner under
20 this paragraph and shall name the private entity as an
21 additional insured under said policy; and



1 (2) The owner and any successive owner of the single-
2 family residential dwelling or townhouse unit on which
3 the device is placed shall be responsible for removing
4 the solar energy device if reasonably necessary or
5 convenient for the repair, maintenance, or replacement
6 of the common elements or limited common elements.

7 (e) If a material or labor roof warranty exists at the
8 time a solar energy device is installed on a roof that is a
9 common element or limited common element, the homeowner shall
10 obtain confirmation in writing from the company that issued the
11 warranty that the installation of the solar energy device will
12 not void the roof warranty. The homeowner shall provide the
13 private entity with a copy of the confirmation.

14 (f) If a homeowner places a solar energy device on a
15 single-family residential dwelling or townhouse unit owned by
16 that homeowner, owners of adjacent properties shall not obstruct
17 the sunlight reaching the homeowner's solar energy device in
18 such a manner that will render the solar energy device more than
19 twenty-five per cent less efficient.

20 [~~(f)~~] (g) For the purposes of this section:

21 "Private entity" means any association of homeowners,
22 community association, condominium association, cooperative, or



1 any other non-governmental entity with covenants, bylaws, and
2 administrative provisions with which the homeowner's compliance
3 is required.

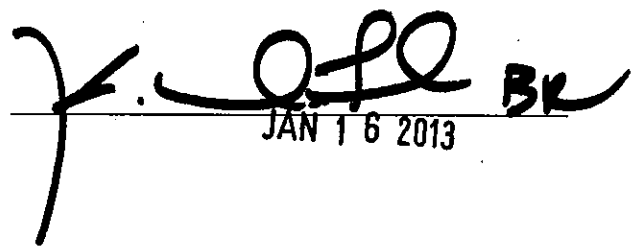
4 "Solar energy device" means any identifiable facility,
5 equipment, apparatus, or the like, including a photovoltaic cell
6 application, that is applicable to a single-family residential
7 dwelling or townhouse and makes use of solar energy for heating,
8 cooling, or reducing the use of other types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

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

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

14

INTRODUCED BY:


JAN 16 2013



H.B. NO. 68

Report Title:

Solar Energy Devices; Placement; Solar Access

Description:

Prohibits owners of adjacent property from obstructing the sunlight that reaches a homeowner's solar energy device in such a manner that renders the device more than twenty-five per cent less efficient.

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