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## A BILL FOR AN ACT

RELATING TO SOLAR ENERGY DEVICES.

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

1           SECTION 1. Section 196-7, Hawaii Revised Statutes, is  
2 amended as follows:  
3           1. By amending subsection (a) to read:  
4           "(a) Notwithstanding any law to the contrary, no person  
5 shall be prevented by any covenant, declaration, bylaws,  
6 restriction, deed, lease, term, provision, condition, codicil,  
7 contract, or similar binding agreement, however worded, from  
8 installing a solar energy device on any single-family  
9 residential dwelling or townhouse that the person owns. Any  
10 provision in any lease, instrument, or contract contrary to the  
11 intent of this section shall be void and unenforceable.  
12 Notwithstanding any provision of the private entity's documents,  
13 a court shall award reasonable attorney's fees and costs to any  
14 plaintiff who prevails on the merits in an action against the  
15 board of directors of the private entity for a violation of this  
16 section."



1           2.    By amending subsection (e) to read:

2           "(e)   If a material or labor roof warranty exists at the  
3   time a solar energy device is installed on a roof that is a  
4   common element or limited common element, [~~the homeowner shall  
5   obtain confirmation in writing from the company that issued the  
6   warranty that the installation of the solar energy device will  
7   not void the roof warranty. The homeowner shall provide the  
8   private entity with a copy of the confirmation.] the solar  
9   contractor shall not perform the installation unless the solar  
10   contractor issues a written warranty covering all new roof  
11   penetrations under the solar contractor's contract."~~

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   Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY: *Clem*

JAN 17 2014



**Report Title:**

Solar Energy Devices; Installation; Court Action; Attorney's Fees; Warranty.

**Description:**

Requires award of reasonable attorney's fees and costs to prevailing plaintiff in action against condominium association for preventing solar energy device installation. If common element roof is covered by roof warranty, requires warranty from solar contractor for roof penetration needed for solar energy device installation.

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

