
A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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

1 SECTION 1. The legislature finds that the development,
2 expansion, and protection of solar energy will help to meet the
3 present and future energy needs, and renewable energy mandates,
4 of the State. The legislature further finds that the use of
5 renewable energy sources, including solar energy, can reduce the
6 prohibitive costs of electrical power and other depletable
7 sources of energy. Solar energy systems require direct access
8 to sunlight to be functional and operate efficiently.

9 The purpose of this Act is to authorize the counties to
10 create a process for the recordation and enforcement of solar
11 easements, and to require protection of solar access from shade
12 caused by vegetation to preserve the economic value of solar
13 radiation falling on structures, investments in solar energy
14 devices, and the options for future uses of solar energy.

15 SECTION 2. Chapter 196, Hawaii Revised Statutes, is
16 amended by adding two new sections to be appropriately
17 designated and to read as follows:



1 "§196- County authority to create solar easements. (a)

2 The governing body of a county may create, by ordinance, a
3 process for the recordation and enforcement of solar easements.
4 Counties may require individuals claiming a solar right to
5 record that right by filing a declaration with the county clerk
6 where the property burdened by a solar right is located or where
7 any portion of the properties on which a solar right is claimed
8 is located. The declaration shall include a description of the
9 dimensions of the easement expressed in measureable terms, such
10 as vertical or horizontal angles measured in degrees; the hours
11 of the day on specified dates during which direct sunlight to a
12 specified surface of a solar energy device may not be
13 obstructed; or a combination of these descriptions. A solar
14 right may be considered an easement appurtenant, and a suit to
15 enforce a solar right may be brought at law or in equity. Any
16 instrument creating a solar easement shall be recorded in the
17 bureau of conveyances or the land court.

18 (b) For the purposes of this section:

19 "Solar easement" means a right, expressed as an easement,
20 restriction, covenant, or condition contained in any deed,
21 contract, or other written instrument, executed by or on behalf



1 of any landowner for the purpose of assuring adequate access to
2 direct sunlight for solar energy devices.

3 "Solar energy device" has the same meaning as in section
4 196-7.

5 §196- County authority to require trimming of vegetation
6 blocking solar energy. The governing body of a county may
7 require, by ordinance, the trimming of vegetation that blocks
8 solar radiation from a solar energy device as defined under
9 section 196-7. The ordinance may include but shall not be
10 limited to a designation of responsibility for the costs of the
11 trimming. The ordinance shall not require the trimming of
12 vegetation if the owner or occupant of the property on which the
13 vegetation is located plants the vegetation before the
14 installation of the solar energy device."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on November 10,
17 2113.



Report Title:

Solar Energy Device; Solar Easement; Solar Access; Trimming
Vegetation

Description:

Permits the governing body of a county to create, by ordinance, a process for the recordation and enforcement of solar easements. Allows counties to require individuals claiming a solar right to record that right by filing a declaration with the county clerk. Effective November 10, 2113. (HB2165 HD1)

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

