

JAN 15 2014

A BILL FOR AN ACT

RELATING TO ENERGY RESOURCES.

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, including any provision to prevent the
12 installation of a solar energy device based on aesthetic
13 reasons, shall be void and unenforceable."

14 2. By amending subsection (f) to read:

15 "(f) For the purposes of this section:

16 "Private entity" means any association of homeowners,
17 community association, condominium association, cooperative, or
18 any other non-governmental entity with covenants, bylaws, and



1 administrative provisions with which the homeowner's compliance
2 is required.

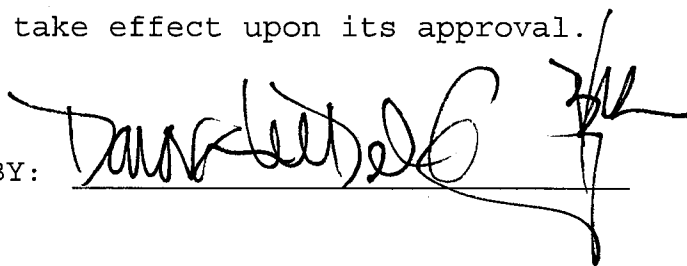
3 "Solar energy device" means any identifiable facility,
4 equipment, apparatus, or the like, including a photovoltaic cell
5 application~~[7]~~ or solar or photovoltaic shingles, that is
6 applicable to a single-family residential dwelling or townhouse
7 and makes use of solar energy for heating, cooling, or reducing
8 the use of other types of energy dependent upon fossil fuel for
9 generation; provided that "solar energy device" shall not
10 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 Statutory material to be repealed is bracketed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:



S.B. NO. 2044

Report Title:

Energy Resources; Solar Energy Devices; Solar or Photovoltaic Shingles; Private Entities

Description:

Specifies that an attempt by a private entity to prevent the installation of a solar energy device on a single-family residential dwelling or townhome based on aesthetic reasons is impermissible. Clarifies that solar energy devices include solar or photovoltaic shingles.

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