
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. The legislature finds that condominium
2 associations, community associations, and homeowner associations
3 have been required since December 31, 2006, under section
4 196-7(b), Hawaii Revised Statutes, to adopt rules that provide
5 for the placement of solar energy devices. The legislature
6 further finds that these associations have failed to adopt such
7 rules.

8 The purpose of this Act is to establish association rules
9 for placement of solar energy devices in the absence of rules
10 adopted pursuant to section 196-7(b), Hawaii Revised Statutes.

11 SECTION 2. Section 196-7, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

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



1 or increase the cost of installation, maintenance, and removal
2 of the device by more than fifteen per cent. No private entity
3 shall assess or charge any homeowner any fees or require an
4 encumbrance on title for the placement of any solar energy
5 device. Unless and until a private entity adopts rules for the
6 placement of solar energy devices, the following rules shall
7 apply to the placement of solar energy devices not on common
8 elements or limited common elements of private entities:

- 9 (1) The homeowner shall obtain prior approval from the
10 private entity; provided that the private entity shall
11 not withhold approval on the basis that the private
12 entity has not adopted rules in accordance with this
13 subsection;
- 14 (2) The solar energy device shall service only the unit
15 owned by the applicant;
- 16 (3) The solar energy device shall be installed by a
17 contractor holding a current and valid contractor's
18 license issued by the State with the appropriate
19 specialty classification for the proposed work;
- 20 (4) The applicant shall obtain the appropriate building
21 permits from the local building department having
22 jurisdiction;



- 1 (5) The solar energy device shall be installed in
2 accordance with county codes relating to solar energy
3 devices in effect at the time of installation; and
4 (6) These default rules shall be superseded when a private
5 entity adopts its own rules in accordance with this
6 subsection."

7 SECTION 3. Act 201, Session Laws of Hawaii 2010, is
8 amended as follows:

9 1. By amending section 2 to read:

10 "~~SECTION 2. [Section 196-7, Hawaii Revised Statutes, is~~
11 ~~amended by amending subsection (b) to read as follows:~~

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~~
19 ~~of the device by more than fifteen per cent. No private entity~~
20 ~~shall assess or charge any homeowner any fees for the placement~~
21 ~~of any solar energy device.]" Repealed."~~

22 2. By amending section 4 to read:



1 "SECTION 4. This Act[~~, except section 2,~~] shall take
2 effect on July 1, 2010[~~, provided that on June 30, 2015,~~

3 ~~(1) Section 1 of this Act shall be repealed; and~~
4 ~~(2) Section 2 of this Act shall take effect]."~~

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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

8



Report Title:

Solar Energy Device; Association Rules

Description:

Establishes association rules for the placement of solar energy devices not on common elements or limited common elements in the absence of a private entity adopting rules. Makes permanent the prohibition on requiring an encumbrance on title for the replacement of any solar energy device. (SD1)

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