

STAND. COM. REP. NO. 2180

Honolulu, Hawaii

FEB 11 2014

RE: S.B. No. 2652
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 2652 entitled:

"A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish association rules for the placement of solar energy devices in the absence of such rules adopted by a private entity, including homeowners associations, community associations, condominium associations, and cooperatives; and
- (2) Make permanent the prohibition on requiring an encumbrance on title for the replacement of any solar energy device.

Your Committee received testimony in support of this measure from the Hawaii PV Coalition, Hawaii Solar Energy Association, and Blue Planet Foundation. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that condominium associations, community associations, and homeowner associations have been required since December 31, 2006, to adopt rules that provide for the placement of solar energy devices under section 196-7, Hawaii Revised Statutes. However, many homeowner associations have yet to draft



rules, creating confusion and preventing their members from installing solar energy devices.

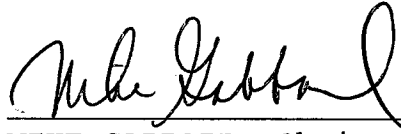
Your Committee has amended this measure by:

- (1) Amending language to specify that the default rules apply to the placement of solar energy devices not on common elements or limited common elements of private entities;
- (2) Inserting language to require the homeowner to obtain prior approval from the private entity; provided that the private entity cannot deny approval on the basis of not having adopted rules relating to the placement of solar energy devices;
- (3) Deleting language that would have required the solar energy device to be installed in accordance with relevant laws and rules, as the language was unnecessary;
- (4) Deleting language that would have required all exterior interconnecting components to be minimized;
- (5) Deleting language that would have required an agreement between an owner and each successor owner with rules related to equipment necessary to complete the installation of the solar energy device that is placed on a common element or limited common element; and
- (6) Inserting language to clarify that the default rules shall be superseded when a private entity adopts its own rules.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2652, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2652, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,



MIKE GABBARD, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* SB 2652	Committee Referral: ENE, CPN	Date: 2/4/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RUDERMAN, Russell E. (VC)	X			
CHUN OAKLAND, Suzanne				X
IHARA, Jr., Les	X			
SLOM, Sam				X
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes