



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 2, 2019

**GOV. MSG. NO. 1345**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 2, 2019, the following bill was signed into law:

SB272 HD2 CD1

RELATING TO SOLAR ENERGY DEVICES.  
**ACT 243 (19)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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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. The current statutory definition of a "solar  
2 energy device" applicable to condominium projects specifically  
3 excludes skylights and windows. However, with the ever-evolving  
4 technology and innovative nature of renewable energy, the law  
5 must also evolve to capture the use of the latest advancements  
6 in renewable energy technologies. The exclusion of skylights  
7 and windows also creates an ambiguity in Hawaii's statutes. For  
8 example, it is not clear whether building-integrated  
9 photovoltaics, such as electricity-producing photovoltaic  
10 windows, fall under the existing definition of a "solar energy  
11 device."

12           The purpose of this Act is to further facilitate the  
13 development of green condominium projects throughout Hawaii by  
14 clarifying the conditions under which condominium unit owners  
15 can install solar energy devices.

16           SECTION 2. Section 514B-140, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:



1        "(c) Subject to the provisions of the declaration,  
2 nonmaterial additions to or alterations of the common elements  
3 or units, including, without limitation, additions to or  
4 alterations of a unit made within the unit or within a limited  
5 common element appurtenant to and for the exclusive use of the  
6 unit, shall require approval only by the board, which shall not  
7 unreasonably withhold the approval, and such percentage, number,  
8 or group of unit owners as may be required by the declaration or  
9 bylaws; provided that [~~the~~]:

10        (1) The installation of solar energy devices by owners of  
11        condominium units shall be allowed upon written  
12        consent of the board; and

13        (2) The installation of solar energy devices shall be  
14        allowed on single-family residential dwellings or  
15        townhouses pursuant to the provisions in section 196-  
16        7.

17        As used in this subsection:

18        "Building-applied photovoltaic" means any new identifiable  
19        facility, equipment, apparatus, or the like, which turns solar  
20        energy into electric energy and is applied to the outside of a  
21        building, such as roof-mounted photovoltaic solar panels.



1       "Building-integrated photovoltaic" means any new  
2 identifiable facility, equipment, apparatus, or the like, which  
3 generates electricity from solar energy and is integrated into  
4 the structural elements of a building, such as photovoltaic  
5 windows and skylights.

6       "Nonmaterial additions and alterations" means an addition  
7 to or alteration of the common elements or a unit that does not  
8 jeopardize the soundness or safety of the property, reduce the  
9 value thereof, impair any easement, detract from the appearance  
10 of the project, interfere with or deprive any nonconsenting  
11 owner of the use or enjoyment of any part of property, or  
12 directly affect any nonconsenting owner.

13       "Passive solar skylights or windows" means any skylight or  
14 window that regulates heating and cooling but does not generate  
15 electricity from solar energy.

16       "Solar energy device" means any new identifiable facility,  
17 equipment, apparatus, or the like which makes use of solar  
18 energy for heating, cooling, or reducing the use of other types  
19 of energy dependent upon fossil fuel for its generation[-],  
20 including but not limited to all types of building-applied  
21 photovoltaics and building-integrated photovoltaics; provided



1 that if the equipment sold cannot be used as a solar device  
2 without its incorporation with other equipment, it shall be  
3 installed in place and be ready to be made operational in order  
4 to qualify as a "solar energy device"; provided further that  
5 "solar energy device" shall not include passive solar skylights  
6 or windows.

7 "Townhouse" means a series of individual houses, having  
8 architectural unity and a common wall between each unit [7];  
9 provided that each unit extends from the ground to the roof."

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 02 day of JUL, 2019

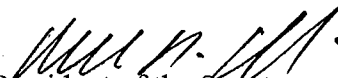


GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 30, 2019  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.

  
President of the Senate

  
Clerk of the Senate

SB No. 272, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives