
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 too must evolve to capture the use of the latest advancements in
6 renewable energy technologies. The exclusion of skylights and
7 windows also creates an ambiguity in Hawai'i'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 Hawai'i by
14 amending the definition of a "solar energy device" to include
15 building-applied photovoltaics and building-integrated
16 photovoltaics.



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

3 "(c) Subject to the provisions of the declaration,
4 nonmaterial additions to or alterations of the common elements
5 or units, including, without limitation, additions to or
6 alterations of a unit made within the unit or within a limited
7 common element appurtenant to and for the exclusive use of the
8 unit, shall require approval only by the board, which shall not
9 unreasonably withhold the approval, and such percentage, number,
10 or group of unit owners as may be required by the declaration or
11 bylaws; provided that the installation of solar energy devices
12 shall be allowed on single-family residential dwellings or
13 townhouses pursuant to the provisions in section 196-7.

14 As used in this subsection:

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

19 "Building-integrated photovoltaic" means any new
20 identifiable facility, equipment, apparatus, or the like, which
21 generates electricity from solar energy and is integrated into



1 the structural elements of a building, such as photovoltaic
2 windows and skylights.

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

10 "Passive solar skylights or windows" means any skylight or
11 window that regulates heating and cooling but does not generate
12 electricity from solar energy.

13 "Solar energy device" means any new identifiable facility,
14 equipment, apparatus, or the like which makes use of solar
15 energy for heating, cooling, or reducing the use of other types
16 of energy dependent upon fossil fuel for its generation[+],
17 including but not limited to all types of building-applied
18 photovoltaics and building-integrated photovoltaics; provided
19 that if the equipment sold cannot be used as a solar device
20 without its incorporation with other equipment, it shall be
21 installed in place and be ready to be made operational in order



1 to qualify as a "solar energy device"; provided further that
2 "solar energy device" shall not include passive solar skylights
3 or windows.

4 "Townhouse" means a series of individual houses, having
5 architectural unity and a common wall between each unit,
6 provided that each unit extends from the ground to the roof."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2100.



Report Title:

Solar Energy Devices; Photovoltaics

Description:

Amends the definition of "solar energy devices" under condominium laws to include building-applied photovoltaics and building-integrated photovoltaics and clarify that the term excludes passive solar skylights or windows. (SB272 HD1)

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