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

11           The purpose of this Act is to further facilitate the  
12 development of "green" projects throughout Hawai'i by amending  
13 the definition of a "solar energy device" to include building-  
14 applied photovoltaics and building-integrated photovoltaics.

15           SECTION 2. Section 514B-140, Hawaii Revised Statutes, is  
16 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 installation of solar energy devices  
10 shall be allowed on single-family residential dwellings or  
11 townhouses pursuant to the provisions in section 196-7.

12           As used in this subsection:

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

17           "Building-integrated photovoltaic" means any new  
18 identifiable facility, equipment, apparatus, or the like, which  
19 generates electricity from solar energy and is integrated into  
20 the structural elements of a building, such as photovoltaic  
21 windows and skylights.



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

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

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



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1 "solar energy device" shall not include passive solar skylights  
2 or windows.

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

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

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

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INTRODUCED BY:



BY REQUEST

JAN 23 2019



# H.B. NO. 1205

**Report Title:**

Solar Energy Devices; Photovoltaics

**Description:**

Amends the definition of "solar energy devices" to include building-applied photovoltaics and building-integrated photovoltaics and clarify that the term excludes passive solar skylights or windows.

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