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## A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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

1           SECTION 1. The legislature finds that the development,  
2 expansion, and protection of solar energy will help to meet the  
3 present and future energy needs and renewable energy mandates of  
4 the State. The legislature further finds that the use of  
5 renewable energy sources, including solar energy, can reduce the  
6 prohibitive costs of electrical power and other depletable  
7 sources of energy.

8           Solar energy systems require direct access to sunlight to  
9 be functional and operate efficiently. The purpose of this Act  
10 is to authorize the counties to create a process for the  
11 recordation and enforcement of solar easements, and to require  
12 protection of solar access from shade caused by vegetation in  
13 order to preserve the economic value of solar radiation falling  
14 on structures, investments in solar energy devices, and the  
15 options for future uses of solar energy.



1 SECTION 2. Chapter 196, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4 "§196- County authority to create solar easements. (a)

5 The governing body of a county may create, by ordinance, a  
6 process for the recordation and enforcement of solar easements.

7 Counties may require individuals claiming a solar right to  
8 record that right by filing a declaration with the county clerk

9 where the property burdened by a solar right is located or where  
10 any portion of the properties on which a solar right is claimed

11 is located. The declaration shall include a description of the  
12 dimensions of the easement expressed in measureable terms, such

13 as vertical or horizontal angles measured in degrees; the hours  
14 of the day on specified dates during which direct sunlight to a

15 specified surface of a solar energy device may not be  
16 obstructed; or a combination of these descriptions. A solar

17 right may be considered an easement appurtenant, and a suit to  
18 enforce a solar right may be brought at law or in equity. Any

19 instrument creating a solar easement shall be recorded in the  
20 bureau of conveyances or the land court.

21 (b) For the purposes of this section:





# H.B. NO. 1202

**Report Title:**

Solar Energy Device; Solar Easement; Solar Access; Trimming Vegetation; Ordinance

**Description:**

Permits the governing body of a county to create, by ordinance, a process for the recordation and enforcement of solar easements. Allows counties to require individuals claiming a solar right to record that right by filing a declaration with the county clerk. Permits the governing body of a county to require, by ordinance, the trimming of vegetation that blocks solar radiation from solar energy devices. Authorizes the ordinance to include a designation for the cost of trimming.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

