
A BILL FOR AN ACT

RELATING TO ROOFTOP SOLAR INSTALLATION.

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

1 SECTION 1. The legislature finds that rooftop solar
2 photovoltaics are an important part of Hawaii's one hundred per
3 cent renewable energy target. Similar to the requirement of
4 installing a solar water heater system for all new construction
5 of single-family dwellings under section 196-6.5, Hawaii Revised
6 Statutes, adding a rooftop solar energy generation system
7 requirement for new, single-family homes will help Hawaii
8 achieve its renewable energy goals. This solar installation
9 requirement will help reduce Hawaii's dependence on nonrenewable
10 energy sources and lead to a more sustainable future.

11 The legislature also finds that adding a solar energy
12 generation system during the construction phase significantly
13 reduces the system installation cost for homeowners versus
14 adding solar photovoltaics post-construction. Additionally,
15 solar installation during construction allows home buyers to
16 finance systems at traditional, low mortgage rates.



1 The legislature further finds that Hawaii policymakers and
2 utilities have identified distributed energy resources, such as
3 customer-sited solar photovoltaics and battery energy storage
4 systems, as key technologies that enable Hawaii residents and
5 businesses to benefit from and contribute to the State's
6 transition to a resilient, affordable, and one hundred per cent
7 clean, electric power system. Furthermore, the federal solar
8 tax credit, also known as the investment tax credit, will expire
9 on December 31, 2021, for residential solar energy systems,
10 which may have the effect of de-incentivizing the installation
11 of rooftop solar photovoltaics.

12 The purpose of this Act is to prohibit the issuance of
13 building permits beginning on January 1, 2022, for new single-
14 family dwellings that are part of a development of twenty or
15 more dwellings and do not include a rooftop solar energy
16 generation system, unless exempt or a variance is granted.

17 SECTION 2. Chapter 196, Hawaii Revised Statutes, is
18 amended by adding a new section to part I to be appropriately
19 designated and to read as follows:

20 "§196- Rooftop solar installation required for new
21 single-family residential construction. (a) On or after



1 January 1, 2022, no building permit shall be issued for a new
2 single-family dwelling that is part of a development of twenty
3 or more dwellings and does not include a rooftop solar energy
4 generation system, except as provided in subsection (f) or
5 unless the chief energy officer of the Hawaii state energy
6 office approves a variance. A variance application shall only
7 be accepted if submitted by an architect or electrical engineer
8 licensed under chapter 464, who attests that:

- 9 (1) Installation is impracticable due to poor solar
10 resource;
- 11 (2) Installation is cost-prohibitive based upon a life
12 cycle cost-benefit analysis that incorporates the
13 average residential utility bill and the cost of the
14 new rooftop solar energy generation system with a life
15 cycle that does not exceed twenty years; or
- 16 (3) A rooftop photovoltaic energy generating system is
17 substituted for use as the primary energy source for
18 electricity.

19 (b) A request for a variance shall be submitted to the
20 Hawaii state energy office on an application prescribed by the
21 chief energy officer and shall include a description of the



1 location of the property and justification for the approval of a
2 variance using the criteria established in subsection (a). A
3 variance shall be deemed approved if not denied within sixty
4 working days after receipt of the variance application. The
5 chief energy officer of the Hawaii state energy office shall
6 publicize:

7 (1) All applications for a variance within seven calendar
8 days after receipt of the variance application; and

9 (2) The disposition of all applications for a variance
10 within seven calendar days of the determination of the
11 variance application.

12 (c) The director of business, economic development, and
13 tourism may adopt rules pursuant to chapter 91 to impose and
14 collect fees to cover the costs of administering variances under
15 this section. The fees, if any, shall be deposited into the
16 energy security special fund established under section 201-12.8.

17 (d) Nothing in this section shall preclude any county from
18 establishing procedures and standards required to implement this
19 section.



1 (e) Nothing in this section shall preclude participation
2 in any utility demand-side management program or public benefits
3 fee program under part VII of chapter 269.

4 (f) This section shall not apply to a new single-family
5 dwelling that is part of a development of twenty or more
6 dwelling and is affordable to a household having an income of
7 one hundred per cent or less of the area median income as
8 determined by the United States Department of Housing and Urban
9 Development.

10 (g) For the purposes of this section, "rooftop
11 photovoltaic energy generating system" means any identifiable
12 facility, equipment, apparatus, or the like, that utilizes
13 electricity-generating modules mounted on a rooftop, or near the
14 subject property, that converts solar energy to useful
15 electrical energy for heating, cooling, or reducing the use of
16 other types of energy that are dependent upon fossil fuel for
17 the generation of electricity. The system shall have no less
18 than five kilowatts of generating capacity and shall include an
19 energy storage device, such as a battery."

20 SECTION 3. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Rooftop Solar Installation; New Residential Construction Requirement

Description:

Prohibits the issuance of building permits beginning on January 1, 2022, for new single-family dwellings, except for households with one hundred per cent or less of the area median income, that are part of a development of twenty or more dwellings and do not include a rooftop solar energy generation system, unless a variance is granted. Takes effect on 7/1/2050.
(HD1)

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

