

JAN 18 2019

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:



1 "Solar easement" means a right, expressed as an easement,
 2 restriction, covenant, or condition contained in any deed,
 3 contract, or other written instrument, executed by or on behalf
 4 of any landowner for the purpose of assuring adequate access to
 5 direct sunlight for solar energy devices.

6 "Solar energy device" has the same meaning as in section
 7 196-7.

8 §196- County authority to require trimming of vegetation
 9 blocking solar energy. The governing body of a county may
 10 require, by ordinance, the trimming of vegetation that blocks
 11 solar radiation from a solar energy device as defined under
 12 section 196-7. The ordinance may include but is not limited to
 13 a designation of responsibility for the costs of the trimming.
 14 The ordinance shall not require the trimming of vegetation if
 15 the owner or occupant of the property on which the vegetation is
 16 located plants the vegetation before the installation of the
 17 solar energy device."

18 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: ~~sc~~ *[Signature]*
[Signature]

S.B. NO. 834

Lorraine R. Brown

ITS

MA

Michelle Kedani

Rosely de Baka

Clarence K. Michikawa



S.B. NO. 834

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.

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