

JAN 20 2023

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 options
15 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 easement to
8 record that solar easement by filing a declaration with the

9 county clerk where the property burdened by a solar easement is
10 located or where any portion of the properties on which a solar

11 easement is claimed is located. The declaration shall include a
12 description of the dimensions of the solar easement expressed in

13 measurable terms, such as vertical or horizontal angles measured
14 in degrees; the hours of the day on specified dates during which

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

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

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

21 (b) For the purposes of this section:



S.B. NO. 1061

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.

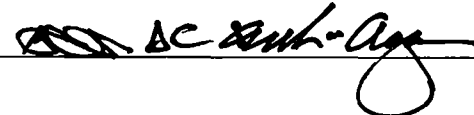
8 §196- County authority to require trimming of vegetation
 9 blocking solar energy device. The governing body of a county
 10 may require, by ordinance, the trimming of vegetation that
 11 blocks solar radiation from a solar energy device as defined
 12 under section 196-7. The ordinance may include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





S.B. NO. 1061

Report Title:

Solar Energy Device; Solar Easement; Solar Access; Trimming Vegetation; Counties; 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 easement to record that easement 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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