

JAN 16 2014

S.B. NO. 2179

A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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

1 SECTION 1. Section 196-7, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Notwithstanding any law to the contrary, no person
5 shall be prevented by any covenant, declaration, bylaws,
6 restriction, deed, lease, term, provision, condition, codicil,
7 contract, or similar binding agreement, however worded, from
8 installing a solar energy device on any single-family
9 residential dwelling or townhouse that the person owns, or any
10 condominium structure of not more than three stories in height
11 in which that person owns a condominium unit. Any provision in
12 any lease, instrument, or contract contrary to the intent of
13 this section shall be void and unenforceable."

14 2. By amending subsections (c) and (d) to read:

15 "(c) Any person may place a solar energy device on any
16 single-family residential dwelling or townhouse unit owned by
17 that person, or any condominium structure of not more than three



1 stories in height in which that person owns a condominium unit,
2 provided that:

3 (1) The device is in compliance with the rules and
4 specifications adopted pursuant to subsection (b);
5 provided further that private entities governing
6 condominium structures of not more than three stories
7 in height shall have until July 1, 2015, to adopt
8 rules pursuant to subsection (b);

9 (2) The device is registered with the private entity of
10 record within thirty days of installation; [and]

11 (3) If the unit is located in a condominium structure in
12 accordance with this section, the device shall be
13 located on the roof above the owner's condominium unit
14 and shall occupy an area of the total roof space not
15 to exceed an area greater than the proportionate area
16 of the owner's interest in the common elements of the
17 condominium compared to the total area of the common
18 elements of the condominium;

19 ~~[(3)]~~ (4) If the device is placed on a common element or
20 limited common element as defined by a project's
21 declaration, the homeowner shall first obtain the
22 consent of the private entity; provided further that



1 such consent shall be given if the homeowner agrees in
2 writing to:

- 3 (A) Comply with the private entity's design
4 specification for the installation of the device;
5 (B) Engage a duly licensed contractor to install the
6 device; and
7 (C) Within fourteen days of approval of the solar
8 device by the private entity, provide a
9 certificate of insurance naming the private
10 entity as an additional insured on the
11 homeowner's insurance policy[-]; and

12 (5) Notwithstanding paragraph (4), private entities
13 governing condominium structures of not more than
14 three stories in height:

- 15 (A) Shall prioritize the placement of solar energy
16 devices that are installed for the benefit of all
17 owners; and
18 (B) May reserve a certain percentage of the available
19 common element roof area for solar energy devices
20 that are installed for the benefit of all owners.

21 (d) If a solar energy device is placed on a common element
22 or limited common element:



- (1) The owner and each successive owner of the single-family residential dwelling [øx], townhouse unit [øx], or condominium unit for which the device is placed shall be responsible for any costs for damages to the device, the common elements, limited common elements, and any adjacent units, arising or resulting from the installation, maintenance, repair, removal, or replacement of the device. The repair, maintenance, removal, and replacement responsibilities shall be assumed by each successive owner until the solar energy device has been removed from the common elements or limited common elements. The owner and each successive owner shall at all times have and maintain a policy of insurance covering the obligations of the owner under this paragraph and shall name the private entity as an additional insured under said policy; provided that an insurance carrier shall notify the private entity if the policy expires or lapses; and
- (2) The owner and any successive owner of the single-family residential dwelling [øx], townhouse unit [øx], or condominium unit for which the device is placed



shall be responsible for removing the solar energy device if reasonably necessary or convenient for the repair, maintenance, or replacement of the common elements or limited common elements."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

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S.B. NO. 2179

Report Title:

Solar Energy Devices; Condominium Units

Description:

Authorizes condominium owners in a condominium structure of no more than three stories in height to place solar energy devices on the roof, under certain conditions.

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

