

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1           SECTION 1. The legislature finds that Act 97, Session Laws  
2 of Hawaii 2015, required electric utilities in the State to  
3 achieve a one hundred per cent renewable portfolio standard by  
4 December 31, 2045, in order to transition the State away from  
5 imported fossil fuels and toward locally available renewable  
6 energy sources.

7           The legislature further finds that to encourage the timely  
8 build-out of a diverse, resilient, and reliable portfolio of  
9 low-cost renewable energy generation and storage assets, Hawaii  
10 must lower the administrative barriers that constrain deployment  
11 of residential and commercial-scale distributed energy  
12 resources.

13           The legislature also finds that exemptions from permitting  
14 requirements based on estimated costs that have not been amended  
15 since 1979 and fail to account for inflation of over three  
16 hundred per cent have severely reduced the practical  
17 availability of such exemptions and created an unnecessary



1 impediment to the timely installation of residential distributed  
2 energy resources and other real property improvements.

3       The legislature further finds that the permitting process  
4 currently adds substantial time and cost to the adoption of  
5 residential solar and energy storage projects and that online  
6 permitting tools such as the United States Department of  
7 Energy's SolarAPP+ have been successfully implemented by  
8 hundreds of government entities that issue building permits  
9 throughout the nation and that Hawaii's permit-issuing  
10 government entities should similarly take advantage of these  
11 tools to help meet the State's clean energy, reliability, and  
12 resilience needs.

13       The purpose of this Act is to lower administrative barriers  
14 to the deployment of energy generation and storage technology  
15 systems by requiring government entities in the State that issue  
16 building permits to implement SolarAPP+ or a functionally  
17 equivalent online automated permitting platform that verifies  
18 code compliance and issues permits to licensed contractors for  
19 solar distributed energy resource systems in real time by  
20 January 1, 2024.



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-A Building permit; issuing entity; adoption of  
5 online permitting tools for solar distributed energy resource  
6 systems. (a) Any government entity in the State that issues  
7 building permits shall implement SolarAPP+ or a functionally  
8 equivalent online automated permitting platform that verifies  
9 code compliance and issues permits to licensed contractors for  
10 solar distributed energy resource systems in real time; provided  
11 that a government entity in the State that issues building  
12 permits shall adopt self-certification, pursuant to section  
13 196-B, for solar distributed energy resource systems that are  
14 not compatible with SolarAPP+ at the time the application is  
15 submitted to that entity.

16 (b) Any government entity in the State that issues  
17 building permits shall meet the requirements of subsection (a)  
18 by January 1, 2024.

19 (c) Any government entity in the State that issues  
20 building permits shall notify the Hawaii state energy office



1 when it achieves compliance with subsection (a) and shall  
2 continue to provide such notification annually.

3 (d) As used in this section:

4 "Solar distributed energy resource system" means an  
5 assembly of solar energy-generating or energy-storing materials,  
6 or any combined assembly of solar energy-generating and energy-  
7 storing materials, and the related infrastructure necessary for  
8 its operation.

9 "SolarAPP+" means the web-based portal and associated  
10 software tools developed by the National Renewable Energy  
11 Laboratory, as updated from time to time.

12 **§196-B Adoption of self-certification for solar and energy**  
13 **storage projects.** (a) Any government entity in the State that  
14 issues building permits shall establish a self-certification  
15 process for solar distributed energy resource systems that deems  
16 permit applications approved and allows applicants to proceed to  
17 build immediately; provided that:

18 (1) The applicable government entity in the State that  
19 issues building permits is notified in writing by the  
20 project owner, or an agent of the project owner, that



1           the owner or agent requests issuance of the permit and  
2           is prepared to pay any required fees; and

3           (2) The applicable government entity in the State that  
4           issues building permits is notified in writing by the  
5           duly licensed electrician or duly licensed plumber, as  
6           applicable, who installed or intends to install the  
7           solar distributed energy resource system that the  
8           installation of the system complies with all  
9           applicable codes and laws.

10           (b) A permit application or self-certification for a solar  
11 distributed energy resource system shall not require submission  
12 of an approved materials and methods number; provided that the  
13 following are provided with the license holder's notification to  
14 the applicable government entity in the State that issues  
15 building permits:

- 16           (1) A manufacturer specification sheet;  
17           (2) An installation and operations manual; and  
18           (3) A UL or other national testing laboratory  
19           certification.

20           (c) If the requirements of subsection (a) are satisfied,  
21 the applicable government entity in the State that issues



1 building permits shall issue the building permit number and  
2 close the permit within thirty days of submittal.

3 (d) As used in this section, "solar distributed energy  
4 resource system" means an assembly of solar energy-generating or  
5 energy-storing materials, or any combined assembly of solar  
6 energy-generating and energy-storing materials, and the related  
7 infrastructure necessary for its operation."

8 SECTION 3. Section 464-1, Hawaii Revised Statutes, is  
9 amended by adding a new definition to be appropriately inserted  
10 and to read as follows:

11 "Residential distributed energy resource system" means an  
12 assembly of energy-generating or energy-storing materials, or  
13 any combined assembly of solar energy-generating and energy-  
14 storing materials, sited on a residence and the related  
15 infrastructure for its operation."

16 SECTION 4. Section 464-13, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 **"§464-13 [~~Structures~~] Work exempted from provisions of**  
19 **chapter.** (a) The provisions of this chapter shall not apply to  
20 work in respect to any privately owned or privately controlled  
21 one-storied building, dwelling, or structure, the estimated cost



1 of which does not exceed [~~\$40,000,~~] \$160,000, nor to any  
 2 privately controlled two-storied building, dwelling, or  
 3 structure, the estimated cost of which does not exceed  
 4 [~~\$35,000,~~] \$140,000. However, no structure, dwelling, or  
 5 building in which the principal structural members consist of  
 6 reinforced concrete or structural steel having riveted, bolted,  
 7 or welded connections shall be exempted from this chapter.

8 (b) The provisions of this chapter shall not apply to work  
 9 in respect to any privately owned or privately controlled one-  
 10 storied structure, which is used primarily as a residence, the  
 11 estimated cost of which does not exceed [~~\$50,000,~~] \$200,000, nor  
 12 to any privately owned or privately controlled two-storied  
 13 structure, which is used primarily as a residence, the cost of  
 14 which does not exceed [~~\$45,000,~~] \$180,000.

15 (c) The provisions of this chapter shall not apply to work  
 16 with respect to residential distributed energy resource systems.

17 [~~(e)~~] (d) Whenever the exemption provided for in  
 18 subsection (b) is applied to the construction of a new building,  
 19 it shall be noted and recorded with the bureau of conveyances."

20 SECTION 5. In codifying the new sections added by section  
 21 [2] of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

Lyn D. Coite





**Report Title:**

Solar Distributed Energy Resource Systems; Online Building Permitting Tools; Work on Certain Structures; Professional Engineer, Architect, Surveyor, and Landscape Architect Licensure Exemption

**Description:**

Requires government entities in the State that issue building permits to implement SolarAPP+ or a functionally equivalent online automated permitting platform that verifies code compliance and issues permits to licensed contractors for solar distributed energy resource systems in real time by 1/1/2024. Requires government entities in the State that issue building permits to adopt self-certification for solar distributed energy resource systems that are not SolarAPP+ compatible. Makes the professional engineers, architects, surveyors, and landscape architects licensure law inapplicable to work with respect to residential distributed energy resource systems and increases the estimated cost of work on certain structures below which that licensure law is inapplicable.

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