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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, requires electric utilities in the State to  
3 achieve a one hundred per cent renewable portfolio standard by  
4 December 31, 2045, to transition the State away from imported  
5 fossil fuels and toward locally available renewable energy  
6 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, the  
10 State must lower the administrative barriers that constrain  
11 deployment of residential and commercial-scale distributed  
12 energy resources.

13           The legislature additionally finds that the permitting  
14 review process currently adds substantial time and cost to the  
15 adoption of residential solar and energy storage projects and  
16 that self-certification by duly licensed design professionals



1 can significantly reduce this time, cost, and administrative  
2 burden without sacrificing public health and safety.

3 The purpose of this Act is to reduce administrative  
4 barriers to the deployment of energy generation and storage  
5 technology systems by requiring certain government entities in  
6 the State to implement permit self-certification and  
7 streamlined, common-sense permitting processes, thereby ensuring  
8 efficient, standardized permitting and inspection for  
9 behind-the-meter, customer-sited solar distributed energy  
10 resource systems.

11 SECTION 2. Chapter 196, Hawaii Revised Statutes, is  
12 amended by adding two new sections to be appropriately  
13 designated and to read as follows:

14 "§196-A Self-certification; solar projects; energy storage  
15 projects. (a) By \_\_\_\_\_, each government entity in the  
16 State that issues building permits shall establish an efficient  
17 and standardized self-certification process for  
18 behind-the-meter, customer-sited solar distributed energy  
19 resource systems that deems permit applications approved and  
20 allows applicants to proceed to build the solar distributed  
21 energy resource system immediately; provided that:



1       (1) The solar distributed energy resource system project  
2       is not located on a property within a special flood  
3       hazard area as identified on the Federal Emergency  
4       Management Agency's current Flood Insurance Rate Maps;  
5       and

6       (2) The government entity receives from the project owner  
7       or agent of the project owner:

8       (A) A copy of any written notification prepared by  
9       the appropriate government entity, in response to  
10       a request for determination from the project  
11       owner or agent of the project owner, that the  
12       proposed project is not required to comply with  
13       federal, state, or county floodplain management  
14       development standards, ordinances, codes,  
15       statutes, rules, or regulations pursuant to the  
16       requirements of the National Flood Insurance  
17       Program;

18       (B) A request for issuance of the permit that  
19       includes a statement that the owner or agent of  
20       the owner is prepared to pay any required fees;  
21       and



1           (C) Proof of a valid license in the respective field  
2           for any professional installing the project and  
3           confirmation that the installation of the project  
4           will comply with all applicable codes and laws.

5           (b) The self-certification process shall allow a project's  
6           relevant professionals to conduct permit reviews and inspections  
7           using commercially available software and the professionals'  
8           approvals shall be accepted without additional documentation;  
9           provided that the submitted documentation demonstrates  
10          compliance with all applicable codes and laws. In addition, the  
11          self-certification process shall allow a project's relevant  
12          design professionals to utilize offline field reports for  
13          inspections to ensure faster reviews without added cost or  
14          delays.

15          (c) If the requirements of subsections (a) and (b) are  
16          satisfied, the applicable government entity in the State that  
17          issues building permits shall issue the building permit number  
18          and close the permit within thirty days after the date that the  
19          application was submitted.

20          (d) As used in this section:



1       "Offline field report" means a report that uses photos and  
2 videos taken of the project on site and submitted to a  
3 permitting authority to allow inspection remotely and  
4 asynchronously.

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

10       §196-B Solar distributed energy resource systems;  
11 No-Rise/No-Impact declaration requirements. (a) Any government  
12 entity in the State that issues building permits shall exempt  
13 behind-the-meter, customer-sited solar distributed energy  
14 resource systems from the Federal Emergency Management Agency's  
15 No-Rise/No-Impact declaration requirements; provided that the  
16 project is not located within a regulatory floodway as  
17 identified on the Federal Emergency Management Agency's current  
18 Flood Insurance Rate Maps.

19       (b) Each government entity in the State that issues  
20 building permits shall develop Federal Emergency Management  
21 Agency-accepted guidance for determining specific conditions



1 when a No-Rise Certification is not required for a solar  
2 distributed energy resource system located in a regulatory  
3 floodway as identified on the Federal Emergency Management  
4 Agency's current Flood Insurance Rate Maps.

5 (c) Notwithstanding subsections (a) and (b), the project  
6 owner or agent of the project owner shall:

7 (1) Comply with all applicable codes and laws;

8 (2) Properly install the system on an already existing  
9 structure; and

10 (3) Not create additional obstruction within the  
11 regulatory floodway.

12 (d) As used in this section, "solar distributed energy  
13 resource system" has the same meaning as defined in section  
14 196-A."

15 SECTION 3. In codifying the new sections added by section  
16 2 of this Act, the revisor of statutes shall substitute  
17 appropriate section numbers for the letters used in designating  
18 the new sections in this Act.

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Solar Distributed Energy Resource Systems; Permitting Self-Certification; FEMA Flood Zone No-Rise/No Impact Declaration Requirements

**Description:**

Authorizes certain government entities to establish a self-certification process for behind-the-meter, customer-sited solar distributed energy resource systems and exempt the systems from the Federal Emergency Management Agency No-Rise/No-Impact declaration requirements under certain circumstances. Effective 7/1/2050. (SD2)

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