
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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