
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, 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, 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 government entities in the State
6 that issue building permits to:

7 (1) By July 1, 2027, establish a self-certification
8 process for certain behind-the-meter, customer-sited
9 solar distributed energy resource systems that deems
10 permit applications approved and allows applicants to
11 proceed to build the solar distributed energy resource
12 system immediately; and

13 (2) Develop guidance for determining specific conditions
14 under which a Federal Emergency Management Agency-
15 mandated No-Rise Certification is not required for a
16 solar distributed energy resource system located in a
17 regulatory floodway.

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



1 "§196-A Building permits; self-certification; solar
2 distributed energy resource systems. (a) By July 1, 2027, each
3 government entity in the State that issues building permits
4 shall establish a self-certification process for
5 behind-the-meter, customer-sited solar distributed energy
6 resource system projects that deems permit applications approved
7 and allows applicants to proceed to build the solar distributed
8 energy resource system immediately; provided that:

9 (1) The project is not located on a property within a
10 special flood hazard area as identified on the Federal
11 Emergency Management Agency's current Flood Insurance
12 Rate Maps;

13 (2) The government entity receives from the project owner
14 or agent of the project owner, before the commencement
15 of any work:

16 (A) An attestation from a licensed design
17 professional, excluding a landscape design
18 architect, that the proposed project is not
19 located within a flood zone that requires it to
20 comply with federal, state, or county floodplain
21 management development codes or laws pursuant to



1 the requirements of the National Flood Insurance
2 Program. As part of the attestation form, the
3 licensed design professional shall provide
4 available Flood Insurance Rate Map panel
5 information, which shall include the:

6 (i) Community name and community identification
7 number;

8 (ii) Panel number;

9 (iii) Suffix indicating the number of times the
10 specific panel has been revised;

11 (iv) Panel date; and

12 (v) Flood zones;

13 (B) A request for issuance of the permit that
14 includes a statement that the owner or agent of
15 the owner is prepared to pay any required fees;
16 and

17 (C) Proof of a valid license in the respective field
18 for any professional installing the project and
19 confirmation that the installation of the project
20 will comply with all applicable codes and laws;



1 (3) Projects with a generating capacity greater than two
2 hundred fifty kilowatts alternating current shall not
3 be eligible to utilize the self-certification process
4 established under this section; and

5 (4) Neither the State, nor any government entity in the
6 State that issues building permits, shall be liable
7 for any damages as a result of any behind-the-meter,
8 customer-sited solar distributed energy resource
9 system projects that were installed pursuant to the
10 self-certification process established under this
11 section.

12 (b) The self-certification process shall allow a project's
13 licensed design professionals to conduct permit reviews and
14 inspections using commercially available software. The licensed
15 design professionals' approvals shall be accepted without
16 additional documentation; provided that the submitted
17 documentation demonstrates compliance with all applicable codes
18 and laws. The self-certification process shall allow a
19 project's licensed design professionals to use offline field
20 reports for inspections.



1 (c) If the requirements of subsections (a) and (b) are
2 satisfied, the applicable government entity in the State that
3 issues building permits shall issue the building permit number
4 and close the permit within thirty days after the date that the
5 application was submitted.

6 (d) This section shall not apply to a member-owned
7 electric cooperative.

8 (e) As used in this section:

9 "Licensed design professional" means a professional
10 engineer, architect, surveyor, or landscape architect licensed
11 under chapter 464.

12 "Offline field report" means a report that uses photos and
13 videos taken of the project on-site and submitted to a
14 permitting authority to allow inspection remotely and
15 asynchronously.

16 "Solar distributed energy resource system" means an
17 assembly of solar energy-generating or energy-storing materials,
18 or any combined assembly of solar energy-generating and energy-
19 storing materials, and the related infrastructure necessary for
20 its operation.



1 §196-B Solar distributed energy resource systems; No-Rise
2 Certification; exemption; regulatory floodways. (a) Each
3 government entity in the State that issues building permits
4 shall develop Federal Emergency Management Agency-accepted
5 guidance for determining specific conditions under which a
6 Federal Emergency Management Agency-mandated No-Rise
7 Certification is not required for a solar distributed energy
8 resource system located in a regulatory floodway as identified
9 on the Federal Emergency Management Agency's current Flood
10 Insurance Rate Maps.

11 (b) Notwithstanding subsection (a), the project owner or
12 agent of the project owner shall:

- 13 (1) Comply with all applicable codes and laws;
- 14 (2) Properly install the solar distributed energy resource
15 system on an already existing structure; and
- 16 (3) Not create additional obstruction within the
17 regulatory floodway.

18 (c) As used in this section, "solar distributed energy
19 resource system" has the same meaning as in section 196-A."

20 SECTION 3. 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 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Solar Distributed Energy Resource Systems; Building Permits; Self-Certification Process; No-Rise Certification; Regulatory Floodways

Description:

By 7/1/2027, requires government entities in the State that issue building permits to establish a self-certification process for certain behind-the-meter, customer-sited solar distributed energy resource systems that deems permit applications approved and allows applicants to proceed to build solar distributed energy resource systems immediately. Requires government entities in the State that issue building permits to develop guidance for determining specific conditions when a Federal Emergency Management Agency-mandated No-Rise Certification is not required for a solar distributed energy resource system located in a regulatory floodway. Effective 7/1/3000. (SD1)

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