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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, 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 behind-the-meter, customer-sited solar  
9 distributed energy resource systems that deems permit  
10 applications approved and allows applicants to proceed  
11 to build the solar distributed energy resource system  
12 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; and

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

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



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

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

7           (ii) Panel number;

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

10          (iv) Panel date; and

11          (v) Flood zones;

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

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

20          (b) The self-certification process shall allow a project's  
21          licensed design professionals to conduct permit reviews and



1 inspections using commercially available software. The licensed  
2 design professionals' approvals shall be accepted without  
3 additional documentation; provided that the submitted  
4 documentation demonstrates compliance with all applicable codes  
5 and laws. The self-certification process shall allow a  
6 project's licensed design professionals to utilize offline field  
7 reports for inspections.

8 (c) If the requirements of subsections (a) and (b) are  
9 satisfied, the applicable government entity in the State that  
10 issues building permits shall issue the building permit number  
11 and close the permit within thirty days after the date that the  
12 application was submitted.

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

15 (e) As used in this section:

16 "Licensed design professional" means a professional  
17 engineer, architect, surveyor, or landscape architect licensed  
18 under chapter 464.

19 "Offline field report" means a report that uses photos and  
20 videos taken of the project on-site and submitted to a



1 permitting authority to allow inspection remotely and  
2 asynchronously.

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

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

18 (b) Notwithstanding subsection (a), the project owner or  
19 agent of the project owner shall:

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



1        (2) Properly install the solar distributed energy resource  
2        system on an already existing structure; and

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

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

7        SECTION 3. In codifying the new sections added by section  
8        2 of this Act, the revisor of statutes shall substitute  
9        appropriate section numbers for the letters used in designating  
10       the new sections in this Act.

11       SECTION 4. New statutory material is underscored.

12       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 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. (HD1)

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

