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

7 (1) Establish a self-certification process for
8 behind-the-meter, customer-sited solar distributed
9 energy resource systems that deems permit applications
10 approved and allows applicants to proceed to build a
11 solar distributed energy resource system immediately;
12 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 "S196-A Building permits; self-certification; solar
2 distributed energy resource systems. (a) By _____, 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, before the commencement
15 of any work:

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



1 Flood Insurance Program. As part of the
2 attestation form, the licensed design
3 professional shall provide available Flood
4 Insurance Rate Map panel information, which shall
5 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 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 (b) The self-certification process shall allow a project's
2 licensed design professionals to conduct permit reviews and
3 inspections using commercially available software. The licensed
4 design professionals' approvals shall be accepted without
5 additional documentation; provided that the submitted
6 documentation demonstrates compliance with all applicable codes
7 and laws. The self-certification process shall allow a
8 project's licensed design professionals to utilize offline field
9 reports for inspections.

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

15 (d) This section shall not apply to any member-owned
16 electric cooperative.

17 (e) For the purposes of this section:

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

20 "Licensed design professional" does not include a landscape
21 architect.



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
8 energy-storing materials, and the related infrastructure
9 necessary for its operation.

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

20 (b) Notwithstanding subsection (a), the project owner or
21 agent of the project owner shall:



- 1 (1) Comply with all applicable codes and laws;
- 2 (2) Properly install the solar distributed energy resource
- 3 system on an already existing structure; and
- 4 (3) Not create additional obstruction within the
- 5 regulatory floodway.
- 6 (c) For the purposes of this section, "solar distributed
- 7 energy resource system" has the same meaning as defined in
- 8 section 196-A."

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

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on April 19, 2042.



Report Title:

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

Description:

Requires certain 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 system immediately. Requires certain 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 4/19/2042. (SD1)

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

