
A BILL FOR AN ACT

RELATING TO SOLAR ENERGY DEVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The current statutory definition of a "solar
2 energy device" applicable to condominium projects specifically
3 excludes skylights and windows. However, with the ever-evolving
4 technology and innovative nature of renewable energy, the law
5 must also evolve to capture the use of the latest advancements
6 in renewable energy technologies. The exclusion of skylights
7 and windows also creates an ambiguity in Hawaii's statutes. For
8 example, it is not clear whether building-integrated
9 photovoltaics, such as electricity-producing photovoltaic
10 windows, fall under the existing definition of a "solar energy
11 device."

12 The purpose of this Act is to further facilitate the
13 development of green condominium projects throughout Hawaii by
14 clarifying the conditions under which condominium unit owners
15 can install solar energy devices.

16 SECTION 2. Section 514B-140, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:



1 "(c) Subject to the provisions of the declaration,
2 nonmaterial additions to or alterations of the common elements
3 or units, including, without limitation, additions to or
4 alterations of a unit made within the unit or within a limited
5 common element appurtenant to and for the exclusive use of the
6 unit, shall require approval only by the board, which shall not
7 unreasonably withhold the approval, and such percentage, number,
8 or group of unit owners as may be required by the declaration or
9 bylaws; provided that [~~the~~]:

10 (1) The installation of solar energy devices by owners of
11 condominium units shall be allowed upon written
12 consent of the board; and

13 (2) The installation of solar energy devices shall be
14 allowed on single-family residential dwellings or
15 townhouses pursuant to the provisions in section 196-
16 7.

17 As used in this subsection:

18 "Building-applied photovoltaic" means any new identifiable
19 facility, equipment, apparatus, or the like, which turns solar
20 energy into electric energy and is applied to the outside of a
21 building, such as roof-mounted photovoltaic solar panels.



1 "Building-integrated photovoltaic" means any new
2 identifiable facility, equipment, apparatus, or the like, which
3 generates electricity from solar energy and is integrated into
4 the structural elements of a building, such as photovoltaic
5 windows and skylights.

6 "Nonmaterial additions and alterations" means an addition
7 to or alteration of the common elements or a unit that does not
8 jeopardize the soundness or safety of the property, reduce the
9 value thereof, impair any easement, detract from the appearance
10 of the project, interfere with or deprive any nonconsenting
11 owner of the use or enjoyment of any part of property, or
12 directly affect any nonconsenting owner.

13 "Passive solar skylights or windows" means any skylight or
14 window that regulates heating and cooling but does not generate
15 electricity from solar energy.

16 "Solar energy device" means any new identifiable facility,
17 equipment, apparatus, or the like which makes use of solar
18 energy for heating, cooling, or reducing the use of other types
19 of energy dependent upon fossil fuel for its generation[+],
20 including but not limited to all types of building-applied
21 photovoltaics and building-integrated photovoltaics; provided



1 that if the equipment sold cannot be used as a solar device
2 without its incorporation with other equipment, it shall be
3 installed in place and be ready to be made operational in order
4 to qualify as a "solar energy device"; provided further that
5 "solar energy device" shall not include passive solar skylights
6 or windows.

7 "Townhouse" means a series of individual houses, having
8 architectural unity and a common wall between each unit~~[r]~~i;
9 provided that each unit extends from the ground to the roof."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Solar Energy Devices; Photovoltaics; Installation by Condominium Unit Owners

Description:

Clarifies the conditions under which condominium unit owners can install solar energy devices. Amends the definition of "solar energy devices" to include building-applied and building-integrated photovoltaics and to exclude passive solar skylights and windows. (CD1)

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