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# A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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

1       SECTION 1. The legislature finds that the development,  
2       expansion, and protection of solar energy will help to meet the  
3       present and future energy needs and renewable energy mandates of  
4       the State. The legislature further finds that the use of  
5       renewable energy sources, including solar energy, can reduce the  
6       prohibitive costs of electrical power and other depletable  
7       sources of energy; however, solar energy systems require direct  
8       access to sunlight to be functional and operate efficiently.

9       The purpose of this Act is to authorize the counties to  
10      create a process for the recordation and enforcement of solar  
11      easements in order to preserve the economic value of solar  
12      radiation falling on structures, investments in solar energy  
13      devices, and options for future uses of solar energy.

14      SECTION 2. Chapter 196, Hawaii Revised Statutes, is  
15      amended by adding a new section to be appropriately designated  
16      and to read as follows:



1        "§196-        County authority to create solar easements.    (a)

2    The governing body of a county may create, by ordinance, a  
3    process for the recordation and enforcement of solar easements.  
4    Counties may require individuals claiming a solar right to  
5    record that right by filing a declaration with the county clerk  
6    where the property burdened by a solar right is located or where  
7    any portion of the properties on which a solar right is claimed  
8    is located. The declaration shall include a description of the  
9    dimensions of the easement expressed in measurable terms, such  
10   as vertical or horizontal angles measured in degrees; the hours  
11   of the day on specified dates during which direct sunlight to a  
12   specified surface of a solar energy device may not be  
13   obstructed; or a combination of these descriptions. A solar  
14   right may be considered an easement appurtenant, and a suit to  
15   enforce a solar right may be brought at law or in equity. Any  
16   instrument creating a solar easement shall be recorded in the  
17   bureau of conveyances or the land court.

18        (b) For the purposes of this section:

19        "Solar easement" means a right, expressed as an easement,  
20        restriction, covenant, or condition contained in any deed,  
21        contract, or other written instrument, executed by or on behalf



1 of any landowner for the purpose of assuring adequate access to  
2 direct sunlight for solar energy devices.

3 "Solar energy device" has the same meaning as in section  
4 196-7."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2100.

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**Report Title:**

Solar Energy Device; Solar Easement; Solar Access; Counties

**Description:**

Authorizes the governing body of a county to create, by ordinance, a process for the recordation and enforcement of solar easements. Allows counties to require individuals claiming a solar right to record that right by filing a declaration with the county clerk. Effective 7/1/2100. (HD2)

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

