

ISSUE #1

Section 1: [Section 12.4] Design Committee Rules on Solar Water Heaters and Photovoltaic Systems

All solar water heating collectors and photovoltaic panels must be relocated to non-street-facing roof planes and flush-mounted with custom piping enclosures whenever the Design Committee determines that street-facing panels detract from the visual appearance of the residence, regardless of additional installation cost.

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Section 12.4 (p. 1): Mandating relocation of solar water heaters and PV panels to non-street-facing roofs 'regardless of additional installation cost.'

Statutory / Legal Reference: HRS § 196-7(a)-(b)

Statutory Comparison: Under Hawaii Revised Statutes § 196-7(a) and (b), no covenant, declaration, bylaw, or design rule of any planned community association may prohibit the placement of a solar energy device on any single-family residential dwelling or townhouse, nor may any rule require placement or screening that increases the cost of installation, maintenance, and removal of the solar energy device by more than fourteen percent (14%) or decreases its energy efficiency by more than fourteen percent (14%).

CURRENT WORDING IN DOCUMENT:

[Section 12.4] Design Committee Rules on Solar Water Heaters and Photovoltaic Systems - All solar water heating collectors and photovoltaic panels must be relocated to non-street-facing roof planes and flush-mounted with custom piping enclosures whenever the Design Committee determines that street-facing panels detract from the visual appearance of the residence, regardless of additional installation cost.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Section 12.4 ([Section 12.4] Design Committee Rules on Solar Water Heaters and Photovoltaic Systems - All solar water heating collectors and photovoltaic panels must be relocated to non-street-facing roof planes and flush-mounted with custom piping enclosures whenever the Design Committee determines that street-facing panels detract from the visual appearance of the residence, regardless of additional installation cost.) to conform with HRS § 196-7(a)-(b) and the manual attorney audit recommendations for Mililani Town Association.