



A BILL FOR AN ORDINANCE

RELATING TO CLEAN ENERGY PROJECTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and purpose. The Council finds that climate change presents an imminent threat to the State of Hawaii and the residents of the City and County of Honolulu. Rapid consumer adoption of clean energy solutions is essential to increasing resiliency and mitigating the threat of climate change. Permitting requirements can comprise a significant cost in adopting clean energy solutions and have greatly restrained the adoption of clean energy solutions for residents living in townhouses, apartments, and condominiums, thus limiting opportunities for Honolulu residents who want access to cleaner and cheaper sources of energy. Hawaii is likely to be disproportionately impacted by climate change, and a "no regrets" approach to preventing and mitigating the worst impacts of climate change is necessary. Hawaii has an abundance of natural resources and citizens who are keenly interested in clean energy adoption, and the City and County of Honolulu is well-positioned to be a national leader in reducing clean energy costs to its citizens and rapidly deploying clean energy solutions.

Accordingly, the purpose of this ordinance is to develop expedited permitting procedures for consumer clean energy projects in order to support rapid consumer adoption of clean energy solutions while continuing to protect the health and safety of Honolulu's residents.

SECTION 2. Chapter 18, Article 5, Revised Ordinances of Honolulu 1990 ("Permit Issuance"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 18-5. Expedited permit processing for clean energy projects.

(a) As used in this section, "clean energy project" means:

- (1) A solar photovoltaic system, an energy storage system, or an integrated system containing both a solar photovoltaic system and an energy storage system that:
 - (A) Generates 20 kW of new renewable electricity or less;
 - (B) Supplies electricity to the project site under any utility tariff or program;



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- (C) Is certified by UL or another nationally recognized testing laboratory, or is comprised of certified components, and installed according to manufacturer specifications;
 - (D) Is roof mounted on a building at the project site;
 - (E) Has a battery system with less than 50 gallons of electrolyte capacity, or 1,000 lbs. for lithium-ion and lithium metal polymer; and
 - (F) Is independent of required emergency and standby power systems required by this code.
- (2) A solar thermal or solar electric hot water heater that:
- (A) Has a water tank capacity of 120 gallons or less for a single tank system or 240 gallons or less for a double tank system;
 - (B) Provides heated water for use on the project site;
 - (C) Is certified by UL or another nationally recognized testing laboratory, and installed according to manufacturer specifications; and
 - (D) Is structure-mounted on a building at the project site; or
- (3) An electric vehicle charging station that:
- (A) Is an AC Level 1 (120 volt) or AC Level 2 (240 volt) device, or a DC fast-charging system;
 - (B) Is certified by UL or another nationally recognized testing laboratory, and installed according to manufacturer specifications; and
 - (C) Is dedicated for use on site by one or more residents of the project site.
- (b) In reviewing and issuing permits for clean energy projects, the building official shall:



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- (1) Establish an internet-based permitting process by which all permits required for the operation of a clean energy project are approved or denied within 14 calendar days after the submission of a complete application; provided that approval or denial of permit applications must be made within seven calendar days after submittal of required corrections; subject to the following exceptions and requirements.
 - (A) Exceptions to the maximum time limits to approve or deny a permit application are as follows:
 - (i) For clean energy projects that cost in excess \$50,000, the project must be approved or denied within 28 calendar days after the submission of a complete application; provided that approval or denial of the permit application must be made within 14 calendar days after submittal of required corrections;
 - (ii) Maximum time limits for approval or denial of a permit application do not apply if the plans are withdrawn by the applicant prior to completion of plan review, in which case the timeline will restart when the plans are resubmitted;
 - (iii) Where the applicant fails to obtain required discretionary permits or approvals; or
 - (iv) Where the applicant fails to submit a complete application, including failure to remit payment of all required fees.
 - (B) If a map is required as a means to determine where the clean energy project will be installed, aerial or satellite photographs will be deemed sufficient if the photographs reasonably show where the installation is occurring on the property; provided that longitude and latitude coordinates must be provided in addition to the aerial or satellite photographs and property lines.
 - (C) Floor plans and elevations are required for plan review, and must show the working clearances required by the electrical code and the utility provider. Elevations must show the required mounting heights of the equipment and the maximum overall height of the installation as required under Chapter 21 and Chapter 21A.



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- (D) Industry-accepted standardized load calculations are sufficient.
 - (E) If plans are required, the plans must comply with Section 18-4.3, but are not required to provide details for adjacent units unrelated to the clean energy project.
 - (F) If the clean energy project includes multiple meters grouped in one readily accessible central location, the installation must include the following:
 - (i) A rapid shutdown mechanism that complies with this code;
 - (ii) Permanent labels that comply with this code, and include a simple diagram of a building with a roof that shows:
 - (aa) The location of the photovoltaic panels;
 - (bb) The location of the batteries; and
 - (cc) The location of the meter.

The property owner and the contractor shall update the permanent labels as needed to reflect the current location of system elements, and maintain the permanent labels so they are legible at all times; and
 - (iii) An as-built wiring diagram of the photovoltaic system must be provided to the system owner or the occupant of the unit the system serves.
 - (G) A clean energy project permit application does not require submission of an approved materials and methods exemption; provided that a manufacturer specification sheet, installation and operations manual, and UL or other national testing laboratory certification may be required for new equipment not previously reviewed.
- (2) Provide a confirmed inspection date within two working days after receipt of the inspection request. Applicants may submit inspection requests through electronic mail or a public online process. Inspection requests must be made by a duly licensed electrician or duly licensed plumber, as



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applicable, attesting by affidavit to performing or directly supervising the work in compliance with this code and state laws.

(3) The building official shall close an issued permit within seven days after the scheduled final inspection of the project if no code deficiencies or violations are discovered.

(c) If the building official fails to meet any of the maximum time limits to approve or deny a permit application, the permit application will be deemed approved; provided that:

(1) The building official is notified in writing by the project owner, or an agent of the project owner, that the owner or agent requests issuance of the permit, and is prepared to pay any required fees;

(2) The building official is notified in writing by the duly licensed electrician or duly licensed plumber, as applicable, who installed the subject system that the building official failed to process the permit application in a timely manner, and the duly licensed electrician or duly licensed plumber, as applicable, provides the building official with a declaration certifying that the installation of the clean energy project complies with this code and state laws; and

(3) The declaration is supported by an affidavit with statement, seal, and signature of a duly licensed electrical engineer or duly licensed plumber, as applicable, and an architect or structural engineer.

(d) The licensed design professional providing an affidavit pursuant to subsection (c)(3) must possess commercial general liability insurance with minimum coverage of \$1,000,000 per event.

(e) If the notice, declaration, and affidavit requirements of subsection (c) are satisfied, the building official shall close the permit application. The validity of the permit will be in accordance with Section 18-5.3."

SECTION 3. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 20-44

BILL 58 (2020), CD1

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

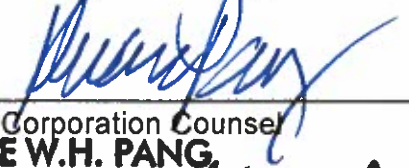
Ron Menor

DATE OF INTRODUCTION:

August 4, 2020
Honolulu, Hawaii


Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
DUANE W.H. PANG

APPROVED this 23rd day of December, 20 20.



Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE **20-44**

BILL 58 (2020), CD1

Introduced: 08/04/20 By: RON MENOR

Committee: ZONING, PLANNING AND HOUSING

Title: A BILL FOR AN ORDINANCE RELATING TO CLEAN ENERGY PROJECTS.

Voting Legend: * = Aye w/Reservations

08/19/20	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
08/21/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER. <u>CC-250</u> FUKUNAGA – RE-REFERRAL FROM COMMITTEE ON PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY TO COMMITTEE ON ZONING, PLANNING AND HOUSING.
09/24/20	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 5 AYES: ELEFANTE, MANAHAN, MENOR, TEXEIRA, WATERS.
09/25/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER. NOTE: EFFECTIVE SEPTEMBER 23, 2020, COUNCILMEMBER IKAIKA ANDERSON, REPRESENTING COUNCIL DISTRICT III, RESIGNED FROM OFFICE. [Refer to Communication <u>CC-256(20)</u>] NOTE: THE APPOINTMENT OF ALAN KEKOA TEXEIRA TO FILL A VACANCY IN THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT III WAS APPROVED ON WEDNESDAY, SEPTEMBER 23, 2020. (refer to <u>RES20-236, FD1</u>) <u>CC-269(20)</u> KOBAYASHI - COUNCIL STANDING COMMITTEE ASSIGNMENTS.
10/22/20	ZONING, PLANNING AND HOUSING	CR-262 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING. 4 AYES: ELEFANTE*, MANAHAN, MENOR, TEXEIRA. 1 EXCUSED: WATERS.
10/23/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
11/05/20	COUNCIL/PUBLIC HEARING	CR-262 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 9 AYES: ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.
11/13/20	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
11/19/20	ZONING, PLANNING AND HOUSING	CR-312 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM. 5 AYES: ELEFANTE, MANAHAN, MENOR, TEXEIRA, WATERS.
12/09/20	COUNCIL	CR-312 ADOPTED AND BILL 58 (2020), CD1 PASSED THIRD READING AS AMENDED. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL


GLEN I. TANAHASHI, CITY CLERK

20-44


ANN KOBAYASHI, CHAIR AND PRESIDING OFFICER