
A BILL FOR AN ACT

RELATING TO CLOTHESLINES.

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

1 SECTION 1. The legislature finds that electric clothes
2 dryers use over ten per cent of many households' total energy
3 demand. Reducing the use of clothes dryers in the State could
4 substantially decrease the amount of electricity that households
5 use, and thereby reduce the amount of fossil fuels used to
6 generate electricity.

7 The legislature further finds that simple clotheslines make
8 efficient use of two abundant resources, sun and wind, to dry
9 clothing. For aesthetic reasons, however, many homeowners
10 associations' prohibit or render ineffective the use of
11 clotheslines to dry clothes by association member homeowners.
12 The legislature further finds that, while aesthetic concerns may
13 have been acceptable twenty years ago, it makes no sense today
14 to restrict smart energy-saving behavior given Hawaii's high
15 energy costs, overdependence of fossil fuels, and climate change
16 issues.



1 The purpose of this Act is to allow the use of clotheslines
2 on any privately owned single-family residential dwelling, with
3 limited restrictions.

4 SECTION 2. Section 196-7, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§196-7 Placement of solar energy devices and**
7 **clotheslines**. (a) Notwithstanding any law to the contrary, no
8 person shall be prevented by any covenant, declaration, bylaws,
9 restriction, deed, lease, term, provision, condition, codicil,
10 contract, or similar binding agreement, however worded, from
11 installing a solar energy device on any single-family
12 residential dwelling or townhouse that the person owns[-] or
13 erecting and using a clothesline for the purpose of drying
14 clothes on the premises of any single-family residential
15 dwelling or townhouse that the person owns. Any provision in
16 any lease, instrument, or contract contrary to the intent of
17 this section shall be void and unenforceable.

18 (b) Every private entity shall adopt rules by December 31,
19 2006, that provide for the placement of solar energy devices.
20 The rules shall facilitate the placement of solar energy devices
21 and shall not unduly or unreasonably restrict that placement so
22 as to render the device more than twenty-five per cent less



1 efficient or to increase the cost of the device by more than
2 fifteen per cent. No private entity shall assess or charge any
3 homeowner any fees for the placement of any solar energy device.

4 (c) Any person may place a solar energy device on any
5 single-family residential dwelling or townhouse unit owned by
6 that person, provided that:

- 7 (1) The device is in compliance with the rules and
8 specifications adopted pursuant to subsection (b);
- 9 (2) The device is registered with the private entity of
10 record within thirty days of installation; and
- 11 (3) If the device is placed on a common element or limited
12 common element as defined by a project's declaration,
13 the homeowner shall first obtain the consent of the
14 private entity; provided further that such consent
15 shall be given if the homeowner agrees in writing to:
 - 16 (A) Comply with the private entity's design
17 specification for the installation of the device;
 - 18 (B) Engage a duly licensed contractor to install the
19 device; and
 - 20 (C) Within fourteen days of approval of the solar
21 device by the private entity, provide a
22 certificate of insurance naming the private



1 entity as an additional insured on the
2 homeowner's insurance policy.

3 (d) If a solar energy device is placed on a common element
4 or limited common element:

5 (1) The owner and each successive owner of the single-
6 family residential dwelling or townhouse unit on which
7 the device is placed shall be responsible for any
8 costs for damages to the device, the common elements,
9 limited common elements, and any adjacent units,
10 arising or resulting from the installation,
11 maintenance, repair, removal, or replacement of the
12 device. The repair, maintenance, removal, and
13 replacement responsibilities shall be assumed by each
14 successive owner until the solar energy device has
15 been removed from the common elements or limited
16 common elements. The owner and each successive owner
17 shall at all times have and maintain a policy of
18 insurance covering the obligations of the owner under
19 this paragraph and shall name the private entity as an
20 additional insured under said policy; and

21 (2) The owner and any successive owner of the single-
22 family residential dwelling or townhouse unit on which



1 the device is placed shall be responsible for removing
2 the solar energy device if reasonably necessary or
3 convenient for the repair, maintenance, or replacement
4 of the common elements or limited common elements.

5 (e) If a material or labor roof warranty exists at the
6 time a solar energy device is installed on a roof that is a
7 common element or limited common element, the homeowner shall
8 obtain confirmation in writing from the company that issued the
9 warranty that the installation of the solar energy device will
10 not void the roof warranty. The homeowner shall provide the
11 private entity with a copy of the confirmation.

12 (f) Subsection (a) shall not limit the reasonable
13 regulation of the location of clotheslines on the premises
14 necessary to protect access to buildings and to protect the
15 ability to evacuate buildings in case of fire or other
16 emergency.

17 ~~(f)~~ (g) For the purposes of this section:

18 "Private entity" means any association of homeowners,
19 community association, condominium association, cooperative, or
20 any other non-governmental entity with covenants, bylaws, and
21 administrative provisions with which the homeowner's compliance
22 is required.



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1 "Solar energy device" means any identifiable facility,
 2 equipment, apparatus, or the like, including a photovoltaic cell
 3 application, that is applicable to a single-family residential
 4 dwelling or townhouse and makes use of solar energy for heating,
 5 cooling, or reducing the use of other types of energy dependent
 6 upon fossil fuel for generation; provided that "solar energy
 7 device" shall not include skylights or windows."

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

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

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Report Title:

Solar Energy; Clotheslines

Description:

Allows for the use of clotheslines on any privately owned single-family residential dwelling, with limited restrictions.

