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# A BILL FOR AN ACT

RELATING TO ENERGY RESOURCES.

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

- 1           SECTION 1. Section 196-6.5, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:  
3           "(a) On or after January 1, 2010, no building permit shall  
4 be issued for a new single-family dwelling that does not include  
5 a solar water heater system that meets the standards established  
6 pursuant to section 269-44, unless the [~~energy resources~~  
7 ~~coordinator~~] public benefits fee administrator approves a  
8 variance. A variance shall only be approved if an architect or  
9 mechanical engineer licensed under chapter 464 attests that:
- 10           (1) Installation is impracticable due to poor solar  
11           resource;
- 12           (2) Installation is cost-prohibitive based upon a life  
13           cycle cost-benefit analysis that incorporates the  
14           average residential utility bill and the cost of the  
15           new solar water heater system with a life cycle that  
16           does not exceed fifteen years;

- 1 (3) A substitute renewable energy technology system, as  
2 defined in section 235-12.5, is used as the primary  
3 energy source for heating water; ~~[or]~~
- 4 (4) A demand water heater device approved by Underwriters  
5 Laboratories, Inc., is installed; provided that at  
6 least one other gas appliance is installed in the  
7 dwelling. For the purposes of this paragraph, "demand  
8 water heater" means a gas-tankless instantaneous water  
9 heater that provides hot water only as it is  
10 needed~~[or]~~; or
- 11 (5) The public benefits fee administrator shall conduct  
12 post-installation verification inspections of the  
13 water heating technology installed pursuant to this  
14 section.
- 15 (b) A request for a variance shall be submitted to the  
16 ~~[energy resources coordinator]~~ public benefits fee administrator  
17 on an application prescribed by the ~~[energy resources~~  
18 ~~coordinator]~~ public benefits fee administrator and shall  
19 include, but not be limited to, a description of the location of  
20 the property and justification for the approval of a variance  
21 using the criteria established in subsection (a). A variance  
22 shall be deemed approved if not denied within thirty working

1 days after receipt of the variance application. The public  
2 benefits fee administrator shall make public:

3 (1) All applications for a variance within seven days  
4 after receipt of the variance application; and

5 (2) The disposition of all applications for a variance  
6 within seven days of the determination on the variance  
7 application."

8 SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on January 1, 2050,  
11 and shall be retroactive to July 1, 2009.

**Report Title:**

Energy Resources; Solar Water Heating

**Description:**

Amends the law mandating solar water heater systems for single-family dwellings by clarifying its application to new dwellings and clarifying variance request procedures and authority.  
Effective 1/1/2050. (SD2)