

JAN 23 2009

A BILL FOR AN ACT

RELATING TO HOUSEHOLD ENERGY DEMAND.

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 statewide 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, Hawaii's overdependence on fossil fuels, and
16 climate change issues.

17 The purpose of this Act is to prohibit:



- 1 (1) Contracts and other binding agreements from precluding
- 2 the erecting and use of clotheslines on the premises
- 3 of single-family residential dwellings; and
- 4 (2) Rules on the placement of clotheslines from being
- 5 unduly or unreasonably restrictive.

6 SECTION 2. Section 196-7, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending its title and subsection (a) to read:

9 **"§196-7 Placement of solar energy devices. (a)**

10 Notwithstanding any law to the contrary, no person shall be
11 prevented by any covenant, declaration, bylaws, restriction,
12 deed, lease, term, provision, condition, codicil, contract, or
13 similar binding agreement, however worded, from installing a
14 solar energy device on any single-family residential dwelling or
15 townhouse that the person owns[-], or erecting and using a
16 clothesline for the purpose of drying clothes on the premises of
17 any single-family residential dwelling or townhouse that the
18 person owns; provided that rules that facilitate the placement
19 of clotheslines shall not be unduly or unreasonably restrictive.
20 Any provision in any lease, instrument, or contract contrary to
21 the intent of this section shall be void and unenforceable."

22 2. By amending subsection (f) to read:



1 "(f) For the purposes of this section:

2 "Private entity" means any association of homeowners,
3 community association, condominium association, cooperative, or
4 any other non-governmental entity with covenants, bylaws, and
5 administrative provisions with which the homeowner's compliance
6 is required.

7 "Solar energy device" means any identifiable facility,
8 equipment, apparatus, or the like, [~~including a photovoltaic~~
9 ~~cell application,~~] that is applicable to a single-family
10 residential dwelling or townhouse and makes use of solar energy
11 for heating, cooling, or reducing the use of other types of
12 energy dependent upon fossil fuel for generation[+], including,
13 but not limited to, photovoltaic cell applications and
14 clotheslines; provided that for purposes of this section,
15 "clothesline" means a rope, cord, or wire on which laundry is
16 hung to dry; provided further that "solar energy device" shall
17 not include skylights or windows."

18 SECTION 3. Section 235-12.5, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) For the purposes of this section:

21 "Actual cost" means costs related to the renewable energy
22 technology systems under subsection (a), including accessories



1 and installation, but not including the cost of consumer
2 incentive premiums unrelated to the operation of the system or
3 offered with the sale of the system and costs for which another
4 credit is claimed under this chapter.

5 "Renewable energy technology system" means a new system
6 that captures and converts a renewable source of energy, such as
7 wind, heat (solar thermal), or light (photovoltaic) from the sun
8 into:

- 9 (1) A usable source of thermal or mechanical energy;
- 10 (2) Electricity; or
- 11 (3) Fuel[-];

12 provided that for purposes of this section, "renewable energy
13 technology system" shall not include skylights, windows, or
14 clotheslines.

15 "Solar or wind energy system" means any identifiable
16 facility, equipment, apparatus, or the like that converts
17 insolation or wind energy to useful thermal or electrical energy
18 for heating, cooling, or reducing the use of other types of
19 energy that are dependent upon fossil fuel for their
20 generation[-]; provided that for purposes of this section,
21 "solar or wind energy system" shall not include skylights,
22 windows, or clotheslines."



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1 SECTION 4. This Act does not affect rights and duties that
2 arise pursuant to any contract, or similar binding agreement in
3 existence before the effective date of this Act.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY: Will Ayres

Josh H
Robert E
Madison J
Ray L. Hoar
Mike Hubbard



Report Title:

Solar Energy; Clotheslines

Description:

Allows for the use of clotheslines on any privately owned single-family residential dwelling or townhouse.

