

STAND. COM. REP. NO.

1281

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1273  
H.D. 1  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1273, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENERGY,"

begs leave to report as follows:

The purpose of this measure is to prohibit real estate contracts, real estate agreements, association rules, and bylaws from precluding the use of clotheslines on the premises of single family dwellings and townhouses or from imposing conditions on the use of clotheslines that are so onerous as to render the clotheslines ineffective.

Your Committee received testimony in support of this measure from The Gas Company, Blue Planet Foundation, the Sierra Club: Hawaii Chapter, and one private citizen. Testimony with comments on this measure was received from Mililani Town Association. Testimony in opposition to this measure was received from the Land Use Research Foundation of Hawaii. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that clotheslines are one of the simplest ways for most households to reduce their energy consumption and, therefore, reduce their monthly utility costs. Your Committee further finds that a widespread reduction of household energy consumption will help Hawaii achieve its goal of increasing energy independence and decreasing dependence on imported fossil fuels. Your Committee notes that this measure

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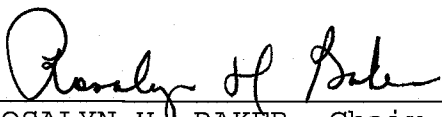
respects the right of homeowners associations to impose reasonable restrictions on the use of clotheslines in response to concerns about community aesthetics.

Your Committee has amended this measure by substituting the contents of S.B. No. 1338, S.D. 2, which your Committee has previously advanced with the recommendation that it pass Third Reading. As amended, this measure:

- (1) Amends section 196-7, Hawaii Revised Statutes, to:
  - (A) Prohibit any covenant, declaration, bylaws, restriction, deed, lease, term, provision, condition, codicil, contract, or similar binding agreement from preventing a person from erecting a clothesline on a single family residence or townhouse that the person owns; provided that reasonable restrictions may apply; and
  - (B) Include clotheslines in the category of "solar energy device", which shall not be prohibited for single family residences or townhouses; and
- (2) Amends section 235-12.5, Hawaii Revised Statutes, to clarify that clotheslines are not included in the definitions of "renewable energy technology system" or "solar or wind energy system".

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1273, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1273, H.D. 1, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,

  
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ROSALYN H. BAKER, Chair



