

JAN 17 2013

---

---

# A BILL FOR AN ACT

RELATING TO ENERGY RESOURCES.

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

1           SECTION 1. The legislature finds that county permitting  
2 agencies, rather than the state energy resources coordinator,  
3 should have the responsibility to process solar water heating  
4 system variance applications since the county permitting  
5 agencies are closer to the particular conditions of the various  
6 geographic and climate peculiarities of their respective  
7 counties.

8           The purpose of this Act is to:

- 9           (1) Require the appropriate county permitting agency to  
10           receive and process applications for variances for the  
11           solar water heating system requirement for building  
12           permits;
- 13           (2) Require each respective county council to establish  
14           procedures and standards by which its respective  
15           county permitting agency approves, approves with  
16           conditions, or disapproves variances; and
- 17           (3) Clarify existing application procedures.



1 SECTION 2. Section 196-6.5, Hawaii Revised Statutes, is  
2 amended by amending subsections (a), (b), (c), and (d) to read  
3 as follows:

4 "(a) On or after January 1, 2010, no building permit shall  
5 be issued for a new single-family dwelling or duplex that does  
6 not include a solar water heater system that meets the standards  
7 established pursuant to section 269-44, unless the [~~coordinator~~]  
8 appropriate county permitting agency approves a variance. A  
9 variance application shall only be accepted if submitted by an  
10 architect or mechanical engineer licensed under chapter 464, who  
11 attests that:

- 12 (1) Installation is impracticable due to poor solar  
13 resource;
- 14 (2) Installation is cost-prohibitive based upon a life  
15 cycle cost-benefit analysis that incorporates the  
16 average residential utility bill and the cost of the  
17 new solar water heater system with a life cycle that  
18 does not exceed fifteen years;
- 19 (3) A renewable energy technology system, as defined in  
20 section 235-12.5, is substituted for use as the  
21 primary energy source for heating water; or



1           (4) A demand water heater device approved by Underwriters  
2           Laboratories, Inc., is installed; provided that at  
3           least one other gas appliance is installed in the  
4           dwelling. For the purposes of this paragraph, "demand  
5           water heater" means a gas-tankless instantaneous water  
6           heater that provides hot water only as it is needed.

7           (b) A request for a variance shall be submitted to the  
8           ~~[coordinator]~~ appropriate county permitting agency on an  
9           application prescribed by the ~~[coordinator]~~ county permitting  
10          agency and shall include a description of the location of the  
11          property and justification for the approval of a variance using  
12          the criteria established in subsection (a). ~~[A variance shall~~  
13          ~~be deemed approved if not denied within thirty working days~~  
14          ~~after receipt of the variance application. The coordinator~~  
15          ~~shall publicize:~~

16          ~~(1) All applications for a variance within seven days~~  
17          ~~after receipt of the variance application; and~~

18          ~~(2) The disposition of all applications for a variance~~  
19          ~~within seven days of the determination of the variance~~  
20          ~~application.]~~ Each county council shall establish

21          procedures and standards by which its county permitting agency  
22          may approve, approve with conditions, or disapprove an



1 application for a variance, including deadlines for the county  
2 permitting agency to act on the application; provided that the  
3 county permitting agency shall approve, approve with conditions,  
4 or disapprove the application only in accordance with standards  
5 and procedures established by its county council.

6 (c) ~~[The director of business, economic development, and~~  
7 ~~tourism may adopt rules pursuant to chapter 91 to impose and~~  
8 ~~collect fees to cover the costs of administering variances under~~  
9 ~~this section. The fees, if any, shall be deposited into the~~  
10 ~~energy security special fund established under section~~  
11 ~~201-12.8.] Each county permitting agency may adopt rules~~  
12 pursuant to chapter 91 to impose and collect fees to cover the  
13 costs of processing applications for variances under this  
14 section.

15 (d) Nothing in this section shall preclude any county from  
16 ~~[establishing procedures and standards required to implement~~  
17 ~~this section.] adopting ordinances to promote greater use of~~  
18 solar water heating."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

*Mike Hubbard*

*Russell R. ...*

*Erzanne Chun ...*



# S.B. NO. 16

**Report Title:**

Energy Resources; Solar Water Heating; County Variance Approvals

**Description:**

Requires appropriate county permitting agency to receive and process application for variances for installation of solar water heating systems. Requires county councils to establish procedures and standards by which their respective county permitting agencies approve, disapprove, or approve with conditions. Clarifies existing application procedures.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

