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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. 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 waiver applications since the county permitting agencies  
5 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 waivers 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 waivers; 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~~]  
9 waiver. A [~~variance~~] waiver application shall [~~only~~] be  
10 accepted if [~~submitted by an architect or mechanical engineer~~  
11 ~~licensed under chapter 464, who attests~~] the application  
12 demonstrates to the satisfaction of the county permitting agency  
13 that:

- 14 (1) Installation is impracticable due to poor solar  
15 resource;
- 16 (2) Installation is cost-prohibitive based upon a life  
17 cycle cost-benefit analysis that incorporates the  
18 average residential utility bill and the cost of the  
19 new solar water heater system with a life cycle that  
20 does not exceed fifteen years;



1 (3) A renewable energy technology system, as defined in  
2 section 235-12.5, is substituted for use as the  
3 primary 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 needed.  
10 The demand water heater must be approved by a North  
11 American certification organization such as the  
12 Canadian Standards Association International; the Air-  
13 Conditioning, Heating, and Refrigeration Institute; or  
14 the Gas Appliance Manufacturers Association  
15 Certification Program.

16 (b) A request for a [~~variance~~] waiver shall be submitted  
17 to the [~~coordinator~~] appropriate county permitting agency on an  
18 application prescribed by the [~~coordinator~~] county permitting  
19 agency and shall include a description of the location of the  
20 property and justification for the approval of a [~~variance~~]  
21 waiver using the criteria established [~~in subsection (a).~~—A  
22 ~~variance shall be deemed approved if not denied within thirty~~



1 ~~working days after receipt of the variance application. The~~  
2 ~~coordinator shall publicize:~~

- 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 of the variance~~  
7           ~~application.] by the counties. Each county council~~  
8           shall establish procedures and standards by which its  
9           county permitting agency may approve, approve with  
10           conditions, or disapprove an application for a waiver,  
11           including deadlines for the county permitting agency  
12           to act on the application; provided that the county  
13           permitting agency shall approve, approve with  
14           conditions, or disapprove the application only in  
15           accordance with standards and procedures established  
16           by its county council.

17       (c) ~~[The director of business, economic development, and~~  
18 ~~tourism may adopt rules pursuant to chapter 91 to impose and~~  
19 ~~collect fees to cover the costs of administering variances under~~  
20 ~~this section. The fees, if any, shall be deposited into the~~  
21 ~~energy security special fund established under section~~  
22 ~~201-12.8.] Each county permitting agency may adopt rules~~



1 pursuant to chapter 91 to impose and collect fees to cover the  
2 costs of processing applications for waivers under this section.

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

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

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

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**Report Title:**

Energy Resources; Solar Water Heating; County Waiver Approvals

**Description:**

Requires appropriate county permitting agency to receive and process application for waivers 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. (SD1)

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

