
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 the title and subsections (a), (b), (c), and
3 (d) to read as follows:

4 "§196-6.5 Solar water heater system required for new
5 single-family residential or duplex construction. (a) On or
6 after January 1, 2010, no building permit shall be issued for a
7 new single-family dwelling or duplex that does not include a
8 solar water heater system that meets the standards established
9 pursuant to section 269-44, unless the [~~coordinator~~] appropriate
10 county permitting agency approves a [~~variance~~] waiver. A
11 [~~variance~~] waiver application shall [~~only~~] be accepted if
12 [~~submitted by an architect or mechanical engineer licensed under~~
13 ~~chapter 464, who attests~~] the application demonstrates to the
14 satisfaction of the county permitting agency that:

- 15 (1) Installation is impracticable due to poor solar
16 resource;
- 17 (2) Installation is cost-prohibitive based upon a life
18 cycle cost-benefit analysis that incorporates the
19 average residential utility bill and the cost of the
20 new solar water heater system with a life cycle that
21 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 shall 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 (b) A request for a [~~variance~~] waiver shall be submitted
 16 to the [~~coordinator~~] appropriate county permitting agency on an
 17 application prescribed by the [~~coordinator~~] county permitting
 18 agency and shall include a description of the location of the
 19 property and justification for the approval of a [~~variance~~]
 20 waiver using the criteria established [~~in subsection (a).~~—A
 21 ~~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 use of solar water
6 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 on July 1, 2050;
10 provided that the energy resources coordinator shall retain the
11 coordinator's power to approve variances pursuant to section
12 196-6.5, Hawaii Revised Statutes, as that law existed on the day
13 before the effective date of this Act, until the mayor of the
14 respective county notifies the governor that the respective
15 county has adopted ordinances to implement this Act.



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. Effective 07/01/50. (SD2)

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

