
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 independence from
2 fossil fuels is critical for the security and well-being of
3 Hawaii's residents and for the sustainability and vitality of
4 Hawaii's economy. Rising oil costs and increased dependence on
5 foreign oil continue to place Hawaii's families and businesses
6 in a vulnerable position. Also, continued consumption of fossil
7 fuel will worsen global warming, resulting in the increasing
8 frequency and intensity of storms and rising sea levels in
9 Hawaii. This will cause significant and costly impacts to our
10 island communities as well as to the larger world.

11 The legislature also finds that the installation of solar
12 water heaters on new single-family and duplex homes is one of
13 the most cost-effective and efficient ways to remove Hawaii's
14 families' dependence on fossil fuels. A conventional electric
15 water tank accounts for thirty to thirty-five per cent of a
16 household's electric bill. It is estimated that by relying on
17 the sun for ninety per cent of its hot water demand, a family
18 could save enough money to pay for the solar system in three to



1 five years. After the system is paid off, the heating of water
2 is essentially free. In addition to federal tax credits, when
3 the cost of a solar water heater is included in the cost of a
4 mortgage there could also be the added value of tax deductions.

5 For the reasons above, the legislature in 2008 passed Act
6 204, Session Laws of Hawaii 2008, requiring solar water heaters
7 on new single-family homes. However, the legislature finds that
8 Act 204 allows variances, such as for tankless gas water
9 heaters, under vague and unjustified circumstances such that the
10 purpose of Act 204 is being thwarted in many instances.

11 Therefore, the legislature finds it is necessary to modify the
12 wording of the law and clarify that the variance allowing
13 tankless gas water heaters shall require application only by the
14 buyer of the dwelling unit. If the buyer is not available, then
15 the variance application shall not be accepted for processing
16 and the variance shall not be available.

17 SECTION 2. Section 196-6.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§196-6.5 Solar water heater system required for new**
20 **single-family residential construction.** (a) On or after
21 January 1, 2010, no building permit shall be issued for a new
22 single-family or duplex dwelling that does not include a solar



1 water heater system that meets the standards established
2 pursuant to section 269-44, unless the coordinator approves a
3 variance. A variance application under paragraph (1), (2), or
4 (3) shall only be accepted if submitted by an architect or
5 mechanical engineer licensed under chapter 464, who attests
6 that:

7 (1) Installation is impracticable due to poor solar
8 resource;

9 (2) Installation is cost-prohibitive based upon a life
10 cycle cost-benefit analysis that incorporates the
11 average residential utility bill and the cost of the
12 new solar water heater system with a life cycle that
13 does not exceed fifteen years; or

14 (3) A renewable energy technology system, as defined in
15 section 235-12.5, is substituted for use as the
16 primary energy source for heating water[~~,- or~~

17 ~~(4) A demand water heater device approved by Underwriters~~
18 ~~Laboratories, Inc., is installed, provided that at~~
19 ~~least one other gas appliance is installed in the~~
20 ~~dwelling. For the purposes of this paragraph, "demand~~
21 ~~water heater" means a gas tankless instantaneous water~~
22 ~~heater that provides hot water only as it is needed].~~



1 (b) An application for a variance on the basis of the home
2 having installed a gas-tankless instantaneous water heater that
3 provides hot water only as it is needed shall only be accepted
4 if:

5 (1) The water heater has been approved by Underwriters
6 Laboratories, Inc.;

7 (2) The applicant signs an affidavit that the applicant
8 has read a flyer issued by the department of business,
9 economic development, and tourism showing the life
10 cycle cost comparisons of a solar water heater and a
11 gas-tankless instantaneous water heater of equivalent
12 capacities; and

13 (3) The applicant is the buyer of the new dwelling.

14 [~~b~~] (c) A request for a variance shall be submitted to
15 the coordinator on an application prescribed by the coordinator
16 and shall include a description of the location of the property
17 and justification for the approval of a variance using the
18 criteria established in subsection (a). A variance shall be
19 deemed approved if not denied within thirty working days after
20 receipt of the variance application. The coordinator shall
21 publicize:



- 1 (1) All applications for a variance within seven days
2 after receipt of the variance application; and
3 (2) The disposition of all applications for a variance
4 within seven days of the determination of the variance
5 application.

6 [~~e~~] (d) The director of business, economic development,
7 and 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 201-12.8.

11 [~~d~~] (e) Nothing in this section shall preclude any
12 county from establishing procedures and standards required to
13 implement this section.

14 [~~e~~] (f) Nothing in this section shall preclude
15 participation in any utility demand-side management program or
16 public benefits fee program under part VII of chapter 269."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

20



Report Title:

Kauai County Package; Solar Water Heater Variance Requirements

Description:

Requires duplexes to include a solar water heater system when applying for a building permit. Clarifies gas variance requirements. (SD1)

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

