
A BILL FOR AN ACT

RELATING TO ENERGY EFFICIENCY.

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

1 SECTION 1. Section 196-6.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§196-6.5 Solar water heater system required for new**
4 **single-family residential construction.** (a) On or after
5 January 1, 2010, no building permit shall be issued for a new
6 single-family dwelling that does not include a solar water
7 heater system that meets the standards established pursuant to
8 section 269-44, unless the chief energy officer of the Hawaii
9 state energy office approves a variance. A variance application
10 shall only be accepted if submitted by an architect or
11 mechanical engineer licensed under chapter 464, or a homeowner
12 or homebuilder on behalf of a future homeowner, who attests
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



- 1 average residential utility bill and the cost of the
2 new solar water heater system with a life cycle that
3 does not exceed fifteen years;
- 4 (3) A renewable energy technology system, as defined in
5 section 235-12.5, is substituted for use as the
6 primary energy source for heating water; [~~or~~]
- 7 (4) A demand water heater device approved by [~~Underwriters~~
8 ~~Laboratories, Inc.~~] a nationally recognized testing
9 laboratory is installed; provided that at least one
10 other gas appliance is installed in the dwelling. For
11 the purposes of this paragraph, "demand water heater"
12 means a gas-tankless instantaneous water heater that
13 provides hot water only as it is needed[~~or~~];
- 14 (5) A gas tankless water heater is necessary for
15 resilience, reliability, or redundancy to prepare for
16 a natural or manmade disaster or emergency;
- 17 (6) The electric grid is not available or the provision of
18 electricity from the electric grid to the home is cost
19 prohibitive;
- 20 (7) The home is located in a low- or moderate-income
21 district; or



1 (8) The home is in a community identified by the State as
2 facing the highest risk of wildfires.

3 (b) A request for a variance shall be submitted to the
4 chief energy officer of the Hawaii state energy office on an
5 application prescribed by the chief energy officer of the Hawaii
6 state energy office and shall include a description of the
7 location of the property and justification for the approval of a
8 variance using the criteria established in subsection (a). The
9 appropriate county authority having jurisdiction over building
10 permits shall also receive a copy of the application and may
11 provide comments. A variance shall be deemed approved if not
12 denied within thirty working days after receipt of the variance
13 application. The chief energy officer of the Hawaii state
14 energy office shall publicize:

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

17 (2) The disposition of all applications for a variance
18 within seven days of the determination of the variance
19 application.

20 (c) The director of business, economic development, and
21 tourism may adopt rules pursuant to chapter 91 to impose and



1 collect fees to cover the costs of administering variances under
2 this section. The fees, if any, shall be deposited into the
3 energy security special fund established under section 201-12.8.

4 (d) Nothing in this section shall preclude any county from
5 establishing procedures and standards required to implement this
6 section.

7 (e) Nothing in this section shall preclude participation
8 in any utility demand-side management program or public benefits
9 fee program under part VII of chapter 269.

10 (f) A solar water heater variance request may be
11 submitted concurrently with the building permit application. If
12 the building permit application indicates the installation of a
13 solar water heater and a different water heating technology is
14 installed after the building permit is issued, any solar water
15 heater variance request submitted before or after the completion
16 of the new single-family dwelling's construction shall be
17 automatically accepted and processed as provided in
18 subsection (b)."

19 SECTION 2. Section 201-12.8, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) There is created within the state treasury an energy
2 security special fund, which shall consist of:

- 3 (1) The portion of the environmental response, energy, and
4 food security tax specified under section 243-3.5;
5 (2) Moneys appropriated to the fund by the legislature;
6 (3) All interest attributable to investment of money
7 deposited in the fund; and
8 (4) Moneys allotted to the fund from other sources,
9 including under section 196-6.5."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2024.



Report Title:

Solar Energy Devices; Water Heating; Residential; Variance;
Counties

Description:

Requires a copy of a solar water heater system variance application be provided to the appropriate county authority having jurisdiction over building permits and authorizes the authority to provide comments. Authorizes applicants to submit the variance request concurrently with the building permit. Expands qualified attestations for a variance application.
(SD2)

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