
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~~] appropriate county authority having
10 jurisdiction over building permits approves a variance. A
11 variance application shall only be accepted if submitted by an
12 architect or mechanical engineer licensed under chapter 464, or
13 a homeowner or homebuilder on behalf of a future homeowner, who
14 attests that:

15 (1) Installation is impracticable due to poor solar
16 resource;



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



1 (7) The home is located in a low- or moderate-income
2 district; or

3 (8) The home is in a community facing the highest risk of
4 wildfires identified by the State.

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

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



1 (2) The disposition of all applications for a variance
2 within seven days of the determination of the variance
3 application.

4 (c) The [~~director of business, economic development, and~~
5 ~~tourism~~] director of the appropriate county authority having
6 jurisdiction over building permits may [~~adopt rules pursuant to~~
7 ~~chapter 91 to~~] impose and collect fees to cover the costs of
8 administering variances under this section. The fees, if any,
9 shall be deposited into the [~~energy security special fund~~
10 ~~established under section 201-12.8-~~] county's appropriate
11 operating fund.

12 (d) Nothing in this section shall preclude any county from
13 establishing procedures and standards required to implement this
14 section.

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

18 (f) A solar water heater variance request shall be
19 submitted concurrently with the building permit application. If
20 the building permit application indicates the installation of a
21 solar water heater and a different water heating technology is



1 installed after the building permit is issued, any solar water
2 heater variance request submitted before or after the completion
3 of the new single-family dwelling's construction shall be
4 automatically denied."

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

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

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

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

18 SECTION 4. This Act shall take effect on January 1, 2060.



Report Title:

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

Description:

Amends the entity responsible for approving a variance for the installation of solar water heater systems from the Chief Energy Officer to the appropriate county authority having jurisdiction over building permits. Requires the fees collected by each county authority having jurisdiction over building permits to be deposited into the appropriate county operating fund. Takes effect 1/1/2060. (SD1)

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