
A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. The legislature finds that residents in master-
2 metered buildings tend to consume more electricity than
3 residents with individual apartment metering because those
4 residents do not bear electricity costs in proportion to
5 consumption levels in master-metered buildings. In a master-
6 metered building, the cost of the total electric consumption for
7 the building is divided among apartments, not taking into
8 account actual consumption. Residential sub-metering is the
9 measurement and billing of electric use in individual apartments
10 in master-metered buildings.

11 The legislature further finds that the change from master-
12 metering to sub-metering typically reduces the consumption of
13 electricity in apartments by ten to twenty-six per cent.

14 The purpose of this Act is to require the installation of
15 meters to measure electricity utility use by individual units in
16 condominiums.

17 SECTION 2. Section 514A-15.5, Hawaii Revised Statutes, is
18 amended to read as follows:



1 "§514A-15.5 Metering of utilities[-] in mixed-use projects
2 and other projects. (a) Notwithstanding the provisions of
3 section 514A-15, commercial apartments in mixed-use projects
4 containing apartments for both residential and commercial use
5 shall have a separate meter, or calculations shall be made, or
6 both, to determine the use by the commercial apartments of
7 utilities, including electricity, water, gas, fuel, oil,
8 sewerage, and drainage, and the cost of the utilities shall be
9 paid by the owners of the commercial units; provided that the
10 apportionment of the charges among owners of commercial
11 apartments shall be done in a fair and equitable manner as set
12 forth in the declaration or bylaws. Notwithstanding section
13 514A-15 to the contrary, each residential apartment in a mixed-
14 use project shall have a separate meter to determine the use of
15 electricity by that apartment, and each residential apartment
16 may have a separate meter or calculations made to determine the
17 use by that apartment of other utilities, including water, gas,
18 fuel, oil, sewerage, and drainage.

19 (b) Notwithstanding any provision to the contrary in this
20 chapter or in a project's declaration or bylaws of an
21 association of apartment owners, the board of directors [may] of



1 a mixed-use project shall authorize the installation of separate
2 meters to determine the use of electricity by each of the
3 residential and commercial apartments and may authorize the
4 installation of separate meters to determine the use by each of
5 the residential and commercial apartments of other utilities,
6 including [~~electricity,~~] water, gas, fuel, oil, sewerage, and
7 drainage; provided that the cost of installing the meters shall
8 be paid by the association[~~-~~], and up to fifty per cent of the
9 total cost of installing the meters may be subsidized.

10 [~~(b)~~] (c) Notwithstanding any approval requirements and
11 spending limits contained in the declaration or bylaws of an
12 association of apartment owners, the board of directors of any
13 association of apartment owners [~~may~~] shall authorize the
14 installation of meters to determine the use of electricity by
15 each residential or commercial apartment and may authorize the
16 installation of meters to determine the use by each apartment of
17 other utilities, including [~~electricity,~~] water, gas, fuel, oil,
18 sewerage, and drainage; provided that the cost of installing the
19 meters shall be paid by the association[~~-~~], and up to fifty per
20 cent of the total cost of installing the meters may be
21 subsidized. The cost of metered utilities shall be paid by the



1 owners of each apartment based on actual consumption and may be
2 collected in the same manner as common expense assessments.
3 Owners' maintenance fees shall be adjusted as necessary to avoid
4 any duplication of charges to these owners for the cost of
5 metered utilities.

6 (d) Any person or entity who violates or fails to comply
7 with this section shall be punished by a fine not exceeding
8 \$. Each violation shall constitute a separate
9 offense."

10 SECTION 3. Section 514B-42, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§514B-42 Metering of utilities[-] in mixed-use projects**
13 **and other projects.** (a) Units in a project that includes units
14 designated for both residential and nonresidential use shall
15 have separate meters, or calculations shall be made, or both, as
16 may be practicable, to determine the use by the nonresidential
17 units of utilities, including electricity, water, gas, fuel,
18 oil, sewerage, air conditioning, chiller water, and drainage,
19 and the cost of the utilities shall be paid by the owners of the
20 nonresidential units; provided that the apportionment of the
21 charges among owners of nonresidential units shall be done in a



1 fair and equitable manner as set forth in the declaration or
2 bylaws. Each residential unit in a project that includes
3 residential and nonresidential units shall have a separate meter
4 to determine the use of electricity by that unit and may have a
5 separate meter to determine the use by that apartment of other
6 utilities, including water, gas, fuel, oil, sewerage, air
7 conditioning, chiller water, and drainage.

8 (b) Notwithstanding any provision to the contrary in this
9 chapter or in a project's declaration or bylaws, the board [may]
10 shall authorize the installation of separate meters to determine
11 the use of electricity by each of the residential and commercial
12 units and may authorize the installation of separate meters to
13 determine the use by each of the units of other utilities,
14 including [~~electricity,~~] water, gas, fuel, oil, sewerage, and
15 drainage; provided that the cost of installing the meters shall
16 be paid by the association[~~+~~], and up to fifty per cent of the
17 total cost of installing the meters may be subsidized.

18 [~~(b)~~] (c) Notwithstanding any approval requirements and
19 spending limits contained in a project's declaration or bylaws,
20 the board of any association [may] shall authorize the
21 installation of meters to determine the use of electricity by



1 each individual unit and may authorize the installation of
 2 meters to determine the use of other utilities, including
 3 [~~electricity,~~] water, gas, fuel, oil, sewerage, air
 4 conditioning, chiller water, and drainage; provided that the
 5 cost of installing the meters shall be paid by the
 6 association[-], and up to fifty per cent of the total cost of
 7 installing the meters may be subsidized. The cost of metered
 8 utilities shall be paid by the owners of each unit based on
 9 actual consumption and, to the extent not billed directly to the
 10 unit owner by the utility provider, may be collected in the same
 11 manner as common expense assessments. Owners' maintenance fees
 12 shall be adjusted as necessary to avoid any duplication of
 13 charges to owners for the cost of metered utilities.

14 (d) Any person or entity who violates or fails to comply
 15 with this section shall be punished by a fine not exceeding
 16 \$ _____ . Each violation shall constitute a separate
 17 offense."

18 SECTION 4. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2050.

21



Report Title:

Condominiums; Electricity Utility Metering; Sub-metering

Description:

Requires separate electricity utility metering of nonresidential and residential condominium units in all mixed-use condominium projects. Authorizes condominium boards to also authorize separate metering of other utilities and up to half of the cost of installing the meters to be subsidized. Effective 07/01/2050. (SD2)

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