

JAN 21 2022

A BILL FOR AN ACT

RELATING TO ENERGY EFFICIENT TECHNOLOGIES.

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

1 SECTION 1. The legislature finds that expanding energy-
2 efficiency practices in the State is a fundamental principle of
3 the Hawaii 2050 Sustainability Plan and a mandated action plan
4 pursuant to section 226-65, Hawaii Revised Statutes. The State
5 is aligned with the United States Department of Energy's
6 National Action Plan and the United Nations' Sustainable
7 Development Goals to promote energy conservation and efficiency,
8 and to improve access to and availability of energy-efficient
9 technologies.

10 The legislature further finds that cool roofs are one such
11 energy-efficient technology that can reduce the ambient air
12 temperature inside a building by several degrees, thereby
13 requiring less energy use to cool the building. A cool roof is
14 defined as having a Solar Reflective Index of 65 or greater
15 according to United States Energy Star guidelines.
16 Additionally, a recent study published in the *International*
17 *Journal of Low-Carbon Technologies* shows that a cool roof



1 combined with photovoltaic solar panels can improve a building's
2 renewable energy generating capacity by five to ten per cent.
3 Moreover, cool roofs also reduce the heat island effect of
4 buildings for the surrounding wildlife habitat and urban and
5 suburban community, and is thus recommended by the United States
6 Green Building Council.

7 The legislature additionally finds that, despite the
8 benefits of and explicit state priorities for, energy-efficient
9 technologies, homeowners in Hawaii may still be prevented from
10 or penalized for installing energy-efficient technologies by
11 their homeowners' associations or restrictive covenants.
12 Although section 196-7, Hawaii Revised Statutes, protects
13 homeowners for the placement of solar energy devices, and
14 section 196-8.5, Hawaii Revised Statutes, protects homeowners
15 for the placement of clotheslines as an energy-savings device,
16 existing law is silent on the placement of energy-efficient
17 technologies such as cool roofs or solar fans.

18 The purpose of this Act is to allow all homeowners to
19 install energy-efficient technologies and to establish a
20 financial penalty for noncompliant homeowners' associations or
21 restrictive covenants by requiring them to pay a fine to the



1 energy security special fund as well as the legal costs of
2 homeowners who seek to install energy efficient technologies.

3 SECTION 2. Chapter 196, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§196- Placement of energy-efficient technologies. (a)

7 Notwithstanding any law to the contrary, no person shall be
8 prevented by any covenant, declaration, bylaws, restriction,
9 deed, lease, term, provision, condition, codicil, contract, or
10 similar binding agreement, however worded, from using or
11 installing energy efficient technologies. Any provision in any
12 lease, instrument, or contract contrary to the intent of this
13 section shall be void and unenforceable.

14 (b) Every private entity may adopt rules that reasonably
15 regulate the placement and use of energy efficient technologies;
16 provided that the rules shall not impose conditions or
17 restrictions on the use of energy efficient technologies that
18 are not related to compliance with building code provisions or
19 other provisions of law. No private entity shall assess or
20 charge any homeowner any fees for the placement and use of
21 energy-efficient technologies.



1 (c) Any private entity that does not comply with this
2 section shall be liable for reasonable legal fees and costs of
3 homeowners who bring actions to enforce this section; and in
4 addition shall be fined an amount not exceeding \$ _____ ;
5 provided that the fine shall be deposited into the energy
6 security special fund established under section 201-12.8.

7 (d) For the purposes of this section, "energy efficient
8 technologies" means systems or technologies designed to perform
9 the same or equivalent functions to standard systems or
10 technologies while using less energy. "Energy efficient
11 technologies" includes solar fans and cool roofs; provided that
12 the term shall not include solar energy devices pursuant to
13 section 196-7, electric vehicle charging systems pursuant to
14 section 196-7.5, and any other energy efficient system
15 specifically covered by another provision in this chapter."

16 SECTION 3. Section 514B-140, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) Subject to the provisions of the declaration,
19 nonmaterial additions to or alterations of the common elements
20 or units, including, without limitation, additions to or
21 alterations of a unit made within the unit or within a limited



1 common element appurtenant to and for the exclusive use of the
2 unit, shall require approval only by the board, which shall not
3 unreasonably withhold the approval, and such percentage, number,
4 or group of unit owners as may be required by the declaration or
5 bylaws; provided that:

6 (1) The installation of solar energy devices by owners of
7 condominium units shall be allowed upon written
8 consent of the board; and

9 (2) The installation of solar energy devices, electric
10 vehicle charging stations, and energy efficient
11 technologies shall be allowed on single-family
12 residential dwellings or townhouses pursuant to the
13 provisions in ~~[section]~~ sections 196-7[-], 196-7.5,
14 and 196- , respectively."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18
INTRODUCED BY: _____

Jana Acasio



S.B. NO. 2413

Report Title:

Energy Efficient Technologies; Homeowner Associations;
Restrictive Covenants

Description:

Prohibits homeowner associations and restrictive covenants from preventing the use or installation of energy efficient technologies. Imposes a fine on private entities that do not comply with prohibitions on preventing the use or installation of energy efficient technologies.

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