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# 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 by amending subsections (a) through (c) to read as  
3 follows:

4           "(a) On or after January 1, 2010, no building permit shall  
5 be issued for a new single-family dwelling that does not include  
6 a solar water heater system that meets the standards established  
7 pursuant to section 269-44, unless the [~~chief energy officer of~~  
8 ~~the Hawaii state energy office~~] appropriate county planning  
9 department approves a variance. A variance application shall  
10 only be accepted if submitted by an architect or mechanical  
11 engineer licensed under chapter 464, who attests that:

- 12           (1) Installation is impracticable due to poor solar  
13           resource;
- 14           (2) Installation is cost-prohibitive based upon a life  
15           cycle cost-benefit analysis that incorporates the  
16           average residential utility bill and the cost of the



1 new solar water heater system with a life cycle that  
2 does not exceed fifteen years;

3 (3) A renewable energy technology system, as defined in  
4 section 235-12.5, is substituted for use as the  
5 primary energy source for heating water; or

6 (4) A demand water heater device approved by Underwriters  
7 Laboratories, Inc., is installed; provided that at  
8 least one other gas appliance is installed in the  
9 dwelling. For the purposes of this paragraph, "demand  
10 water heater" means a gas-tankless instantaneous water  
11 heater that provides hot water only as it is needed.

12 (b) A request for a variance shall be submitted to the  
13 ~~[chief energy officer of the Hawaii state energy office]~~  
14 appropriate county planning department on an application  
15 prescribed by the ~~[chief energy officer of the Hawaii state~~  
16 ~~energy office]~~ county planning department and shall include a  
17 description of the location of the property and justification  
18 for the approval of a variance using the criteria established in  
19 subsection (a). A variance shall be deemed approved if not  
20 denied within thirty working days after receipt of the variance  
21 application. The ~~[chief energy officer of the Hawaii state~~



1 ~~energy office]~~ appropriate county planning department shall  
2 publicize:

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

5 (2) The disposition of all applications for a variance  
6 within seven days of the determination of the variance  
7 application.

8 (c) The ~~[director of business, economic development, and~~  
9 ~~tourism]~~ director of the appropriate county planning department  
10 may ~~[adopt rules pursuant to chapter 91 to]~~ impose and collect  
11 fees to cover the costs of administering variances under this  
12 section. The fees, if any, shall be deposited into the ~~[energy~~  
13 ~~security special fund established under section 201-12.8.]~~  
14 appropriate county planning department operating fund."

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

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

19 (1) The portion of the environmental response, energy, and  
20 food security tax specified under section 243-3.5;

21 (2) Moneys appropriated to the fund by the legislature;



- 1 (3) All interest attributable to investment of money
- 2 deposited in the fund; and
- 3 (4) Moneys allotted to the fund from other sources[~~7~~
- 4 ~~including under section 196-6.5]~~."

5 SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

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

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BR  
INTRODUCED BY: Lyn D. Borte



# S.B. NO. 2677

**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 planning department. Requires the fees collected by each county planning department to be deposited into the appropriate county planning department operating fund.

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

