

ACT 192

S.B. NO. 1338

A Bill for an Act Relating to Household Energy Demand.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that electric clothes dryers make up over ten per cent of many households' total energy use. Reducing the use of electric clothes dryers statewide could substantially decrease the amount of energy that households use and thereby reduce the amount of fossil fuels used to generate electricity in the State.

The legislature finds that simple clotheslines make efficient use of two abundant resources, the sun and the wind, to dry clothing. For aesthetic reasons, however, many homeowners' associations prohibit the use of clotheslines or render them ineffective through unreasonably restrictive regulation. The legislature further finds that although aesthetic concerns still exist today, they are not necessarily incompatible with environmental and energy security concerns, especially in the current context of high energy costs, climate change issues, and Hawaii's goal of increasing energy independence and maintaining an aesthetically pleasing environment.

The purpose of this Act is to prohibit real estate contracts, agreements, and rules from precluding or rendering ineffective the use of clotheslines on the premises of single-family dwellings or townhouses.

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

“§196- Placement of clotheslines. (a) Notwithstanding any law to the contrary, no person shall be prevented by any covenant, declaration, bylaws, restriction, deed, lease, term, provision, condition, codicil, contract, or similar binding agreement, however worded, from installing a clothesline on any single-family residential dwelling or townhouse that the person owns. Any provision in any lease, instrument, or contract contrary to the intent of this section shall be void and unenforceable.

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(b) Every private entity may adopt rules that reasonably restrict the placement and use of clotheslines for the purpose of drying clothes on the premises of any single-family residential dwelling or townhouse; provided that those restrictions do not prohibit the use of clotheslines altogether. No private entity shall assess or charge any homeowner any fees for the placement of any clothesline.

(c) For the purposes of this section:

“Clothesline” means a rope, cord, wire, or similar device on which laundry is hung to dry.

“Private entity” means any association of homeowners, community association, condominium association, cooperative, or any other non-governmental entity with covenants, bylaws, and administrative provisions with which the homeowner’s compliance is required.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon approval.

(Became law on July 15, 2009, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.