



GOV. MSG. NO. 892

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 8, 2008

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2933 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB2933 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO HOUSEHOLD  
ENERGY DEMAND.

Sincerely,

  
LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2933

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2933, entitled "A Bill for an Act Relating to Household Energy Demand."

The purpose of this bill is to prevent contracts and other binding agreements from precluding the erecting of clotheslines on the premises of single-family residences or townhouses.

I agree that Hawaii residents should consider using clotheslines as an alternative to electric dryers. This is a simple and easy way to lower individual energy costs and help the environment. However, this bill is objectionable because the proper way to promote this practice is through advertising and public education campaigns, not government regulation.

Homeowners who choose to buy a home or townhouse in a neighborhood governed by a community association do so for a reason - they want to live in a community that provides and protects their property values. These homeowners often pay more for this option and, upon purchase, agree to abide by specific covenants and rules that regulate certain activities, such as the number of cars that can be parked on the street, the color of the paint on their house, and the use or placement of objects in their yards. This bill unnecessarily invalidates homeowners'

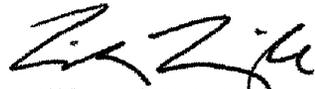
STATEMENT OF OBJECTIONS  
SENATE BILL NO. 2933  
Page 2

contracts and inserts government regulation into a local, community matter.

If those living in community associations determine they want change, they can and should work within their individual associations to find solutions that are tailored to their individual community needs. This bill provides a one-size-fits-all approach that is unnecessary and unfair to certain homeowners in Hawaii.

For the foregoing reasons, I am returning Senate Bill No. 2933 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

---

---

# A BILL FOR AN ACT

RELATING TO HOUSEHOLD ENERGY DEMAND.

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

1           SECTION 1. The legislature finds that electric clothes  
2 dryers use over ten per cent of many households' total energy  
3 demand. Reducing the use of clothes dryers in the state could  
4 substantially decrease the amount of electricity that households  
5 use and thereby reduce the amount of fossil fuels used to  
6 generate electricity.

7           The legislature further finds that simple clotheslines make  
8 efficient use of two abundant resources, sun and wind, to dry  
9 clothing. For aesthetic reasons, however, many homeowners  
10 associations' prohibit or render ineffective the use of  
11 clotheslines to dry clothes by association member homeowners.  
12 The legislature further finds that, while aesthetic concerns may  
13 have been acceptable 20 years ago, it makes no sense today to  
14 restrict smart energy-saving behavior given Hawaii's high energy  
15 costs, Hawaii's overdependence on fossil fuels, and climate  
16 change issues.

17           The purpose of this Act is to prohibit:



1 (1) Contracts and other binding agreements from precluding  
2 the erecting and use of clotheslines on the premises  
3 of single-family residential dwellings; and

4 (2) Rules on the placement of clotheslines from being  
5 unduly or unreasonably restrictive.

6 SECTION 2. Section 196-7, Hawaii Revised Statutes, is  
7 amended as follows:

8 1. By amending its title and subsection (a) to read:

9 **"§196-7 Placement of solar energy devices. (a)**

10 Notwithstanding any law to the contrary, no person shall be  
11 prevented by any covenant, declaration, bylaws, restriction,  
12 deed, lease, term, provision, condition, codicil, contract, or  
13 similar binding agreement, however worded, from installing a  
14 solar energy device on any single-family residential dwelling or  
15 townhouse that the person owns[-], or erecting and using a  
16 clothesline for the purpose of drying clothes on the premises of  
17 any single-family residential dwelling or townhouse that the  
18 person owns; provided that rules that facilitate the placement  
19 of clotheslines shall not be unduly or unreasonably restrictive.

20 Any provision in any lease, instrument, or contract contrary to  
21 the intent of this section shall be void and unenforceable."

22 2. By amending subsection (f) to read:



1           "(f) For the purposes of this section:

2           "Private entity" means any association of homeowners,  
3 community association, condominium association, cooperative, or  
4 any other non-governmental entity with covenants, bylaws, and  
5 administrative provisions with which the homeowner's compliance  
6 is required.

7           "Solar energy device" means any identifiable facility,  
8 equipment, apparatus, or the like, [~~including a photovoltaic~~  
9 ~~cell application,~~] that is applicable to a single-family  
10 residential dwelling or townhouse and makes use of solar energy  
11 for heating, cooling, or reducing the use of other types of  
12 energy dependent upon fossil fuel for generation[+], including,  
13 but not limited to, photovoltaic cell applications and  
14 clotheslines; provided that for purposes of this section,  
15 "clothesline" means a rope, cord, or wire on which laundry is  
16 hung to dry; provided further that "solar energy device" shall  
17 not include skylights or windows."

18           SECTION 3. Section 235-12.5, Hawaii Revised Statutes, is  
19 amended by amending subsection (b) to read as follows:

20           "(b) For the purposes of this section:

21           "Actual cost" means costs related to the renewable energy  
22 technology systems under subsection (a), including accessories



1 and installation, but not including the cost of consumer  
2 incentive premiums unrelated to the operation of the system or  
3 offered with the sale of the system and costs for which another  
4 credit is claimed under this chapter.

5 "Renewable energy technology system" means a new system  
6 that captures and converts a renewable source of energy, such as  
7 wind, heat (solar thermal), or light (photovoltaic) from the sun  
8 into:

- 9 (1) A usable source of thermal or mechanical energy;  
10 (2) Electricity; or  
11 (3) Fuel[-];

12 provided that for purposes of this section, "renewable energy  
13 technology system" shall not include skylights, windows, or  
14 clotheslines.

15 "Solar or wind energy system" means any identifiable  
16 facility, equipment, apparatus, or the like that converts  
17 insolation or wind energy to useful thermal or electrical energy  
18 for heating, cooling, or reducing the use of other types of  
19 energy that are dependent upon fossil fuel for their  
20 generation[-]; provided that for purposes of this section,  
21 "solar or wind energy system" shall not include skylights,  
22 windows, or clotheslines."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

