HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

H.B. NO. 3211

A BILL FOR AN ACT

RELATING TO CLOTHESLINES.

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

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

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

The purpose of this Act is to allow the use of clotheslines on any privately owned single-family residential dwelling, with limited restrictions.

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

"**§196-7 Placement of solar energy devices and 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 solar energy device on any single-family residential dwelling or townhouse that the person owns[~~.~~] or erecting and using a clothesline for the purpose of drying clothes on the premises of 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.

(b) Every private entity shall adopt rules by December 31, 2006, that provide for the placement of solar energy devices. The rules shall facilitate the placement of solar energy devices and shall not unduly or unreasonably restrict that placement so as to render the device more than twenty-five per cent less

efficient or to increase the cost of the device by more than fifteen per cent. No private entity shall assess or charge any homeowner any fees for the placement of any solar energy device.

(c) Any person may place a solar energy device on any single-family residential dwelling or townhouse unit owned by that person, provided that:

(1) The device is in compliance with the rules and specifications adopted pursuant to subsection (b);

(2) The device is registered with the private entity of record within thirty days of installation; and

(3) If the device is placed on a common element or limited common element as defined by a project's declaration, the homeowner shall first obtain the consent of the private entity; provided further that such consent shall be given if the homeowner agrees in writing to:

(A) Comply with the private entity's design specification for the installation of the device;

(B) Engage a duly licensed contractor to install the device; and

(C) Within fourteen days of approval of the solar device by the private entity, provide a certificate of insurance naming the private

entity as an additional insured on the homeowner's insurance policy.

(d) If a solar energy device is placed on a common element or limited common element:

(1) The owner and each successive owner of the single-family residential dwelling or townhouse unit on which the device is placed shall be responsible for any costs for damages to the device, the common elements, limited common elements, and any adjacent units, arising or resulting from the installation, maintenance, repair, removal, or replacement of the device. The repair, maintenance, removal, and replacement responsibilities shall be assumed by each successive owner until the solar energy device has been removed from the common elements or limited common elements. The owner and each successive owner shall at all times have and maintain a policy of insurance covering the obligations of the owner under this paragraph and shall name the private entity as an additional insured under said policy; and

(2) The owner and any successive owner of the single-family residential dwelling or townhouse unit on which

the device is placed shall be responsible for removing the solar energy device if reasonably necessary or convenient for the repair, maintenance, or replacement of the common elements or limited common elements.

(e) If a material or labor roof warranty exists at the time a solar energy device is installed on a roof that is a common element or limited common element, the homeowner shall obtain confirmation in writing from the company that issued the warranty that the installation of the solar energy device will not void the roof warranty. The homeowner shall provide the private entity with a copy of the confirmation.

(f) Subsection (a) shall not limit the reasonable regulation of the location of clotheslines on the premises necessary to protect access to buildings and to protect the ability to evacuate buildings in case of fire or other emergency.

[~~(f)~~] (g) For the purposes of this section:

"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.

H.B. NO. 3241

"Solar energy device" means any identifiable facility, equipment, apparatus, or the like, including a photovoltaic cell application, that is applicable to a single-family residential dwelling or townhouse and makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for generation; provided that "solar energy device" shall not include skylights or windows."

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

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

INTRODUCED BY:

JAN 22 2008

Report Title:
Solar Energy; Clotheslines

Description:
Allows for the use of clotheslines on any privately owned single-family residential dwelling, with limited restrictions.