



GOV. MSG. NO. 863

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 16, 2009

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

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 1338 SD2 HD2 CD1

On July 15, 2009, Senate Bill No. 1338, entitled "A Bill for an Act Relating to Household Energy Demand" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to prohibit real estate contracts, agreements, and rules from precluding the use of a clothesline on single-family dwellings or townhouses and to allow private entities to adopt rules that reasonably restrict the placement and use of clotheslines.

Hawaii residents should consider using clotheslines as an alternative to electric dryers. This is a simple and easy way to lower individual energy costs, help the environment, and move us closer to meeting our goals of 70 percent clean energy by 2030. However, the proper way to promote this practice is through public education campaigns, not government laws.

This bill addresses an issue that can and should be addressed at the local, community level. 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 a certain aesthetic. 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 a clothesline.

This bill recognizes that homeowners associations should be allowed to adopt rules for the placement of clotheslines in their communities. As such, this measure is less onerous than the legislation I vetoed last year.

The Honorable Colleen Hanabusa, President
and Members of the Senate
Page 2

For the foregoing reasons, I allowed Senate Bill No. 1338 to become law as Act 192,
effective July 15, 2009, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", with a large, stylized loop at the end.

LINDA LINGLE

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

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



1 independence and maintaining an aesthetically pleasing
2 environment.

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

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

10 "§196- Placement of clotheslines. (a) Notwithstanding
11 any law to the contrary, no person shall be prevented by any
12 covenant, declaration, bylaws, restriction, deed, lease, term,
13 provision, condition, codicil, contract, or similar binding
14 agreement, however worded, from installing a clothesline on any
15 single-family residential dwelling or townhouse that the person
16 owns. Any provision in any lease, instrument, or contract
17 contrary to the intent of this section shall be void and
18 unenforceable.

19 (b) Every private entity may adopt rules that reasonably
20 restrict the placement and use of clotheslines for the purpose
21 of drying clothes on the premises of any single-family
22 residential dwelling or townhouse; provided that those



1 restrictions do not prohibit the use of clotheslines altogether.
2 No private entity shall assess or charge any homeowner any fees
3 for the placement of any clothesline.

4 (c) For the purposes of this section:

5 "Clothesline" means a rope, cord, wire, or similar device
6 on which laundry is hung to dry.

7 "Private entity" means any association of homeowners,
8 community association, condominium association, cooperative, or
9 any other non-governmental entity with covenants, bylaws, and
10 administrative provisions with which the homeowner's compliance
11 is required."

12 SECTION 3. New statutory material is underscored.

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

APPROVED this day of , 2009

GOVERNOR OF THE STATE OF HAWAII