

JAN 23 2015

A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. The legislature finds that residents in master-
2 metered buildings tend to consume more electricity than
3 residents with individual apartment metering because residents
4 do not bear electricity costs in proportion to consumption
5 levels in master-metered buildings. In a master-metered
6 building, the cost of the total electric consumption for the
7 building is divided among apartments, not taking into account
8 actual consumption. Residential sub-metering is the measurement
9 and billing of electric use in individual apartments in master-
10 metered buildings.

11 The legislature further finds that the change from master-
12 metering to sub-metering typically reduces the consumption of
13 electricity in apartments by 10 to 26 per cent.

14 The purpose of this Act is to require the installation of
15 meters to measure electricity utility use by individual units in
16 condominiums.



1 SECTION 2. Section 514A-15.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§514A-15.5 Metering of utilities[-] in mixed-use projects**
4 **and other projects.** (a) Notwithstanding the provisions of
5 section 514A-15, commercial apartments in mixed-use projects
6 containing apartments for both residential and commercial use
7 shall have a separate meter, or calculations shall be made, or
8 both, to determine the use by the commercial apartments of
9 utilities, including electricity, water, gas, fuel, oil,
10 sewerage, and drainage, and the cost of the utilities shall be
11 paid by the owners of the commercial units; provided that the
12 apportionment of the charges among owners of commercial
13 apartments shall be done in a fair and equitable manner as set
14 forth in the declaration or bylaws. Notwithstanding section
15 514A-15 to the contrary, each residential apartment in a mixed-
16 use project shall have a separate meter to determine the use of
17 electricity by that apartment, and each residential apartment
18 may have a separate meter or calculations made to determine the
19 use by that apartment of other utilities, including water, gas,
20 fuel oil, sewerage, and drainage.



1 (b) Notwithstanding any provision to the contrary in this
2 chapter or in a project's declaration or bylaws of an
3 association of apartment owners, the board of directors [~~may~~] of
4 a mixed-use project shall authorize the installation of separate
5 meters to determine the use of electricity by each of the
6 residential and commercial apartments and may authorize the
7 installation of separate meters to determine the use by each of
8 the residential and commercial apartments of other utilities,
9 including [~~electricity,~~] water, gas, fuel, oil, sewerage, and
10 drainage; provided that the cost of installing the meters shall
11 be paid by the association[~~-~~], and up to 50 per cent of the
12 total cost of installing the meters may be subsidized.

13 [~~(b)~~] (c) Notwithstanding any approval requirements and
14 spending limits contained in the declaration or bylaws of an
15 association of apartment owners, the board of directors of any
16 association of apartment owners [~~may~~] shall authorize the
17 installation of meters to determine the use of electricity by
18 each residential or commercial apartment and may authorize the
19 installation of meters to determine the use by each apartment of
20 other utilities, including [~~electricity,~~] water, gas, fuel, oil,
21 sewerage, and drainage; provided that the cost of installing the



1 meters shall be paid by the association[~~-~~], and up to 50 per
 2 cent of the total cost of installing the meters may be
 3 subsidized. The cost of metered utilities shall be paid by the
 4 owners of each apartment based on actual consumption and may be
 5 collected in the same manner as common expense assessments.
 6 Owners' maintenance fees shall be adjusted as necessary to avoid
 7 any duplication of charges to these owners for the cost of
 8 metered utilities.

9 (d) Any person or entity who violates or fails to comply
 10 with this section shall be punished by a fine not exceeding
 11 \$ _____ . Each violation shall constitute a separate
 12 offense."

13 SECTION 3. Section 514B-42, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 **"§514B-42 Metering of utilities[~~-~~] in mixed-use projects**
 16 **and other projects.** (a) Units in a project that includes units
 17 designated for both residential and nonresidential use shall
 18 have separate meters, or calculations shall be made, or both, as
 19 may be practicable, to determine the use by the nonresidential
 20 units of utilities, including electricity, water, gas, fuel,
 21 oil, sewerage, air conditioning, chiller water, and drainage,



1 and the cost of the utilities shall be paid by the owners of the
2 nonresidential units; provided that the apportionment of the
3 charges among owners of nonresidential units shall be done in a
4 fair and equitable manner as set forth in the declaration or
5 bylaws. Each residential unit in a project that includes
6 residential and nonresidential units shall have a separate meter
7 to determine the use of electricity by that unit and may have a
8 separate meter to determine the use by that apartment of other
9 utilities, including water, gas, fuel, oil, sewerage, air
10 conditioning, chiller water, and drainage.

11 (b) Notwithstanding any provision to the contrary in this
12 chapter or in a project's declaration or bylaws, ~~the board may~~
13 shall authorize the installation of separate meters to determine
14 the use of electricity by each of the residential and commercial
15 units and may authorize the installation of separate meters to
16 determine the use by each of the units of other utilities,
17 including ~~[electricity,]~~ water, gas, fuel, oil, sewerage, and
18 drainage; provided that the cost of installing the meters shall
19 be paid by the association~~[-]~~, and up to 50 per cent of the
20 total cost of installing the meters may be subsidized.



1 [~~(b)~~] (c) Notwithstanding any approval requirements and
2 spending limits contained in a project's declaration or bylaws,
3 the board of any association [~~may~~] shall authorize the
4 installation of meters to determine the use of electricity by
5 each individual unit and may authorize the installation of
6 meters to determine the use of other utilities, including
7 [~~electricity,~~] water, gas, fuel, oil, sewerage, air
8 conditioning, chiller water, and drainage; provided that the
9 cost of installing the meters shall be paid by the
10 association~~[+]~~, and up to 50 per cent of the total cost of
11 installing the meters may be subsidized. The cost of metered
12 utilities shall be paid by the owners of each unit based on
13 actual consumption and, to the extent not billed directly to the
14 unit owner by the utility provider, may be collected in the same
15 manner as common expense assessments. Owners' maintenance fees
16 shall be adjusted as necessary to avoid any duplication of
17 charges to owners for the cost of metered utilities.

18 (d) Any person or entity who violates or fails to comply
19 with this section shall be punished by a fine not exceeding
20 \$ _____ . Each violation shall constitute a separate
21 offense."



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 on July 1, 2015.

4

INTRODUCED BY: *Suzanne Chun Oahli*



S.B. NO. 488

Report Title:

Condominiums; Metering of Electricity; Sub-metering

Description:

Requires separate electricity utility metering of nonresidential and residential condominium units in all condominium projects.

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

