
A BILL FOR AN ACT

RELATING TO ENERGY EFFICIENCY.

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

1 SECTION 1. Chapter 196, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§196- Installation of energy-efficient technologies.

5 (a) Notwithstanding any law to the contrary, no person shall be
6 prevented by any covenant, declaration, bylaws, restriction,
7 deed, lease, term, provision, condition, codicil, contract, or
8 similar binding agreement, however worded, from installing the
9 energy-efficient technologies on any single-family residential
10 dwelling or townhouse that the person owns. Any provision in
11 any lease, instrument, or contract contrary to the intent of
12 this section shall be void and unenforceable.

13 (b) Every private entity shall adopt rules by December 31,
14 2022, that provide for the placement of energy-efficient
15 technologies. The rules shall facilitate the placement of
16 energy-efficient technologies and shall not impose conditions or
17 restrictions that render the technologies more than twenty-five



1 per cent less efficient or increase the cost of installation,
2 maintenance, and removal of the technologies by more than
3 fifteen per cent. No private entity shall assess or charge any
4 homeowner any fees for the placement of any energy-efficient
5 technology.

6 (c) Any person may place an energy-efficient technology on
7 any single-family residential dwelling or townhouse unit owned
8 by that person, provided that:

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

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

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

19 (A) Comply with the private entity's design
20 specification for the installation of the
21 technology;



1 (B) Engage a duly licensed contractor to install the
2 technology, except in the case of an energy-
3 efficient outdoor lighting device; and

4 (C) Within fourteen days of approval of the
5 technology by the private entity, provide a
6 certificate of insurance naming the private
7 entity as an additional insured on the
8 homeowner's insurance policy, except in the case
9 of an energy-efficient outdoor lighting device.

10 (d) If an energy-efficient technology is placed on a
11 common element or limited common element:

12 (1) The owner and each successive owner of the single-
13 family residential dwelling or townhouse unit on which
14 the technology is placed shall be responsible for any
15 costs for damages to the technology, common elements,
16 limited common elements, and any adjacent units,
17 arising or resulting from the installation,
18 maintenance, repair, removal, or replacement of the
19 technology. The repair, maintenance, removal, and
20 replacement responsibilities shall be assumed by each
21 successive owner until the technology has been removed



1 from the common elements or limited common elements.
2 The owner and each successive owner shall at all times
3 have and maintain a policy of insurance covering the
4 obligations of the owner under this paragraph and
5 shall name the private entity as an additional insured
6 under said policy, except in the case of an energy-
7 efficient outdoor lighting device; and

8 (2) The owner and any successive owner of the single-
9 family residential dwelling or townhouse unit on which
10 the device is placed shall be responsible for removing
11 the technology if reasonably necessary or convenient
12 for the repair, maintenance, or replacement of the
13 common elements or limited common elements.

14 (e) For the purposes of this section:
15 "Energy-efficient technologies" includes cool roofs, whole
16 house fans and associated vents or louvers, and energy-efficient
17 outdoor lighting devices.

18 "Private entity" means any association of homeowners,
19 community association, condominium association, cooperative, or
20 any other non-governmental entity with covenants, bylaws, and



H.B. NO. 328

1 administrative provisions with which the homeowner's compliance
2 is required."

3 SECTION 2. New statutory material is underscored.

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

5

INTRODUCED BY: *Lisa Martin*
JAN 22 2021



H.B. NO. 328

Report Title:

Energy-Efficient Technologies; Cool Roof; Whole House Fan;
Outdoor Lighting Device; Installation

Description:

Allows for the installation of certain energy-efficient technologies on any privately owned single-family residential dwelling or townhouse, with limited restrictions. Requires private entities to adopt rules regarding the placement of those technologies.

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

