

# REQUEST FOR LEGAL SERVICES

**Date:** September 1, 2021  
**From:** Kelly Takaya King, Chair  
Climate Action, Resilience, and Environment Committee

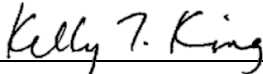
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Keola Whittaker, Esq.

**Subject:** **REQUIRING LARGE, NEW HOMES TO BE ZERO NET ENERGY HOMES** (CARE-42)

**Background Data:** Please see the attached revised bill incorporating recommendations from our meeting on August 27, 2021. Please submit the response to [care.committee@mauicounty.us](mailto:care.committee@mauicounty.us) with a reference to CARE-42.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☐ OTHER:

Requestor's signature  Kelly Takaya King	Contact Person  Nicole Siegel or James Forrest (Telephone Extension: 8008 or 7137, respectively)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)  
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 7, 2021  
REASON: For posting on the September 15, 2021, CARE Committee meeting agenda

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)  
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_  
(Rev. 7/03)

care:ltr:042acc02:nas

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2021)

A BILL FOR AN ORDINANCE AMENDING SECTION 16.16B.R401.2, MAUI  
COUNTY CODE, RELATING TO ENERGY CODE COMPLIANCE FOR LARGE  
RESIDENTIAL BUILDINGS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. On August 6, 2021, the United Nations' Intergovernmental Panel on Climate Change reported on the physical science basis of climate change and outlined how humans are altering the planet. Quoted as "a code red for humanity," the report showed that emissions of greenhouse gases from human activities are responsible for roughly 1.1 degrees Celsius of warming since 1850-1900, and found that global temperature averaged over the next 20 years, is expected to reach or exceed 1.5 degrees Celsius of warming.

By Ordinance 4969 (2019), the Council incorporated the "2015 *International Energy Conservation Code*®," ("Energy Code") subject to local amendments in Chapter 16.16B, Maui County Code. The Council finds that this update to the Energy Code has been effective in producing structures that are more energy efficient.

The Council further finds and declares that large, new homes must be zero net energy to:

- reduce the environmental impacts associated with residential energy use as it relates to contributions to climate change;

- reduce the costs of home ownership as it relates to home energy costs; and
- take a positive step to further improve the energy efficiency of our residential housing stock across Maui County.

SECTION 2. Section 16.16B.R401.2, Maui County Code, is amended to read as follows:

**“16.16B.R401.2 - Subsection R401.2 amended.**

Subsection R401.2 of the International Energy Conservation Code is amended to read as follows: **R401.2**

**Compliance.** [Projects shall] The conditioned floor area of new one- or two-family residential buildings over five thousand square feet must achieve a maximum energy rating index (ERI) score of zero. The conditioned floor area must comply with one of the following:

1. Sections R401.3 through R404.
2. Section R405 and the provisions of Sections R401 through R404 labeled “Mandatory.”
3. An energy rating index (ERI) approach in Section R406.
4. The tropical zone requirements in Subsection R401.2.1.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on January 1, 2022.

APPROVED AS TO FORM AND LEGALITY:

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Deputy Corporation Counsel  
Department of the Corporation Counsel  
County of Maui

care:misc:042abill02:nas