



WINDWARD AHUPUA'A ALLIANCE

From the Peaks of *Na Ko'olau* to the Outer Reefs

*Community-Based Planning
Sustainable Economic Development
Restoration, Preservation, Protection & Public Access
Educational & Cultural Programs*

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Hermina Morita, Chair
Rep. Denny Coffman, Vice Chair

COMMITTEE ON HOUSING

Rep. Rida Cabanilla, Chair
Rep. Pono Chong, Vice Chair

HB 1273 - RELATING TO ENERGY

Strongly Support

PUBLIC HEARING

9:30 am
Tuesday, February 17, 2009
Conference Room 325

Bill No. 1273

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Date 2/17/09

Time 912

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My name is Shannon Wood speaking on behalf of the *Windward Ahupua'a Alliance* in support of HB 1273 - RELATING TO ENERGY because it will help reduce the total amount of electricity consumed here in Hawai'i no matter what fuel feedstock is used to generate it.

I first raised this issue years when we first considered moving to one of the newer subdivisions on O'ahu; however, I was told that exterior clotheslines were banned even in backyards because they're ugly - even when there's no laundry hanging from them.

Believe it or not - that was one of the reasons we decided to move to Windward O'ahu. As far as I know, there are no single-family neighborhoods in Waimanalo, Kailua, or Kane'ohe with restrictive covenants barring clotheslines.

This is the second time that the *Legislature* has discussed the issues this bill addresses. A lot has changed - now is the time to make sure that this bill moves forward.

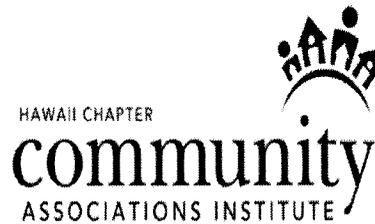
We here in Hawai'i are blessed with great weather approximately 340 days of the year. People should have option of drying their laundry outdoors in their back yards no matter where they live. We urge that you pass HB 1273 - RELATING TO ENERGY.

Mahalo for the opportunity to submit testimony.

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Corrected Copy



**Hawai'i Legislative Action Committee
P.O. Box 976 Honolulu, Hawai'i 96808**

February 16, 2009

Via Capitol Website

Committee on Energy and Environmental Protection
Rep. Hermina M. Morita, Chair; Rep. Denny Coffman, Vice Chair
And Other Committee Members

**Re. HB 1273 – Relating to Energy
Committee Hearing, Tuesday February 17, 2007, Conference Room 325,
9:30AM**

Dear Representatives Morita and Coffman and Committee Members:

My name is Joyce Neeley and I am an officer of the Legislative Action Committee of the Community Associations Institute-Hawaii Chapter. Thank you for the opportunity to testify on House Bill 1273. CAI supports this version of the Bill but opposes any attempt to completely invalidate deed restrictions for single family homes and townhomes as defined in the Bill or to ignore the importance of aesthetics in this regard. Other proposed Bills on this same topic are counter to the expressed intent of this and prior legislatures to encourage self governance of community associations absent a showing of substantial need for legislative interference.

While no reasonable person could be averse to reducing the use of electricity in Hawaii, totally invalidating private covenants is not likely to make any material contribution toward accomplishing that goal. This Bill strikes a balance by allowing clotheslines but with reasonable restrictions.

The proponents of last year's Bill (that would have completely invalidated restrictions on clothes lines in certain types of communities) would have prohibited any consideration of aesthetics and would potentially have had serious and material adverse impacts on the residential and/or resort communities and the tourism industry in Hawaii. **In fact, this Bill**

was vetoed last year because of comments from resort communities worried about the material adverse effects on the value of property if the aesthetic issues and other issues cannot be considered. Most deed restrictions simply require that the clothesline be erected in a place not visible to neighbors or public facilities. In communities where the clotheslines will be located in areas bordering neighboring property or other private facilities (e.g., golf courses, restaurants, hotel rooms, etc.), aesthetics should not always be trumped by the right to locate a clothesline. **If, for example, a nationally broadcast PGA tournament is being held the Board should be able to require that the clotheslines be out of sight for the period of the tournament.** The following bullet points represent a few of the reasons why the legislature should adopt the Bill as revised:

- There are many instances where aesthetic concerns should be addressed in connection with the placement of clothes lines. If, for example, a clothesline were placed in a front or side yard visible from the street that could seriously adversely affect the value of units in the projects. Ask any real estate professional about the importance of curb appeal.
- Many resort owners in projects currently governed by restrictions could testify how elimination of the ability of the Board to adopt restrictions altogether would adversely affect tourism, one of the primary industries in Hawaii. As you are aware, the natural beauty of Hawai'i makes it a premier location for residents and travelers throughout the world. Because of this, one of the top priorities for resort (and residential) communities is the promotion and maintenance of property aesthetics. This ensures resident confidence in property investment and encourages guests to continually vacation in Hawaii.
- While CAI is supportive of energy conservation and the reduced use of fossil fuels, we do not believe that the use of clotheslines in privately owned dwellings in resort communities is a viable solution. It singles out one relatively small segment of the population to be regulated. We are advised that California and Minnesota have enacted blanket legislation that would require manufacturers to design washers (50% of the drying is done in the washers) and dryers that conserve the water as well as electric consumption of washers and dryers. All major manufacturers have or are in the process of compliance with these new stiffer standards. This solution would apply to all owners and not just to owners subject to private restrictions. Not only is electricity a problem, water is a problem. It seems like a more effective and more comprehensive approach would be to follow the California and Minnesota bills and restrict the type of washers and dryers that can be sold (as was previously done by the City and County with shower heads and toilets, for example).
- The vast majority of builders and community associations are voluntarily currently developing many methods to reduce the use of fossil fuels at their

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properties, including sea water air conditioning cooling, solar/electric powered vehicles, green building techniques, automatic air conditioning shut off mechanisms, submetering separate units and, of course, including solar energy devices in new and existing homes.

The legislature should not try to micromanage community associations. Community associations ought to be able to regulate aesthetics to protect and preserve the value of the property and persons who buy homes in community associations ought to be able to rely upon the protections afforded by the covenants running with the land and the rules and regulations governing their associations.

Again, thank you for the opportunity to testify.

Very truly yours
CAI Hawaii Legislative Action
Committee
[Joyce Y. Neeley]
By Joyce Y. Neeley

cc: CAI LAC

CAI President

Cc: Chair, Morita; Vice Chair Denny Coffman