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March 16, 2009

The Honorable Hermina M. Morita, Chair
House Committee on Energy & Environmental Protection
The Honorable Rida Cabanilla, Chair
House Committee on Housing
The Honorable Ken Ito, Chair
House Committee on Water, Land, & Ocean Resources
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: S.B. 241, S.D.2 Relating to Energy

HEARING: Tuesday, March 17, 2009 at 9:15 a.m.

Aloha Chair Morita, Chair Cabanilla, Chair Ito, and Members of the Joint Committees:

I am Myoung Oh, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR") and its 9,600 members in Hawai'i. HAR **opposes** S.B. 241, S.D. 2, which mandates the use of cool roofs on all new construction beginning January 1, 2011.

HAR is opposed to the proposed mandate for all new residential and commercial construction to be installed with cool roof materials. The cost of cool roofing materials is higher than traditional roofing materials. Similar to the mandate for solar water heaters, a cool roof mandate will continue to increase the already high cost of homes.

The required mandate of environmentally sensitive features will further increase the base price of a home, continuing to make homeownership a challenge for many in Hawai'i. For these reasons, HAR opposes this bill.

HAR looks forward to working with our state lawmakers in building better communities by supporting quality growth, seeking sustainable economies and housing opportunities, embracing the cultural and environmental qualities we cherish, and protecting the rights of property owners.

Mahalo for the opportunity to testify.

Bill No. 241

Support Y N

Date 3/16/09

Time 1741

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Type 1 2 WI



AIA Hawaii State Council

A Council of The American Institute of Architects

Bill No. 241

Support Y (N)

EEP/HSG/WL Date 3/17/09
3.17.09 9:15 am

Time 900

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Type 1 2 (W)

March 17, 2009

Honorable Hermina Morita, Chair
House Committee on Energy & Environmental Protection
Honorable Rida Cabanilla, Chair
House Committee on Housing
Honorable Ken Ito, Chair
House Committee on Water, Land, & Ocean Resources

Re: **Senate Bill 241 SD 2**
Relating to Energy

Dear Chair Morita, Chair Cabanilla, Chair Ito and Members of the Committees,

My name is Daniel Chun, Government Affairs Chair of The American Institute of Architects (AIA). AIA is **OPPOSED** to SB 241 SD2 that mandates the use of cool roofs on new residential and commercial structures beginning in 2011. The bill as drafted contravenes important concepts that AIA supports:

1. Primary reliance on market-based incentives to encourage consumers to buy more environmentally sustainable buildings.
2. Secondary reliance on the state building code adoption process, and not the legislative process, to more properly assess the effects of upgrades in energy performance.

Page 3 Definitions

The definitions beginning on Page 3 show a lack of technical sophistication and do not recognize that a "roof" is an assembly of varying building materials and not just the "roofing material." The definition of "low sloped roof" is at variance with established industry terminology. The current text makes nearly every house roof a low slope roof requiring a light-colored roof. The definition of "new construction" does not include government buildings that should take leadership in sustainable design.

Page 4 Requirements

In the architectural profession, the ability of a roof assembly to keep a building cool is expressed in "R Values." As compared to building codes, this bill has no R-values and therefore is technically deficient. Simply allowing a radiant barrier to be installed does not guarantee performance of a roof assembly.

The light reflective color of cool roofs can be problematic due to aesthetic concerns in visually sensitive areas, the growth of staining algae in rainy areas like Kaneohe, the reroofing of historic buildings, and simply customer choice.

Another challenge not foreseen by the bill is that there may be places in Hawaii where a heat-absorbing roof material is desirable due to local climate. Or a person may desire to collect heat inside a roof attic for heat collection, insulating the ceiling surface plane instead.

The exemption of Page 4 lines 14 through 16 granted to residential structures can be problematic because a building permit is not now required to install air conditioning after construction is complete. This unregulated installation of cooling systems without corresponding roof assemblies that resist heat gain is one of the chief reasons for high electrical consumption in newer residential areas.

Currently re-roofing of residential buildings is exempt from the building permit process, so this bill will have no effect when these buildings are re-roofed.

Page 4 Exemptions

AIA is opposed to the variance language because it takes more decision-making out of the architect's hands and places it in an agency that processes very few building permits. This bill adds more time consuming and expensive "paper shuffling" when the actual heat resistance of roofs is already governed by building codes.

The language of Page 5 lines 4 through 8 needs to be redrafted. First there needs to be an exemption for installing non-cool roofing based on our preceding comments. Second - the wording of the exemption should be for "non-cool roofing material" that performs as well as "cool roofing material" defined on Page 3. Unlike building codes, this bill has no performance requirements for a roof assembly so it is a big unknown as to what SB 241 is trying to achieve.

Page 5 Enforcement

SB 241 SD 2 is not only an unfunded mandate upon the counties, it is an unnecessary mandate given building codes already established and subject to periodic updating to improve building performance. The bill seems to allow various counties to adopt differing rules etc. The reference to "guidelines" is nearly meaningless. There is no real state penalty for failing to heed this legislation. The bill shows no understanding that architects design buildings. The legislation, if passed, needs to be enforced by architects and not builders and inspectors.

As you fly over the state of Hawaii you can see that most low slope commercial roofs already have high solar reflectance roofing material without this bill being passed. AIA asks that you hold this poorly drafted bill in your committees. Thank you for this opportunity to **OPPOSE** SB 241 SD2.

A handwritten signature in black ink, appearing to be "Paul Chen", is written at the bottom of the page.

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

BARBARA A. ANNIS
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
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TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEES
ON
ENERGY & ENVIRONMENTAL PROTECTION,
HOUSING
AND
WATER, LAND, & OCEAN RESOURCES
ON
March 17, 2009

S.B. 241, S.D.2

Bill No. 241
Support Y N
Date 3/17/09
Time 8:36
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RELATING TO ENERGY

Chair Morita, Chair Cabanilla, Chair Ito, and members of the Committees, thank you for the opportunity to testify on S.B. 241, S.D.2.

The Department of Accounting and General Services (DAGS) opposes this bill because it is unnecessary and if implemented, would undermine the purpose and operation of the State Building Code Council, which was established by Act 82 of the 2007 Legislature. HRS 107, Part II, State Building Code and Design Standards, provides a comprehensive process for adopting State building codes from the national and international codes that national and international organizations review and update on an ongoing and rigorous basis.

The process for adopting these national and international codes for Hawai'i involve extensive review by expert committees of architects, engineers, and industry

experts, unanimous approval by a subcommittee of county building officials, and approval by the full Council, followed by public hearings and the rulemaking process by which the building codes are put into effect. This process should not be circumvented by directing the State Building Code Council to simply adopt cool roofs as part of the building code. The State Building Code Council recently approved the International Building Code and the International Energy Conservation Code for adoption as State Building Codes. The International Energy Conservation Code has provisions for energy efficiency including insulation for roofs that will result in "cool roofs" that will make buildings more energy efficient. Following a process laid out for the State Building Code Council ensures that all building codes are technically substantiated in accordance with national standards. This process achieves the purposes of the health, safety, and comfort of buildings much more effectively than mandates that have not been vigorously designed and tested.

DAGS recommends that this bill be held.

Thank you for the opportunity to testify on this matter.