



Sierra Club Hawai'i Chapter

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Bill No. 606

Support Y N

Date 3/16/09

Time 1:01

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Type 1 2 WI

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

March 17, 2009, 8:30 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF SB 606 SD2

Aloha Chair Morita and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports SB 606 SD2, which ensures that condominiums have the choice to save money and energy by using solar and wind devices.

This measure is a logical extension to the bill passed into law in 2005 (Haw. Rev. Stat. § 196-7) prohibiting restrictions that prevented individuals from installing solar energy devices on houses or townhomes that they own. Large common areas, such as laundry or exercise facilities, could help decentralize our energy system and allow condominium boards to fulfill their fiduciary duties by saving on electrical expenses. In short, SB 606 SD2 removes yet another barrier to local residents doing the right thing for the environment and the economy.

A concern has been recently raised that this bill may somehow circumvent Haw. Rev. Stat. § 196-7. We support clarifying amendments stating this section shall not impact or infringe upon the rights granted under Haw. Rev. Stat. § 196-7.

Thank you for the opportunity to testify.



Hawaii Solar Energy Association
Serving Hawaii Since 1977

Mar. 17, 2009
Room 325
8:30 A.M

House
EEP
SB606 SD2

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Time 203

Mark Duda
Cat AF AS AX (B)C
President

Type 1 (2) WI

Testimony in Support with Recommendations

Chair Morita, Vice Chair Coffman and Members of the Committees:

Basis for Testimony

HSEA members manufacture and install the vast majority of solar water heating systems deployed in the State of Hawaii. Our comments on this measure are based on this expertise, and our related experience in energy efficiency and other renewable energy technologies.

HSEA makes the following comments regarding this measure:

SB 606 proposes to provide boards of directors of apartment owners' associations the same authority that owners now have to install or to allow the installation of solar energy or wind energy devices on the common elements of the project. While HSEA has provided earlier testimony in support of SB 606 some concerns have come to our attention that merits offering two amendments for this committee's consideration.

First, the bill grants authority to all homeowner associations, including those composed of single-family and townhouse dwellings. If adopted, as written, the bill could create a conflict between individual owners of townhouse dwellings and their associations. HSEA is concerned that an association could use the authority conferred in this measure to deny an owner permission to use a common element, even if the association had no intention of installing solar or wind.

Much work has been done earlier to give any owner of a townhouse unit access to common elements and limited common elements for the placement of solar energy devices. In order to preserve this access reflected in HRS 196-7 and to avoid creation of a statutory conflict, HSEA recommends the following amendment to SB606 SD2. Insert a new subsection after subsection (a)(2) on page 3, line 6 that reads:

(3) The authority granted in subsection (a)(1) shall not be granted to boards of directors of townhouse projects as defined in subsection (c) of 514B-140.

Second, HSEA members are reporting that homeowners who want to install solar systems on their single-family dwellings are having problems with their homeowners

associations. To address this problem HSEA recommends that subsection (b) of HRS 196-7 be amended to read as follows:

“(b) Every private entity shall adopt rules by December 31, 2006, that provide for the placement of solar energy devices and shall file its rules with the appropriate regulatory agency. The rules shall facilitate the placement of solar energy devices and shall not unduly or unreasonably restrict that placement so as to render the device more than twenty-five per cent less efficient or to increase the cost of the device by more than fifteen per cent. The rules shall not require prior approval for the placement of solar energy device on any single-family dwelling. The absence of such rules by a private entity shall not prohibit an owner from placement of solar energy devices. No private entity shall assess or charge any homeowner any fees for the placement of any solar energy device.”

and that subsection (c) of HRS 196-7 be amended to read as follows:

“(c) Any person may place a solar energy device on any single-family residential dwelling or townhouse unit owned by that person, provided that:

- (1) If the device is placed on a single-family dwelling, the owner may place a solar energy device without prior private entity approval of the placement, provided further that [T]the device is in compliance with the rules and specifications adopted pursuant to subsection (b);

The remainder of HRS 196-7 would remain unchanged.

About the Hawaii Solar Energy Association

Hawaii Solar Energy Association (HSEA) was founded in 1977 and is comprised of more than 30 installers, distributors, manufacturers and financiers of solar energy systems, both hot water and PV, most of which are Hawaii based, owned and operated. The organization's primary goals are: (1) to further solar energy and related arts, sciences and technologies with concern for the ecologic, social and economic fabric of the area; (2) to encourage the widespread utilization of solar equipment as a means of lowering the cost of energy to the American public, to help stabilize our economy, to develop independence from fossil fuel and thereby reduce carbon emissions that contribute to climate change; (3) to establish, foster and advance the usefulness of the members, and their various products and services related to the economic applications of the conversion of solar energy for various useful purposes; and (4) to cooperate in, and contribute toward, the enhancement of widespread understanding of the various applications of solar energy conversion in order to increase their usefulness to society.