

**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
THEODORE E. LIU
Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING**
Friday, February 22, 2008
9:00 a.m.
State Capitol, Conference Room 229

in consideration of
SB2933,SD1
RELATING TO RELATING TO HOUSEHOLD ENERGY DEMAND.

Chair Kokubun, Vice Chair Ige, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports SB2933,SD1, which would allow the use of solar energy for drying clothes.

Allowing Hawaii residents to use renewable energy and to voluntarily reduce their use of fossil fuels for clothes drying is consistent with Hawaii's energy objectives and supportive of Hawaii's renewable energy future.

Each kilowatt-hour delivered to a clothes dryer requires about 10,000 Btu delivered to a power plant. Thus, an electric clothes dryer using 1,079 kilowatt-hours per year¹ uses about 80 gallons of fuel per year. If 20,000 clothes dryers were used 50% less, that would be 800,000 gallons of fuel, per year, not burned. At \$90 per barrel, that's \$1.7 million dollars less in one year paid for oil. But more importantly, with this preference incorporated into State law, new construction may incorporate this feature into building designs.

Thank you for the opportunity to offer these comments.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.537.9019 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING February 22nd, 2008, 9:00 A.M.

TESTIMONY IN SUPPORT OF SB 2933 SD1

Chair Kokubun and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports SB 2933 SD1, ensuring that Hawai'i homeowners have the choice to save money and save energy by using a clothesline to dry their clothes.

Electric clothes dryers can consume over 10% of a household's energy demand. Reducing the use of clothes dryers could substantially decrease the amount of fossil fuel electricity that Hawaii's households require. Unfortunately, many homeowner associations prohibit the use of using the sun to dry clothes—clotheslines—and some simply make it very difficult to use a clothesline. For example, the Declaration of Covenants, Conditions, and Restrictions for the Ewa by Gentry development state that "...no outside clothes line or other outside clothes drying or airing facilities shall be maintained on any lot unless the same are screened from view and are not visible from neighboring property." ***While such an aesthetic condition might have been acceptable 20 years ago, it makes no sense today to restrict smart energy-saving behavior given what we now know about global climate change.***

While this measure has drawn chuckles from some quarters, the real effect of its enactment is dead serious: dramatically reduce residential greenhouse gas emissions and save homeowners hundreds on their utility bills. On Kaua'i, for example, where the cost of electricity nears \$0.40 per kilowatt-hour, a family might spend \$450 annually on typical electric clothes dryer usage. Some homeowners' associations on Kaua'i restrict the use of clotheslines. Further, the household average annual clothes dryer use may produce over 1 ton of greenhouse gas.

This measure is a logical extension to the bill passed into law in 2005 prohibiting restrictions that prevent individuals from installing solar energy devices on houses or townhomes that they own. In fact, SB 2933 SD1 is arguable a housekeeping amendment to the law, as a clothesline could be considered a "solar energy device," pursuant to HRS 196-7, but it probably wouldn't be placed "on" a house like the allowed solar devices described in the current law.

While we are searching for ways to reduce our dependency on fossil fuel, save residents' money, and decrease global warming pollution, let's not forget about the basic—and decidedly low-tech—approaches to energy conservation. **This bill removes yet another barrier to local residents doing the right thing for the environment and the economy.**

Thank you for the opportunity to testify.

Princeville at Hanalei Community Association
P.O. Box 223277
Princeville, Hawaii 96722

February 18, 2008

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

Senator Russell S. Kokubun, Chair
Senator David Y. Ige, Vice Chair

Re. SB2933 SD1 – Relating to Clotheslines; Friday, February 22, 2008, Conference Room 229, 9:00 AM

Dear Senator Kokubun and Members of the Committee:

My name is Dr. Rohit J. Mehta and I am testifying on behalf of the Princeville at Hanalei Community Association ("PHCA"), a planned community association under Chapter 421J, Hawai'i Revised Statutes. I am the General Manager of PHCA. PHCA is one of the largest planned community associations in the State of Hawaii, with over 2,200 members. It is a resort community on the north shore of Kauai and its members include some 770 single-family homes, a hotel, 33 condominium or timeshare properties with a total of some 1,900 condominium apartments with more units that will be completed within the next few years.

PHCA respectfully suggests further amending SB 2933 SD1.

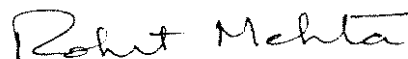
As currently drafted, the Bill would allow regulation of the location of clotheslines for very specific purposes and is not broad enough. For example, in our community a fair portion of our single-family residences abut a golf course. SB 2933 SD1, as currently drafted, would allow clotheslines in full view of the golf course and adjoining properties. The negative visual impact of seeing drying clothes from the golf course and neighboring properties is significant.

It should be noted that our covenants and rules allow clotheslines and we work with the homeowners with regard to their placement. In my eight year tenure as General Manager I have not encountered a single problem with this arrangement.

Based on the above, we would respectfully suggest that you adopt the same language that is in the companion house bill HB 3211 HD1 (Attached). The specific language that I am referring to is "provided that rules that facilitate the placement of clotheslines shall not be unduly or unreasonably restrictive".

Thank you for your consideration with this testimony.

PRINCEVILLE AT HANALEI COMMUNITY ASSOCIATION



Rohit Mehta, General Manager



February 20, 2008

Honorable Russell S. Kokubun,
Chair: Committee on Commerce, Consumer Protection and Affordable Housing

Re: SB 2933 SD1 Relating to Household Energy Demand
Friday, February 22, 2008
9:00 a.m. Conference Room 229, State Capitol

Chair Kokubun and Committee Members:

Thank you for allowing me the opportunity to testify in opposition to SB2933 SD1. My name is Warren Wegesend. I am the General Manager of the Villages of Kapolei Association and am here on behalf of the Board of Directors and the members our Association.

While we agree with the intent of this bill which would allow the use of Clothes Lines to reduce the use of electric and gas dryers thus decreasing the amount of fossil fuel that Hawaii's households require, the current wording of the Bill could allow for abuse in the placement of clothes lines. The proposed restriction on page 2 Line 16 which states "(3) Screening drying clothes and clothes lines from view from neighboring streets." could be interpreted to allow a person to place a clothes line in the front yard and construct a wall or fence to "screen" the clothes lines from view. In the alternative we would suggest the following wording:

- (3) Screening outside clothes lines or other outside clothes drying or airing facilities from view within a fenced service yard and not Visible from a Neighboring Lot.

This would still allow for the placement of clothes lines and not take away from the aesthetics of planned communities. It would allow for the screening from the streets as well as from your immediate neighbors. One of the main reasons people buy into Planned Communities is because the aesthetics ARE controlled. To have legislation like this start to wittle away at those controls defeats the purpose of Planned Communities which leads to lower property values.

Thank you for your consideration and allowing me the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Warren F. Wegesend, Jr." in a cursive script.

Warren F. Wegesend, Jr., CPM®
General Manager



Mililani Town Association

95-303 Kaloapau Street
Mililani Town, HI 96789
Phone (808) 623-7300

February 21, 2008

VIA E-mail: testimony@capitol.hawaii.gov

Senator Russell Kokubun, Chair
Senator David Ige, Vice-Chair
Commerce, Consumer Protection and
Affordable Housing Committee
c/o Legislator's Public Access Room
State Capitol
Honolulu, HI 96813

Re: S.B. No. 2933 SD 1 – Relating to Household Energy Demand
Hearing: (Friday), February 22, 2008, (9:00 a.m.), Conf Room 229

Dear Senator Kokubon, Senator Ige and Members of the Committee:

My name is Calvin Maeda, General Manager of the Mililani Town Association. I am also a board member and founding member of the Community Managers International Association (CMIA) that is a national non-profit organization consisting of planned community association managers. I have certification as a Certified Manager of Community Associations (CMCA) and also as an Association Management Specialist (AMS) with the Community Association Institute (CAI), a national organization for planned communities and condo/townhouse associations. I have served in the capacity as a General Manager for a planned community for nearly 30 years; 17 years with Newtown Estates Community Association in Aiea and now over 15 years with the Mililani Town Association, the largest planned community in the State of Hawaii with over 15,500 homes.

The Mililani Town Association opposes the proposed S.B. No. 2933 as currently written. Understandably, SB 2933 is intended to be good for the State of Hawaii by encouraging less energy use by allowing homeowners to hang their laundry out to dry rather than expending electrical energy using a clothes dryer. However, the Mililani Town's Declaration of Covenants, Conditions and Restrictions (DCCR) currently reads: "*... no outside clothes lines or other outside clothes drying or airing facilities shall be permitted except within a fenced service yard and not visible from neighboring property.*" The Mililani Town DCCR has been in existence for well over 40 years. Our 15,500+ residential units were purchased by owners seeking a well-planned community that had rules that would protect their property values by maintaining the aesthetics around their property and ensure the peace, health, comfort, safety and general welfare of the owners and their family members. Besides not having to look at a neighbor's tall weeds or dilapidated home, owners prefer not having to look at laundry visible

from their kitchen windows. The number of calls that the MTA Covenant Enforcement Department receives regarding clothesline visible on a neighbor's property testifies that owners prefer not having to see their neighbor's laundry blatantly displayed on clotheslines.

The Mililani Town Association does allow clotheslines. MTA understands some owners prefer their clothes be dried naturally rather than via electric clothes dryers. The Mililani Town DCCR addresses such situations by simply requiring that a "screen" be erected such that the clotheslines are not visible from adjacent properties. All of MTA homeowners comply with this requirement. MTA has never needed to initiate legal action against a homeowner because of his/her visible clothesline.

Therefore, the existing language in our Mililani Town DCCR works to the benefit of all the homeowners, both clothesline users and non-users. Property values continue to be protected and the aesthetics of the community is maintained. Passage of S.B. 2933 would adversely change that. I respectfully request that either S.B. 2933 include the same language as stated in the Mililani Town DCCR or be withheld from passing.

Thank you for your consideration to this matter.

Sincerely yours,



Calvin K. Maeda, MCM, CMCA, AMS
General Manager
Mililani Town Association

cc: Senator Ron Menor
Representative Marilyn Lee
Representative Ryan Yamane

Eric M. Matsumoto
94-464 Kaweloalii Street
Mililani, Hawaii 96789

February 20, 2008

Senator Russell Kokubun, Chair
Senator David Ige, Vice-Chair
Commerce, Consumer Protection, and
Affordable Housing Committee
c/o Legislator's Public Access Room
State Capitol
Honolulu, HI 96813

VIA Email: testimony@capitol.hawaii.gov

Re: S.B. No. 2933 SD 1 – Relating to Household Energy Demand
Hearing: Thursday, February 22, 2008; 9:00AM, Conf Room 229

Dear Senators Kokubun and Ige and Committee Members:

My name is Eric Matsumoto, the immediate Past President of the Mililani Town Association. While I continue to serve on the board, I'm submitting testimony on my own behalf given the 20 plus years as its President, and as a Past President of the CAI Hawaii Chapter, and am all too aware of the negative affects this bill would likely have on 421J planned communities if passed as amended.

While the bill's intent to minimize household energy use by electric dryers, I oppose the language of this amended measure as it only considers a half of the need to screen the view of drying clothes and clotheslines. The amended measure leaves out protection from view from neighboring properties. This aspect is important since neighboring properties could in many instances include common areas such as association parks and recreation centers, and in some instances association golf courses besides other homes. These are as important as protecting views from neighboring streets.

To achieve a win-win situation with, on one hand, reduction of energy use by allowing the drying of clothes on clotheslines and on the other hand continuing to have planned community associations maintain the right to control the aesthetics under which all homeowners understood and agreed to when buying into the community.

Measures that begin to dismantle planned communities through the use of legislation, intentionally or otherwise, erodes and diminishes the viability of these communities to provide clean, well maintained and attractive communities around our island and state.

It should be noted that Mililani Town Association was created in 1958, and the first homes delivered in 1968 with screened clotheslines and has been successful over the years in providing homeowners with properly dried clothes.

To resolve the cited concern the following is suggested language to be added to SB 2933, SD 1:

Section 2. Para 196 -, (3) "Screening of drying clothes and clotheslines from view from neighboring streets and neighboring properties."

Thank you for the opportunity to provide testimony on this measure.

Sincerely yours,

Eric M. Matsumoto

Cc: Senator Menor, Senator Bunda,
Representative Lee, Representative Yamane