

LATE



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

February 3, 2009

Committee on Energy and Environment  
Senator Mike Gabbard, Chair, Senator J. Kalani English, Vice Chair  
And Other Committee Members

**Re. SB606 and 54 – Relating to Household Energy Demand.  
Committee Hearing, Tuesday February 3, 2007, Conference Room  
225, 2:45 PM (30 copies)**

Dear Senators Gabbard, English 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 Senate Bills 606 and 54. As indicated in testimony submitted earlier by John Morris, a member of CAI, CAI supports these Bills; however we would request one minor change. We would request that the word "permit" be changed to "cause" in Section 2; subpart (d)(3) (A). This is a minor change that would avoid a potential constitutional challenge. As the committee members can see, the language in subpart (1)(A) regarding telecommunications equipment uses the word "cause" and not "permit." Our fear is that an owner of a single unit would interpret this as allowing the Board to permit erection of these devices by a single owner on property owned by another thereby giving one owner exclusive use of the common elements and creating a potential legal problem. Federal courts have already concluded that such provisions would be a taking without compensation.

Again, thank you for the opportunity to testify.

Very truly yours  
CAI Hawaii Legislative Action  
Committee

By Joyce Y. Neeley

cc: CAI LAC