

**SB 2291**



# Sierra Club Hawai'i Chapter

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## SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

January 31, 2012, 2:45 P.M.  
(*Testimony is 1 page long*)

### TESTIMONY IN SUPPORT OF SB 2291

Aloha Chair Gabbard and Committee Members -

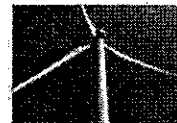
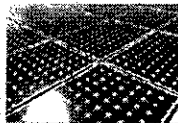
The Sierra Club, Hawai'i Chapter, with over 9,000 members and supporters, *supports* SB 2291. This bill would allow condominium owners to install a solar energy device if their building is no more than three stories in height.

This common sense measure helps to remove yet another barrier—restrictive codes or covenants—to clean energy investment. Further, it helps increase the efficiency and affordability of homes in Hawai'i, while moving us closer to a clean energy future.

Solar water heaters are among the most effective means of reducing the high electricity cost burden that residents now endure. By allowing more condominium owners to take advantage of these devices, we can make the cost of living more affordable by slashing the electric utility bill of an average home by 30-40%. It's a boon to the state economy as well, helping to create clean "green collar" jobs locally and reduce the amount of money that leaves the state's economy to buy crude—often from countries who don't share our values.

In short, SB 2291 removes yet another barrier to local residents doing the right thing for the environment and the economy.

Thank you for the opportunity to testify.



**SENATE COMMITTEE ON ENERGY AND ENVIRONMENT**

January 31, 2012, 2:45 P.M.

Room 225

**(Testimony is 1 page long)**

**TESTIMONY IN SUPPORT OF SB 2291**

Chair Gabbard and members of the Committee:

The Blue Planet Foundation supports SB 2291, a measure which allows owners of condominium units in condominium structures no more than three stories in height to place a solar energy device on the roof directly above the condominium unit.

Blue Planet supports SB 2291 as a means to make clean energy choices more accessible to those who live in low-rise condominiums in a fair and equitable manner. This bill aligns the "right to solar" policy for low-rise condo owners with the existing policy for townhome owners, thereby allowing more people to participate in Hawaii's clean energy future.

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.

HAWAII CHAPTER

  
**community**  
ASSOCIATIONS INSTITUTE

P.O. Box 976  
Honolulu, Hawaii 96808

January 30, 2012

Honorable Mike Gabbard  
Honorable J. Kalani English  
Committee on energy and Environment  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: SB 2291/OPPOSE  
Date: Tuesday, January 31, 2012  
Time: 2:45PMM  
Place: Conference Room 225

Dear Chair Gabbard, Vice-Chair English and Committee Members:

My name is Eric M. Matsumoto and I am a member of the Hawaii Legislative Action Committee of the Community Association Institute ("CAI"). CAI is a non-profit national and statewide organization whose members include condominium associations, planned community associations, residential cooperatives, managing agents, and others involved in creating, managing, servicing, and living in common interest communities.

CAI opposes this bill for the following reasons:

1. Roofs of condominiums, as with townhouses are common areas of the association vice for the sole use of the unit owners.
2. The language in lines 13 and 14, Page 1 specifies "...the device shall be located on the roof directly above the owner's condominium unit...." This directs that only the top level unit owner as having the ability to use the roof. This results in preferential treatment for those unit owners. For the language to be meaningful only two level units in two story condos and three level units in three story condos would be applicable under this measure, where units are from the ground level to the top level. This is how townhouse unit owners are permitted to utilize the roof directly above their units.

Honorable Mike Gabbard  
Honorable J. Kalani english  
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3. On the other hand, as with townhouses, if all levels of stacked units are intended to have access to the roof for individual unit owner use, issues such as locations of piping and conduit penetrations through and to the levels of units, need for individual unit meters, etc. arise.

Given the above, request this bill be held, unless the intent of the scope only includes condos that have units that span the entire height of the structure, from the ground level to the top level. Should this be the intent, while the measure needs to be amended to so reflect, more importantly, do the number of condos meeting this criteria justify the need for legislative action?

Very truly yours,



Eric M. Matsumoto

Testimony IN SUPPORT OF SB 2291 RELATING TO SOLAR ENERGY  
Solar Energy Devices; Condominium Units  
Before the Senate Committee on Energy and Environment  
Public Hearing on 01-31-12 at 2:45PM in conference room 225

My name is Nate Arnold. I speak in support of SB 2291, RELATING TO SOLAR ENERGY, and specifically the installation of solar energy devices on condominium structures no more than three stories in height. The amendments to SB 2291 strengthen HRS 196-7. More homeowners will be added to the group that may request the installation of solar energy devices on a roof that is a "common element." Their requests cannot be denied by an AOA (Association of Apartment Owners).

I live at Ho`okumu at Waikele, a townhouse or condominium development, located next to the Waikele Outlet Stores. Our condominiums are two stories with units on each story. Therefore, the roof is a "common element" – shared by upstairs and downstairs owners. SB 2291 clarifies HRS 196-7 (Placement of Solar Energy Devices) with clear language.

1. Any person may place a solar energy device on any townhouse unit, or any condominium unit in a condominium structure of not more than three stories in height..."
2. "The device shall be located on the roof directly above the owner's condominium unit and shall occupy an area of the total roof space not to exceed an area greater than the proportionate area of the owner's interest in the common elements..."

I have applied for solar PV to our HOA and have been continuously denied with no valid reason except the HOA quoting HRS196.7. This is due to me not owning from the ground to the roof. I'm baffled by their attitude and wonder if this is not discrimination? Because you live in a condo and have more roof space than many homes you are considered unworthy of doing your part for the environment? Hawaii has a target of 70% clean energy by 2030 and this target I feel can be beaten and reached far sooner by acting now! This is in everyone's interest especially our Keiki. There are 2000 condominiums in the 'Immediate Waikele area alone' and imagine the employment, money flow into the local economy, and clean energy that could be attained from this small area alone, not to mention the whole state is phenomenal! If only 10% of 2000 Waikele condos purchased 10 PV panels for their use it would generate a total of \$50,000 worth of clean solar electricity per month! \$600,000 a year! This amendment would allow millions of wasted square footage of roof area to be used to help Hawaii easily reach and even surpass its 70% goals for 2030.

Very recent environmental disasters have been caused by our backward, status quo, selfish and unwilling to change from dirty energies mindset. This has contributed to millions of animals, wildlife, and ocean living marine creatures to die meaninglessly. Not to mention the human cost and economic disaster during the most turbulent economic times since America's great Depression in the 1930's. If the Gulf of Mexico Oil disaster abomination was to occur here in Hawaii from the oil carrying ships that enter Hawaii and this could happen, it would be a disaster to Hawaii's economy and people to an extent that not one of us could even start to imagine!

We have an abundance of clean energy available to us here in Hawaii right now and also a common responsibility and pride to look after our environment in the best way we can. This is one of the most cost effective clean energies available to each and every condo owner here in Hawaii. It allows everyone to do their part and be proud of our efforts.

As a fellow resident of Hawaii, I strongly urge the committee to support SB2291.

Nate Arnold  
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(email) [nathanjames88@hotmail.com](mailto:nathanjames88@hotmail.com)

Testimony IN SUPPORT OF SB 2291 RELATING TO SOLAR ENERGY  
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My name is Erwin Cruz. I speak in support of SB 2291, RELATING TO SOLAR ENERGY, and specifically the installation of solar energy devices on condominium structures no more than three stories in height. The amendments to SB 2291 strengthen HRS 196-7. More homeowners will be added to the group that may request the installation of solar energy devices on a roof that is a "common element." Their requests cannot be denied by an AOA (Association of Apartment Owners). I live at Ho'okumu at Waikele, a townhouse or condominium development, located next to the Waikele Outlet Stores. Our condominiums are two stories with units on each story. Therefore, the roof is a "common element" – shared by upstairs and downstairs owners. SB 2291 clarifies HRS 196-7 (Placement of Solar Energy Devices) with clear language.

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As a fellow resident of Hawaii, I strongly urge the committee to support SB2291.

Erwin Cruz  
94-227 Paioa Place #B205  
Waipahu, HI 96797  
Home Phone 808 744 0054

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My name is Glenn Fernandez. I speak in support of SB 2291, RELATING TO SOLAR ENERGY, and specifically the installation of solar energy devices on condominium structures no more than three stories in height. The amendments to SB 2291 strengthen HRS 196-7. More homeowners will be added to the group that may request the installation of solar energy devices on a roof that is a "common element." Their requests cannot be denied by an AOA (Association of Apartment Owners).

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Nathan Arnold, my neighbor, wrote a letter to our AOA board requesting the installation of photovoltaic panels. His request was denied. Our board cited that HRS 196-7 did not include structures where the roof is a "common element." I have supported his efforts to make things right so that we can install solar energy devices at our townhouse development.

AOAO boards should take the initiative to solicit plans for the installation of solar energy devices from several vendors and select a vendor with a plan that both the board and its apartment owners can live with. A master plan may specify the number of PV panels each owner may install, requirements for the installation, and provisions for removal/installation during times of "common elements" repairs and maintenance.

We are too dependent on fossil fuel. Our monthly electricity bills are skyrocketing. All townhouse homeowners should be allowed to install solar energy devices to reduce our dependence on fossil fuel.

Therefore, I urge the committee to support SB 2291.

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Testimony on SB 2291

Testimony for ENE 1/31/2012 2:45:00 PM SB2291

Conference room: 225

Testifier position: Support

Testifier will be present: No

Submitted by: Carmine and Judy Mancuso

Organization: Individual

E-mail: [cmancuso@hawaii.rr.com](mailto:cmancuso@hawaii.rr.com)

Submitted on: 1/27/2012

Comments:

SB2291

The Pointe at Waikoloa in Waikoloa Village is a two story condominium complex. Waikoloa Village is a climatic wonderland with loads of sunshine. As SB2291 currently reads it prevents The Pointe at Waikoloa from getting solar panels because we are a CONDO unit, not a townhouse. The revision of SB2291 will allow us to get solar panels. What a savings that will mean to us as everyone knows Hawaii has the highest electric rates anywhere. Thank you so much for introducing this revision. We are truly grateful. We look forward to future updates and the passing of the bill.