



ORGANIZING *for* ACTION

To: The House Committee on Consumer Protection and Commerce
From: Brodie Lockard, Hawaii State Climate Lead, Organizing for Action
Date: Tuesday, March 19, 2019, 2:00 pm

Comments SB272 HD1

Dear CPC Chair Takumi, Vice Chair Ichiyama, and Committee Members—

Organizing for Action supports SB272 HD1.

The definition of "solar energy devices" needs to be updated as PV windows, PV roof shingles, and future innovations become available.

Thank you for the opportunity to testify.

Brodie Lockard
Hawaii State Climate Lead, Organizing for Action

SB-272-HD-1

Submitted on: 3/18/2019 9:53:25 AM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Emery	Community Associations Institute	Comments	No

Comments:

We support the intent of the Bill but suggest that the comments in the testimony by Anne Anderson be incorporated into the Bill. Her comments are serious concerns for condominium associations.

SB-272-HD-1

Submitted on: 3/15/2019 2:57:17 PM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
R Laree McGuire	Individual	Oppose	No

Comments:

SB-272-HD-1

Submitted on: 3/17/2019 1:21:48 PM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

I live in a high rise condo in Downtown Honolulu. We will be replacing our windows in six to eight years. As it stands now, we may not be able to employ building integrated and building applied photovoltaics in the windows as they may be illegal in Hawaii. The statutes are ambiguous. These types of windows will help us achieve energy sufficiency.

This bill was introduced to allow ALL buildings to utilize photovoltaics. It is the consumation of a conference I attended for associations two years ago where a representative of the solar industry mentioned in passing that these windows, a new technology, were not legal in Hawaii. Senate SSCR468 says, "Your Committees find that the existing statutory definition of 'solar energy device' as used in section 514B-140(c), Hawaii Revised Statutes, needs to be updated so as to take into account the latest advancements in renewable energy technologies, such as electricity-producing photovoltaic windows. This measure clarifies and adds building-applied photovoltaics and building-integrated photovoltaics to the definition of 'solar energy device', thereby specifically allowing installation of the photovoltaic systems on or in single-family residential dwellings and townhouses, subject to certain conditions."

HSCR1300 again only refers to specifically allowing installation of these devices on single-family residential dwellings and townhouses. Condominiums and other high and low rise structures are omitted.

Only SSCR 909 got it right by including condominiums. This report says, "Your Committee finds that the renewable energy field is ever-changing due to its technological nature. Accordingly, statutory law must be updated to reflect advances in technology related to renewable energy. Your Committee also finds that under existing law, it is unclear whether certain building-integrated photovoltaics, such as electricity-producing photovoltaic windows, fall under the definition of 'solar energy device', and whether condominium boards are therefore restricted from installing these devices. This measure amends the definition of 'solar energy device' to include building-applied photovoltaics and building-integrated photovoltaics, which will encourage the use of renewable energy and further the renewable energy initiative in Hawaii."

If the current draft of this bill does not clarify that these devices can be installed in condominiums, both low and high rise, then you must amend the bill. Otherwise,

350,000 persons who live in these properties, a high percentage of the state population, will be adversely affected in both new construction and replacing windows when upgrading windows when age requires they be replaced.

Please help us and all others who will be purchasing windows to take advantage of this new, promising technology. We should not be penalized.

Lynne Matusow

SB-272-HD-1

Submitted on: 3/17/2019 1:49:33 PM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Anderson	Individual	Support	No

Comments:

Dear Representative Takumi, Chair, Representative Ichiyama, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill. As written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”).

This amendment will do a couple of things. First, although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements. Second, the amendment will also allow owners of townhouses and single-family residential dwellings (which are subject to Chapter 514B) to install solar windows and solar skylights.

HRS § 514B-140(c) provides that the installation of solar energy devices by owners shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in HRS § 196-7. S.B. 272 has the potential to cause confusion because HRS § 196-7 does not apply to windows and skylights. Also, this measure does not address issues that will undoubtedly arise regarding architectural controls and structural integrity. It may lead to owners causing structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs.

Most condominium associations with townhouses and single-family dwellings have a design scheme which the association’s board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values.

For the above reasons, the bill should be amended to clarify that owners must first obtain the written consent of their condominium association’s board before installing solar windows and solar skylights. It should also be amended to clarify that the board

may establish reasonable rules, regulations, and specifications for solar windows and solar skylights.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on issues that have arisen in the past.

HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not condominium associations.

HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements.

Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted,

M. Anne Anderson

SB-272-HD-1

Submitted on: 3/17/2019 2:35:24 PM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lance S. Fujisaki	Individual	Support	No

Comments:

Dear Representative Takumi, Chair, Representative Ichiyama, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill. As written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”).

This amendment will do a couple of things. First, although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements. Second, the amendment will also allow owners of townhouses and single-family residential dwellings (which are subject to Chapter 514B) to install solar windows and solar skylights.

1. HRS § 514B-140(c) provides that the installation of solar energy devices by owners shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in HRS § 196-7. S.B. 272 has the potential to cause confusion because HRS § 196-7 does not apply to windows and skylights. Also, this measure does not address issues that will undoubtedly arise regarding architectural controls and structural integrity. It may lead to owners causing structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs.

Most condominium associations with townhouses and single-family dwellings have a design scheme which the association’s board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values.

For the above reasons, the bill should be amended to clarify that owners must first obtain the written consent of their condominium association’s board before installing solar windows and solar skylights. It should also be amended to clarify that the board

may establish reasonable rules, regulations, and specifications for solar windows and solar skylights.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on issues that have arisen in the past.

HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not condominium associations.

HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements.

Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted,

Lance Fujisaki

SB-272-HD-1

Submitted on: 3/17/2019 11:00:51 PM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
mary freeman	Individual	Support	No

Comments:

Dear Representative Takumi, Chair, Representative Ichiyama, Vice Chair, and Members of the Committee:

While I support the intent of S.B. 272 which will broaden the definition of “solar energy device,” I urge the committee to modify the language of the bill. As written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”).

This amendment will do a couple of things. First, although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements. Second, the amendment will also allow owners of townhouses and single-family residential dwellings (which are subject to Chapter 514B) to install solar windows and solar skylights.

Presently, HRS § 514B-140(c) provides that the installation of solar energy devices by owners shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in HRS § 196-7. S.B. 272 has the potential to cause confusion because HRS § 196-7 does not apply to windows and skylights. Also, this measure does not address issues that will undoubtedly arise regarding architectural controls and structural integrity. It may lead to owners causing structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs.

Most condominium associations with townhouses and single-family dwellings have a design scheme which the association’s board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location,

size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values.

For the above reasons, the bill should be amended to clarify that owners must first obtain the written consent of their condominium association's board before installing solar windows and solar skylights. It should also be amended to clarify that the board may establish reasonable rules, regulations, and specifications for solar windows and solar skylights.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on issues that have arisen in the past.

HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not condominium associations.

HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted,

Mary S. Freeman

Ewa Beach



HONOLULU TOWER

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March 18, 2019

TESTIMONY ON SB272, HD1 (HSCR1300) RELATING TO SOLAR ENERGY DEVICES, HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE, MARH 19, 2019

Honolulu Tower is a 396 unit condominium, built in 1982. The Board of Directors of the Honolulu Tower Association of Apartment Owners voted unanimously at its February 4, 2019 meeting to support this bill.

The Board is concerned that the committee report from the House Committee on Energy and Environmental Protection says "specifically allowing installation of these devices on single-family residential dwellings and townhouses." There is no mention of condominiums or high rises in the committee report. It is important that we be included. More than 350,000 people statewide live in condominiums and we must have the ability to avail ourselves of this new technology, as well as others that may exist when we replace our windows in several years.

The committee report goes on to say that the Board of Directors of the Honolulu Tower Association of Apartment Owners was among those who testified in favor of this bill. We did so with the understanding that it would include high rises and condominiums. If that is not correct then we ask you to amend the bill to provide for that inclusion.

This technology should also be available for all new high rise construction.

This relatively new technology is not permitted in Hawaii. We should be able to avail ourselves of this innovation, thus bringing us closer to green energy for both new buildings and old ones when their windows have to be replaced. Our glass enclosed building will be replacing its windows in several years. It would be nice to have this as one option.

Honolulu Tower Association of Apartment Owners
Board of Directors

SB-272-HD-1

Submitted on: 3/18/2019 8:48:39 AM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Glenn S. Horio	Anderson Lahne & Fujisaki	Support	No

Comments:

Dear Representative Takumi, Chair, Representative Ichiyama, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill. As written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”).

This amendment will accomplish a couple of things. First, although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements. Second, the amendment will also allow owners of townhouses and single-family residential dwellings (which are subject to Chapter 514B) to install solar windows and solar skylights.

1. HRS § 514B-140(c) provides that the installation of solar energy devices by owners shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in HRS § 196-7. S.B. 272 has the potential to cause confusion because HRS § 196-7 does not apply to windows and skylights. Also, this measure does not address issues that will undoubtedly arise regarding architectural controls and structural integrity. It may lead to owners causing structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs.

Most condominium associations with townhouses and single-family dwellings have a design scheme which the association's board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values.

For the above reasons, the bill should be amended to clarify that owners must first obtain the written consent of their condominium association's board before installing solar windows and solar skylights. It should also be amended to clarify that the board may establish reasonable rules, regulations, and specifications for solar windows and solar skylights.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on issues that have arisen in the past.

HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not condominium associations.

HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted,

Glenn S. Horio

SB-272-HD-1

Submitted on: 3/18/2019 9:47:54 AM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

SB-272-HD-1

Submitted on: 3/18/2019 9:58:39 AM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Philip L. Lahne	Individual	Support	No

Comments:

Dear Representative Takumi, Chair, Representative Ichiyama, Vice Chair, and Members of the Committee:

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Presently, HRS § 514B-140(c) provides that the installation of solar energy devices by owners shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in HRS § 196-7. S.B. 272 has the potential to cause confusion because HRS § 196-7 does not apply to windows and skylights. Also, this measure does not address issues that will undoubtedly arise regarding architectural controls and structural integrity. It may lead to owners causing structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs.

Most condominium associations with townhouses and single-family dwellings have a design scheme which the association’s board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values.

For the above reasons, the bill should be amended to clarify that owners must first obtain the written consent of their condominium association’s board before installing solar windows and solar skylights. It should also be amended to clarify that the board

may establish reasonable rules, regulations, and specifications for solar windows and solar skylights.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on issues that have arisen in the past.

HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not condominium associations.

HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements.

Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted,

Philip L. Lahne

Dear Representative Takumi, Chair, Representative Ichiyama, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 but urge the committee to modify its language.. As written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”). The amendment will allow condominium boards to install solar windows and solar skylights on the common elements and owners of townhouses and single-family residential dwellings (which are subject to Chapter 514B) to install solar windows and solar skylights.

Presently, HRS § 514B-140(c) provides that the installation of solar energy devices by owners shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in HRS § 196-7. S.B. 272 has the potential to cause confusion because HRS § 196-7 does not apply to windows and skylights. The proposed measure also does not address issues that will undoubtedly arise regarding architectural controls, structural integrity, and preference toward uniformity of appearance. Consequently, owners may cause structural damage to roofs and windows cut to install solar skylights and solar windows. It could also lead to any number of window styles and designs.

Most condominium associations with townhouses and single-family dwellings have a design scheme which the association’s board of directors regulates and enforces through design schemes which include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values.

For the above reasons, the bill should be amended to clarify that owners must first obtain the written consent of their condominium association’s board before installing solar windows and solar skylights and that condominium owner associations Boards of Directors may establish reasonable rules, regulations, and specifications for requested installation of solar windows and solar skylights.

HRS § 514B-140(c) should be amended to provide that its procedural controls apply only to alterations and additions made by owners and not condominium associations. HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted, /s/ **Pamela J. Schell**

SB-272-HD-1

Submitted on: 3/18/2019 12:22:21 PM

Testimony for CPC on 3/19/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. Ireland Koftinow	Individual	Support	Yes

Comments:

Dear Representative Takumi, Chair, Representative Ichiyama, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill. As written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”).

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HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements.

Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted,

Paul A. Ireland Koftinow



Hawaii Solar Energy Association
Serving Hawaii Since 1977

LATE

**TESTIMONY OF THE HAWAII SOLAR ENERGY ASSOCIATION
IN REGARD TO SB 272 HD1, RELATING TO SOLAR ENERGY DEVICES
BEFORE THE
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
ON
TUESDAY, FEBRUARY 19, 2019**

Chair Takumi, Vice-Chair Ichiyama, and members of the committee, my name is Will Giese, and I represent the Hawaii Solar Energy Association, Inc. (HSEA)

HSEA offers comments SB 272 HD1. The measure amends the definition of "solar energy devices" to include building-applied photovoltaics and building-integrated photovoltaics and clarify that the term excludes passive solar skylights or windows.

The HSEA was founded in 1977 to further solar energy and related arts, sciences and technologies with concern for the ecologic, social and economic fabric of the Hawaiian Islands. Our membership includes the vast majority of locally owned and operated solar installers, contractors, distributors, manufacturers, and inspectors across all islands.

It is unclear what purpose this bill serves by designating "building applied" and "building integrated" photovoltaics as two separate definitions. While we agree with the preamble of this measure that renewable energy has an "ever-evolving and innovative nature", separating out these two definitions seems unneeded and also leaves some aspects of solar energy technology out of the mix.

"Building Applied" and "Building Integrated" are somewhat of an exercise in semantics that may have adverse implications for certain technology' qualifications for incentives or rebates unless specifically noted. For instance, "building applied" in this bill refers to technology installed "to the outside of a building" while "building integrated" refers to technology installed and "integrated in the structural aspects of a building". Current residential PV installation might qualify as both of these definitions. Slope-mounted residential rooftop systems are installed on the outside of a building but are mounted and anchored to internal structures, such as rafters. Electricity producing PV windows, which are not commercially installed in Hawaii at this time, may or may not be considered a "structural component" of a building.

Furthermore, while this bill does include passive solar devices, or rather solar thermal devices that make use of the thermal aspect of a solar resource, such as skylights it does not include devices such a solar water heaters which utilize both thermal energy from solar (to heat water) and occasionally electricity from solar panels (to run DC pumps).



Hawaii Solar Energy Association

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While the HSEA supports the intent of this bill and in creating succinct definitions within statute, the current form of this measure may overly complicate or obfuscate its intent to “further facilitate the development of ‘green’ projects throughout Hawai’i” without significant rework.

We **support the intent** HB 272 and we urge this committee to reexamine the wording of this measure before passing.

Thank you for the opportunity to testify.