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# HONOLULU TOWER

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March 11, 2019

**TESTIMONY ON SB272 RELATING TO SOLAR ENERGY DEVICES  
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION,  
MARCH 12, 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.

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**

Submitted on: 3/11/2019 6:33:36 AM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**SB-272**

Submitted on: 3/10/2019 9:38:08 PM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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.

Please help us and all others who will be purchasing windows to take advantage of this new, promising technology.

Lynne Matusow

**SB-272**

Submitted on: 3/10/2019 7:51:13 PM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erica Scott	Individual	Support	No

Comments:

**SB-272**

Submitted on: 3/11/2019 10:45:18 AM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anne Anderson	Individual	Support	No

Comments:

Dear Representative Lowen, Chair, Representative Wildberger, 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.

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) should also be amended to clarify that condominium associations may install solar energy devices on limited common elements without owner approval in instances in which the entire building is a limited common element or all windows are limited common elements. It is not uncommon for condominium projects to have more than one building or tower with each building or tower being designated as a limited common element appurtenant to the units in the building. 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 associations are not required to obtain the approval of all owners in a building or tower before it may install solar energy devices on the limited common element roof of a building or tower or when replacing limited common element windows with solar windows. Otherwise, many associations will not be able to take advantage of the law.

Thank you for this opportunity to submit written testimony.

Sincerely,

M. Anne Anderson

**SB-272**

Submitted on: 3/11/2019 10:52:05 AM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Philip L. Lahne	Individual	Support	No

Comments:

Dear Representative Lowen, Chair, Representative Wildberger, 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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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

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Thank you for this opportunity to submit written testimony.

Sincerely,  
Philip L. Lahne



**SB-272**

Submitted on: 3/11/2019 11:11:44 AM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lance S. Fujisaki	Individual	Support	No

Comments:

Dear Representative Lowen, Chair, Representative Wildberger, 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.

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Thank you for this opportunity to submit written testimony.

Sincerely,

Lance Fujisaki

**SB-272**

Submitted on: 3/10/2019 9:40:02 PM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Philip Nerney	Individual	Comments	No

Comments:

Skylights and windows, even if they produce solar energy, may affect the uniform appearance of a project and might be problematic. The Committee may wish to consider whether some level of review by an association should be allowed, in order to prevent adverse consequences.

**SB-272**

Submitted on: 3/11/2019 10:51:18 AM

Testimony for EEP on 3/12/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. Ireland Koftinow	Individual	Comments	No

Comments:

Dear Representative Lowen, Chair, Representative Wildberger, 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 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”).

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Thank you for this opportunity to submit written testimony.

Sincerely,

Paul A. Ireland Koftinow

**SB-272**

Submitted on: 3/11/2019 10:14:36 AM

Testimony for EEP on 3/12/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
R Laree McGuire	Individual	Oppose	No

Comments:

**LATE**

**SB-272**

Submitted on: 3/11/2019 4:28:46 PM

Testimony for EEP on 3/12/2019 8:30:00 AM

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

Comments:

Dear Representative Lowen, Chair, Representative Wildberger, Vice Chair, and Members of the Committee:

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Thank you for this opportunity to submit written testimony.

Sincerely,

Glenn S. Horio





ORGANIZING *for* ACTION

To: The House Committee on Energy & Environmental Protection  
From: Brodie Lockard, Hawaii State Climate Lead, Organizing for Action  
Date: Tuesday, March 12, 2019, 8:30 am

**Comments SB272**

Dear EEP Chair Lowen, Vice Chair Wildberger, and Committee Members—

Organizing for Action supports SB272.

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

**LATE**