



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

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GOVERNOR

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Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the
HOUSE COMMITTEE ON FINANCE

Tuesday, March 2, 2021
11:00 AM
State Capitol, Conference Room 308

In support of
HB 328, HD2
RELATING TO ENERGY EFFICIENCY.

Chair Luke, Vice Chair Cullen, and Members of the Committee, the Hawaii State Energy Office (HSEO) supports HB 328, HD2, which allows energy-efficient technologies to be installed in privately owned single-family residential dwellings or townhomes. HSEO appreciates the clarifications provided by HD 2 of the bill.

HB 328, HD2, is in line with HSEO's mission to promote energy efficiency, renewable energy, energy resiliency, and clean transportation to help achieve a decarbonized economy. Energy efficiency is the first and most cost-effective step in smart energy management and should be prioritized and made available to every homeowner, regardless of housing structure or organization.

Requiring community and condominium associations to permit homeowners to install energy-efficient technologies will help the state to accelerate energy efficiency and assist the state in reaching its clean energy goals.

HSEO's comments are guided by its mission to promote energy efficiency, renewable energy, and clean transportation to help achieve a resilient, clean energy, decarbonized economy.

Thank you for the opportunity to testify.



February 27, 2021
VIA WEB TRANSMITTAL

Hearing Date: Tuesday, March 2, 2021
Time: 11:00 a.m.
Place: Conference Room 308

Committee on Finance
House of Representatives, the 31st Legislature
Regular Session of 2021

Re: **HB 328, HD 2: Oppose**

Dear Chair Luke, Vice Chair Cullen and Members of the Committee:

I am the Chair of the Hawaii Chapter of the Community Associations Institute, Legislative Action Committee (“CAI-LAC”); we represent the condominium and community association industry, and on behalf of CAI-LAC, I respectfully submit this testimony in opposition to HB 328: HD2.

The purpose of the Act is to allow for the installation of certain energy-efficient technologies on any privately owned single-family residential dwelling or townhouse, with limited restrictions and requires private entities to adopt rules regarding the placement of those technologies.

Significantly, with regard to townhouse condominiums, the roofs are deemed to be a part of the common elements and are thus owned by all owners based upon the percentage of common interest held by each owner. No one owner owns a particular section of any of the roofs within that project and every owner owns a small percentage of every roof (of the whole) within the condominium project. Consequently, no one owner has a right to install a particular type of roofing material on any particular roof.

While “cool roof” technology may work for homes located within planned unit developments/home owner associations, these developments are often concerned with uniformity and aesthetics and therefore, whether or not to permit cool roofs will depend upon whether these roofs are acceptable to the design committees of these organizations.

With respect to “whole house fans” as they relate to townhouses, they are installed in the attic or crawl space below the roof and this area is also typically designated as common element and not a part of each owner’s individual unit. For this reason, no one owner is able to install the subject fans in these areas unless the area is designated as a part of the unit. Otherwise, these areas are owned by all owners based on their percentage of common interest in this area.

Honorable Sylvia Luke, Chair
Honorable Ty J.K. Cullen, Vice Chair
February 27, 2021
Page two

HB 328, HD 2 provides in pertinent part on page 2, line 4 at subsection (c) that “Any person may place an energy-efficient technology on any single-family residential dwelling or townhouse unit only if it is fully owned by that person[.]” The problem is that while the interior of the unit is “fully owned” by that person, the exterior of the unit is not and thus, the language does nothing to cure the problem of who has control over the crawl space or attic and the roof located over that unit, but not “fully owned” by that unit owner.

Based on the foregoing, and on the fact that townhouse condominium owners do not “fully own” the crawl space, attic, or roof over their units, we respectfully submit that HB 328, HD 2 should be amended as addressed above and delete any reference to townhouse condominiums.

If you truly seek to promote these technologies in HOAs or PUDs, then you may wish to offer tax credits similar to how you previously dealt with solar technologies in the past.

Thank you for your time and consideration and the opportunity to testify. I am available for questions (lmcguire@hawaiiilegal.com).

Sincerely yours,

/s/ R. Laree McGuire
R Laree McGuire
CAI LAC Hawaii



To: The House Committee on Finance
From: Sherry Pollack, 350Hawaii.org
Date: Tuesday, March 2, 2021, 11am

In support of HB328 HD2

Aloha Chair Luke, Vice Chair Cullen, and members of the Finance committee,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. On behalf of our 6,000 members and supporters, 350Hawaii.org **strongly supports HB328 HD2.**

Energy efficiency is a key strategy to reduce greenhouse gas emissions. Roadblocks preventing families from benefiting from the installation of energy-efficient technologies should be removed. Technologies that help reduce energy use both save families money while reducing their impact on the environment, which is a win:win for all of us.

Please support this smart legislation.

Mahalo for the opportunity to testify.

Sherry Pollack
Co-Founder, 350Hawaii.org



Environmental Caucus of The Democratic Party of Hawai'i

February 28, 2021

To: House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty. J. K. Cullen, Vice Chair, and
Members of the Committee on Finance

Re: HB 328, HD2 – RELATING TO ENERGY EFFICIENCY.

Hearing: Tuesday, March 2, 2021, 11:00 p.m. Room 308, via videoconference

Position: **STRONG SUPPORT**

Aloha Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance:

The Environmental Caucus of the Democratic Party of Hawai'i and its Human Environmental Impacts Committee are in **strong support** of HB 328, HD2 as it allows the installation of certain energy-efficient technologies on any privately owned single-family residential dwelling or townhouse, with limited restrictions.

Per HB328, HD2, “Energy-efficient technologies” means vents or louvers that passively exhaust hot air; solar attic fans; skylights and ENERGY STAR certified cool roofs; ENERGY STAR certified whole house fans; and ENERGY STAR certified energy-efficient outdoor lighting devices.

The Democratic Party of Hawai'i (Party) has adopted at its State Convention in 2018, clear safeguards for our community against the climate crisis found in page 18 of the Party Platform:

We are committed to getting 100 percent of our electricity from clean energy sources within a decade. We will cut energy waste in homes, schools, hospitals, and offices through energy efficient improvements; modernize our electric grid; and make manufacturing the cleanest and most efficient in the world. These efforts will create hundreds of new jobs and save families and businesses money on their monthly energy bills.

Please pass this important and overdue legislation. Thank you very much for the opportunity to testify on this key issue.

Respectfully yours,
Alan Burdick and Melodie Aduja
Co-Chairs, Environmental Caucus
Co-Chairs, Human Environmental Impacts Committee
Democratic Party of Hawai'i



Hawai'i Energy

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Before the House Committee on Finance
Tuesday, March 2, 2021, 11:00am

Testimony in Support of HB328 HD2: Relating to Energy Efficiency

Chair Luke, Vice-Chair Cullen, and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 328 HD2.

Hawai'i Energy works to empower island families and businesses on behalf of the Hawai'i Public Utilities Commission (PUC) to make smart energy choices to reduce energy consumption, save money, and pursue a 100% clean energy future.

Energy efficiency is the cheapest option to help us achieve our 100% clean energy goal by eliminating waste and being more efficient. The benefits of energy efficiency have never been greater, while at the same time the ability to buy energy-saving equipment has become much more difficult because of widespread financial hardships. During these tough economic times, it is critical to clear barriers that will allow Hawai'i residents to adopt energy-efficient, cost-saving measures. When paired with our residential rebates, certain energy efficiency technologies have the potential to help our friends and neighbors save money and use it for other critical needs, thus spurring much-needed economic growth for our community.

Thank you for the opportunity to testify in support of HB328 HD2.

Sincerely,
Brian Kealoha
Executive Director
Hawai'i Energy

HB-328-HD-2

Submitted on: 2/26/2021 9:25:19 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ruta Jordans	Individual	Support	No

Comments:

One more piece in our arsenal to deal with the climate crisis. Please support!

HB-328-HD-2

Submitted on: 2/28/2021 9:35:15 AM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

Putting in whole house fans or PV should be allowed even if you are in an HOA agreement.

HB-328-HD-2

Submitted on: 3/1/2021 6:39:20 AM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Pappas	Individual	Support	No

Comments:

Dear Chair Luke, Vice Chair Cullen and FIN Committee members,

I support HB328 HD2 which allows for the installation of certain energy-efficient technologies on any privately owned single-family residential dwelling.

I support energy efficiency as another effective way to mitigate the climate crisis.

Thank you for the opportunity to testify.

Sincerely,

Jan Pappas - Aiea, Hawaii

HB-328-HD-2

Submitted on: 3/1/2021 6:40:24 AM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jackie Lasky	Individual	Support	No

Comments:

Aloha mai kākou,

I am submitting testimony in vigorous support of HB 328 RELATING TO ENERGY EFFICIENCY. My family has been personally and *negatively* affected by *NOT* having such energy efficiency protective legislation in place in the State of Hawai'i. We hope that passage of HB 328 will allow other families to be more energy efficient, thus reducing our islands' use of destructive fossil fuels and advancing malama 'āina. **I sincerely hope that this vital legislation will be enacted and effective immediately.**

We are currently building a farm dwelling on a 2-acre agricultural lot in Kailua, O'ahu, which is part of a Homeowners Association (HOA). We planned to install a "cool roof" in addition to Photovoltaic (PV) solar panels because recent research shows that cool roofs increase PV energy production by 6-10%.^[i] However, the HOA rejected our proposed cool roof, and apparently **Hawai'i Revised Statutes 196-7 protecting homeowners for the use of "solar energy devices" does not sufficiently apply to cool roof technologies.** Thus, we were forced to use a darker color NON-cool roof, which is less energy efficient and can further contribute to "heat island" effects that are *detrimental to our agricultural crops.* (Heat islands are the thermal gradient differences between developed/built areas and undeveloped/natural areas.)

The U.S. Department of Energy defines a cool roof as:

- "[A roof] that has been designed to reflect more sunlight and absorb less heat than a standard roof. ... Standard or dark roofs can reach temperatures of 150 degrees Fahrenheit or more in the summer sun. A cool roof under the same conditions could stay more than 50 degrees Fahrenheit cooler and save energy and money by using less air conditioning."^[ii]

In addition to obvious homeowner benefits, cool roofs significantly benefit the environment and surrounding community by:

1. Reducing local air temperatures that contribute to urban heat island effects and negative effects on microclimates and wildlife habitats;
2. Lower peak electricity demand;
3. Reduce power plant emissions.

Current research shows that “implementing citywide smart surfaces like cool roofs, green (living) roofs, solar roofs, and permeable pavements could reduce urban heat by 4-5 degrees, [and] cut greenhouse gas emissions by up to 15%.”^[iii] For this reason, there is currently federal legislation in the U.S. Congress to support urban climate mitigation efforts and providing grants to expand the use of cool roofs among other innovations.^[iv]

Passing HB 328 RELATING TO ENERGY EFFICIENCY would not only be consistent with these national (and international) efforts to improving environmental and community health, it would also make Hawai’i one of the leading states to enact such vital legislation. (Only Colorado and California have similar laws.)

I cannot emphasize enough the need for this protective legislation so that homeowners and farmers like my family who want to malama ‘āina are allowed to do so without impediments from HOAs or other limited restrictions. **I passionately urge you to pass HB 328 and make it effective immediately.**

Mahalo nui loa for your time and consideration,

Jacqueline Palmer Lasky

[i] <https://academic.oup.com/ijlct/article/14/2/267/5307064>

[ii] <https://www.energy.gov/energysaver/design/energy-efficient-home-design/cool-roofs>

[iii] <https://www.usgbc.org/articles/new-federal-bill-supports-heat-island-mitigation>

[iv] <https://www.congress.gov/bill/116th-congress/senate-bill/4280>

HB-328-HD-2

Submitted on: 3/1/2021 7:33:50 AM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jay Bost	Individual	Support	No

Comments:

I support this bill. As we attempt to become more energy self sufficient in the State we need to also be sure we are being the most energy efficient possible. Thank you

HB-328-HD-2

Submitted on: 3/1/2021 8:15:12 AM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandee Moniz Pa	Individual	Support	No

Comments:

Just do it.

HB-328-HD-2

Submitted on: 3/1/2021 8:41:43 AM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaime Jennings	Individual	Support	No

Comments:

Aloha, Homeowners should have the right to use any new technology for energy efficient applications - anything to help global warming should be a right to homeowners. The current state law insufficiently protects homeowners to use such technologies. i.e. Energy-Efficient Technologies; Cool Roof; Whole House Fan; Outdoor Lighting Device; Installation

LATE

HB-328-HD-2

Submitted on: 3/1/2021 4:15:44 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

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

Comments:

Dear Honorable Committee Members,

Please support HB328.

Thank you,

Andrea Quinn

LATE

HB-328-HD-2

Submitted on: 3/1/2021 5:18:07 PM
Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wesley Palmer-Lasky	Individual	Support	No

Comments:

I fully support HB328 as it will contribute to a more energy efficient Hawaii, without any cost to the state or local governments to enact and achieve this energy efficiency. Please approve this measure in the finance committee.

HB-328-HD-2

Submitted on: 3/1/2021 7:59:45 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lourdes millan	Individual	Support	No

Comments:

I support this bill

LATE

HB-328-HD-2

Submitted on: 3/1/2021 9:48:26 PM

Testimony for FIN on 3/2/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kazu Hernandez	Individual	Support	No

Comments:

I strongly support the use of technology to decrease use of fossil fuels which we in Hawaii are so dependent on.

I value our environment and efficiency much more than aesthetics and uniformity which HOAs may prioritize too highly.

Mahalo