

March 2021



Photos submitted by Della Nakamoto

SUBMIT YOUR PHOTOS FOR A FEATURE IN AN UPCOMING NEWSLETTER!

Please email Elaine Gascon at egascon@atlasinsurance.com

Welcome to the Community Council of Maui (CCM)!

Originally formed in 1991 as The Condominium Council of Maui (CCM) and now known as The Community Council of Maui (CCM), we are committed to hosting regular meetings to provide the opportunity for association members to exchange information, share experiences, form ideas and reach solutions. We offer a forum for educational programs that feature recognized experts in Condominium and Community Association affairs for the benefit of each property and individual owners. With our established relationship with State agencies, our Board of Directors remains up-to-date on newly proposed and enacted laws that affect associations and its owners.

2021 CCM BOARD OFFICERS & DIRECTORS

President: Lisa Cano

Vice President: Mila Salvador

Secretary: Danielle Kornfeind

Treasurer: Robert Miskae

Director/Membership & Marketing Chair: Greg Gaudet

Director/Website Administrator: Rebecca Filipovic

Director/Newsletter Chair: Della Nakamoto

Director: Philip Nerney

Emeritus/Programs Chair: Al Andrews

Emeritus: Harvey Janis

Emeritus: Donna Smith

Emeritus/Hot Topics Chair: Tom Boomer

Newsletter Editor: Elaine Gascon

A Message from the President

Aloha CCM Members,

Welcome to our NEW newsletter! Big thanks to Elaine Gascon of Atlas Insurance for creating our new look. We are always looking for articles, so if you want to educate our community, tell us about your business, or share information please contact Della Nakamoto our Newsletter Chair at dnakamoto@atlasinsurance.com.

CCM is off to a good strong start this year thanks to electronic seminars! Zooming education directly to the comfort of your computer. Thanks to Steve Glanstein for sharing tips on how to run zoom meetings and updating us on the new Roberts Rules of Order. Our Legislative Update covered 2020 and what is on the docket for 2021 and March seminar will be an update from our local officials on COVID 19. Our goal is to assist members with hands on actions for each of your communities.



We would like to recognize Al Andrews and Chris Porter for their years of service to the Maui Community. Always ready to assist, and especially for their guidance and leadership to our membership. Al has retired, yes again! And Chris has taken on new duties. Thank you and all the best to both of you!

On that note we welcome Phil Nerney to our board. Many of you have seen Phil speak for CCM and just this last seminar saw him update us on the Legislative Bills. Phil writes bills for legislation and is a much welcomed board member. Phil will keep us informed on current issues needing testimony and all bills regarding association management.

As we have transitioned our seminars to the electronic platform, we are still eagerly waiting to bring back our live seminars. We miss all of you and the Platinum Sponsors miss all of you too! So, stay tuned.

Sincerely,

Lisa Cano

Table of Contents

FRONT COVER	Welcome to CCM! 2021 CCM Board Officers & Directors
Page 2	Message from the President
Page 3	What Is a Condominium Anyway? By Carole R. Richelieu
Page 4	The Three C's by Associa Hawaii
Page 5	Hawaiiana Management
Pages 6-7	What is this? MAS Anchor Failure by Kyle Pineo, Esq. of Berding Weil LLP and William M. McKeon, Esq. of McKeon Sheldon Mehling, LLC
Pages 8-10	HI Climbing Convergence of Technology and the Natural World
Pages 11-15	Mahalo Platinum Sponsors
Page 16	Save the Dates/Future Seminars

What Is a Condominium Anyway?

by Carole R. Richelieu and Building Management Hawaii Magazine

The legal definition takes in much more than an apartment

It is not unusual to see a tall building with many people living in it (at least in urban Honolulu) and assume that is what all condominiums are. It isn't. A condominium can take many shapes and forms. A parking lot, a parking space, an industrial warehouse, a boat slip, an office or medical building, some single-family dwellings, a townhouse, a low-rise "apartment" building, a farm, a ranch—any of these can be a condominium.

A condominium property regime (CPR) is merely, and only, a form of ownership. Looks can be deceiving. A condominium is not a structure or a building.

What is a CPR?

A CPR is a specific form of ownership and governing process created when real property is submitted to the condominium property regime, a process often referred to as "CPRing" a property. The creation and administration of CPRs are governed by Chapter 514B of the Hawaii Revised Statutes. Other common forms of ownership are tenants in common, joint tenancy and tenants by the entirety.

Condominium ownership is ownership of a unit and a percentage of undivided interest in the common elements. The unit owner is entitled to exclusive ownership of the unit, but the underlying land is a common element owned in common with other unit owners in the condominium project. For example, common elements are often lobbies, hallways, roofs, roadways and recreational facilities. Limited common elements which provide for exclusive use by an owner (versus ownership) often include yard areas, lanais and parking spaces.

Condominiums also have a variety of uses. As permitted by local county zoning and permitting laws, a condominium could be residential, office, commercial, industrial, agricultural or a combination of uses such as a building with both residential and commercial condominiums, including stores, restaurants and offices. Many newer condominiums are these mixed-use projects. CPRing property is not a carte blanche to build whatever one wants or use it for whatever one wants. County and other state laws dictate use and structures and not the condominium law.

CPRing a property is also not the same thing as subdividing a property as subdivision creates separate unrelated parcels. CPRing a property will not determine what can be built on a property, how many units can be placed on a property or change building, zoning, density or usage restrictions imposed by local laws. CPRing does not divide a property—it remains one property.

What property can be CPRed?

In Hawaii, the condominium project must contain two or more units as defined by statute. The number and type of units must meet county zoning requirements and be allowable. Contrary to a somewhat popular belief, neither the Hawaii Real Estate Commission nor the counties approve or disapprove what real property can be CPRed. The form of ownership is a personal decision of the owner or owners. Once the property goes through certain statutory steps, it becomes a CPR automatically by operation of law.

Carole R. Richelieu is senior condominium specialist in the Department of Commerce and Consumer Affairs' Real Estate Branch. Contact her office at 586-2643 or go to www.hawaii.gov/hirec.

The Three “C”s

by Malia Josue, Associa Hawaii

During these unprecedented times we have all experienced many changes and challenges to our daily lives. Although challenging, the pandemic has also presented us with opportunities to exhibit kindness, understanding, the ability to adapt, collaborate and persevere.

The three C’s have been a useful resource in navigating our way through the complexity of these times. These main focuses along with the continued effort of working together towards a common goal have turned strategy into decisions and decisions into actions.

The Three “C”s

Communication

Consciously and continuously seeking factual information and updates. Providing current and accurate information to all owners, employees, colleagues, and vendors, regularly to ensure the health, safety and well being of all.

Collaboration

Recognizing and acknowledging the importance of unified contributions. Working collectively and collaboratively to utilize the resources and strengths of many people and organizations to provide support, knowledge, guidance and solutions to achieve and accomplish important tasks and goals.

Community

Reminding ourselves that we are all in this together, that the whole is greater than the sum of its parts. We are resilient when it matters most and will prevail through our challenges, together.

Hawaiiana is Maui's #1 Management Company



Doug Laffer, CMCA
Director,
Maui Operations

Hawaiiana Management Company, Ltd. currently serves 115 properties on Maui, Lanai and Molokai. Maui County clients include Andaz Wailea Hotel, Aina Nalu, Sugar Beach Resort, Wailea Golf Estates and the Hotel Hana-Maui Condominiums. In addition, Hawaiiana manages several associations on the island of Lanai including Villas at Koele Phase II and Terraces at Manele Bay, plus Molokai's Wavecrest Resort and Molokai Shores. Hawaiiana's Maui County Associations are served by a total of 15 Management Executives and the industry's most experienced accounting, administrative and technical property management staff.

Hawaiiana serves many of its Maui County clients from its primary office in Kihei. In addition, Hawaiiana's satellite office in the Kahana Gateway Professional Building is conveniently located to serve over 30 west side clients with their association management needs.

Maui County Clients:

- Aina Nalu
- Coconut Grove on Kapalua Bay
- Cottages at Kulamatu
- Emerald Plaza Place
- Emerald Plaza II
- Haiku Town Acres
- Hale Kai
- Hale Kamaole
- Hale Royale
- Hokulani Golf Villas
- Hololani
- Honokowai East
- Honu Alahele
- Ho'olea Terrace at Kehalani
- Ho'olei
- Ho'onanea at Lahaina
- Hotel Hana Maui Condominiums
- Island Sands
- Kaanapali Plantation
- Ka'anapali Royal
- Kahana Village
- Kai Malu at Wailea
- Kalama Terrace
- Kaleialoha
- Kamalani
- Kamani at Kehalani
- Kamaole Beach Royale
- Kamaole Grand
- Kamaole Heights
- Kamaole One
- Kamoku Condominiums
- Kana'i A Nalu
- Kanani Wailea
- Kanoa Resort
- Kapalua Golf Villas
- Ke Alii Ocean Villas
- Keala o Wailea
- Kehalani Community Association
- Kehalani Gardens
- Kepuhi Beach Resort
- Kihei Beach Condo
- Kihei Garden Estates
- Kihei Villages
- Kilohana Kai Vistas
- Kilohana Waena
- Koa Resort
- Kua'aina Ridge
- Kulamatu HOA
- Lahaina Roads
- Lanikeha
- Luana Kai
- Ma'aloa Banyans
- Ma'aloa Kai
- Ma'aloa Mermaid
- Ma'aloa Surf
- Ma'aloa Yacht Marina
- Mahanalu Nui HOA
- Mahina Surf
- Mahinahina Beach
- Makali'i at Wailea
- Makena Surf
- Maluhia at Wailea
- Maui Kaanapali Villas
- Maui Lani Community Association
- Maui Lani Terraces
- Maui Parkshore
- Meadowlands HOA
- Milo Court at Kehalani
- Milowai-Maalaea
- Molokai Shores
- Na Hale O Makena
- Napili Point Resort, Phase I
- Napili Point Resort, Phase II
- Napili Bay
- North Shore Village
- Opukea at Lahaina
- Pacific Shores
- Paki Maui
- Paradise Ridge Estates
- Pohalani Maui
- Pu'unooa HOA
- Royal Kahana
- Sandhills Estates HOA
- Southpointe at Waiakoa
- Spinnaker
- Sugar Beach Resort
- Summit at Kaanapali, Phase I
- Terraces at Manele AOAO
- Terraces at Manele Bay, Phase IV
- The Ironwoods at Kapalua
- The Mahana at Kaanapali
- The Office Centre
- The Palms at Manele, Phase I
- The Ridge at Wailea
- The Vintage at Ka'anapali
- Valley Isle Resort
- Villas at Kahana Ridge
- Villas at Koele, Phase II
- Wailea Beach Resort & Residences (Andaz Hotel)
- Wailea Golf Estates
- Wailea Golf Estates II
- Wailea Golf Vistas
- Wailea Highlands
- Wailea Kai Homesites
- Wailea Kialoa Homesites
- Wailea Pualani Estates
- Wailele Ridge
- Waituku Heights Ext. Unit II
- Waiolani Community Assn.
- Waiipulani
- Wavecrest Resort
- West Kuiaha Meadows

Why choose Hawaiiana?

- We serve 115 associations in Maui County
- Local (vs. mainland) banking
- All employees are in Hawaii



Debra Adams
Senior Management
Executive



Doug Jorg
Senior Management
Executive



April Lum, CMCA, AMS
Senior Management Executive
Office Coordinator, West Maui



Kathy Wong
Senior Management
Executive



Maro Udoff
Director



Craig Bode
Management Executive



Paul Brown
Management Executive



Mazy Cashen-Sugillan, CMCA
Management Executive



Marilyn Chapman, CMCA
Management Executive



Anthony Freda
Management Executive



Mibehle Heile
Management Executive



Mibehle Harbon
Management Executive



Lisa Kahae
Management Executive



Steven Leane
Management Executive



Hawaiiana Management Company, Ltd.

PH: (808) 593-6899

Email: dougl@hmcmtgt.com

www.hmcmtgt.com

WHAT *IS* THIS?!



MAS Anchor Failure - We're Not in Kansas Anymore, Toto!

The second in a series of articles to alert owners of potential problems with their buildings.

By Kyle Pineo, Esq. of Berding | Weil LLP and William M. McKeon, Esq. of McKeon Sheldon Mehling, LLLC

In the *Wizard of Oz*, a tornado sweeps Dorothy's house off the ground and blows Dorothy and her dog Toto from a farm in Kansas to another world called Oz. In Hawai'i, some houses are designed with anchoring devices so the homes are not "blown away" in a hurricane. Some of these anchors are susceptible to water damage, which can lead to their complete failure, increasing the risk that houses in Hawaii will be blown away to Oz.

MAS Anchors

Mudsill anchor strap (MAS) anchors are steel devices that secure a home to its concrete foundation. The concrete foundation supports the home from sinking into the ground, and like a set of suspenders that keeps pants at a waist, MAS anchors secure a home from moving off the foundation during a hurricane or earthquake.

MAS anchors are set in concrete when concrete foundations are poured. Prongs from the MAS anchor stick out of the concrete foundation like fingers. When a builder installs a wall of a home, it lays down either a metal or wood sill piece as the base of the wall. The fingers from the MAS anchor attach to the sill piece to secure it to the foundation. The MAS anchors can be installed as close as every four feet along a wall.

Corrosion

In our construction defect practice we have seen MAS anchors that have failed in the Hawai'i environment. Moisture and salt from the air or soils soak into the concrete foundations and corrode the MAS anchors. The corrosion may initially look like a white chalk. As it worsens, the corrosion may turn to a red rust. Eventually, the corroded MAS anchor loses its structural strength completely. A MAS anchor meant to last the life of a building can fail in just a few years.

What to Do

MAS anchor corrosion repairs can be very expensive. The repair requires removing the cladding material (like siding or plaster), chipping out the concrete around the anchor, replacing the MAS anchor with a more water-resistant anchor, re-pouring concrete, and re-installing cladding. In a low-rise project with many units with MAS anchors installed every few feet, the repair costs can be several hundreds of thousands to millions of dollars.

It may be possible to spot whether your association has corroded MAS anchors. The anchors are installed at the base of walls. When an anchor corrodes, it swells. The increase in size may cause cracking in the concrete immediately around the anchor. The rust and water may leave rust-colored stains on the concrete. It may be possible to see the cracking and staining, as shown in the photo below. If you can identify regular cracking and staining at the base of walls, then there may be a MAS anchor corrosion issue.



Corroded Anchor Visible Below Cladding

It is also possible that the MAS anchors are not easily visible. The bottoms of the MAS anchors are embedded in concrete out of view, and the fingers are typically hidden behind the exterior wall cladding material. It may be possible to see the anchors using a device like a handheld mirror to look under cladding layer of the exterior wall.

If the anchors cannot be inspected visually, then another option to verify whether MAS anchors are corroded is to remove the cladding material at the base of the walls and the adjacent

concrete beneath an anchor. This, however, is an expensive investigation.

We recommend that associations that might have MAS anchors in their foundation inspect its exterior walls to verify if MAS anchors are corroded. If the building is less than ten years old, there may be time to assert a claim.

Berding|Weil and McKeon Sheldon Mehling are experienced in investigating MAS anchor corrosion, identifying whether anchors are

shown on the construction plans, installed and corroding at a project, and if the project is young enough, pursuing developer claims. Please contact us if you are concerned about this issue, so you and Toto remain safe in your homes.

Kyle Pineo of Berding | Weil and William McKeon of McKeon Sheldon Mehling represent associations and property owners in complex construction defect litigation matters. The two firms combined have recovered over \$1.5 billion for their clients.



CLIMBINGHI

The Convergence of Technology and the Natural World

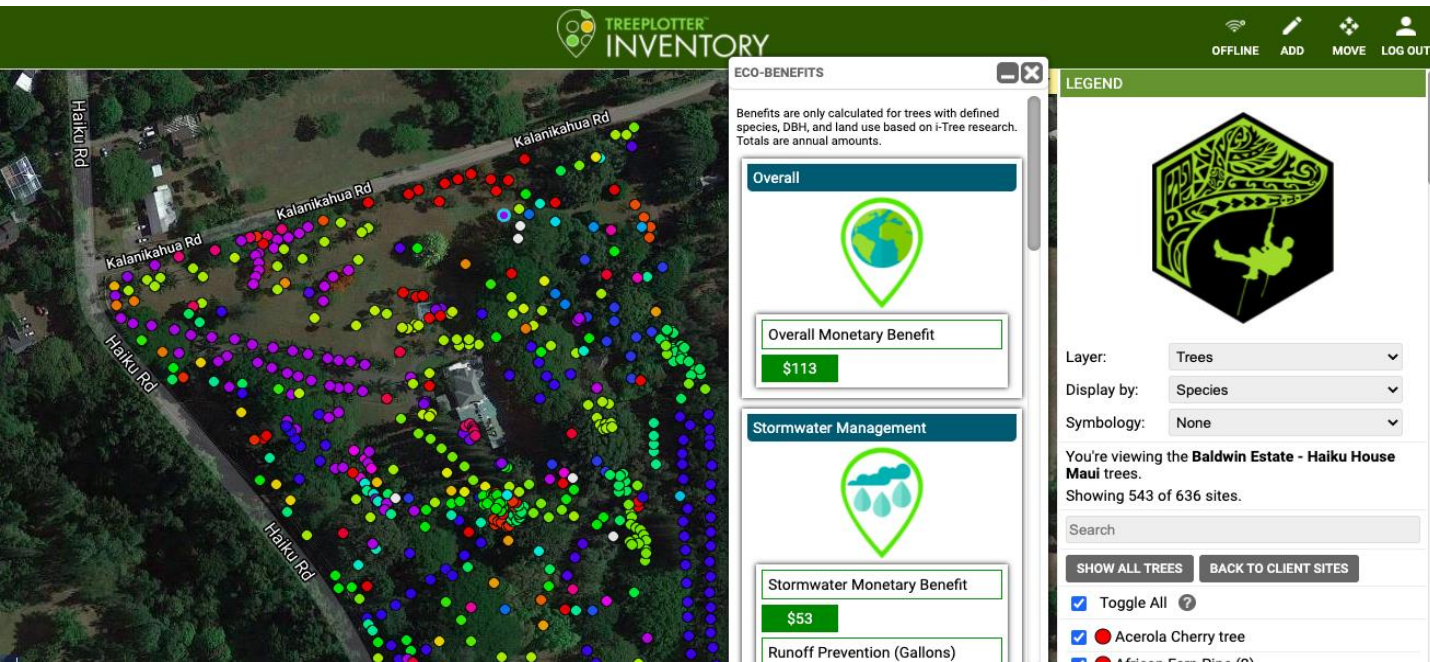
www.climbinghi.com

In an ever changing world we are witnessing technology rapidly evolve and enhance many industries. The progression of technology in daily tasks has skyrocketed in the past decade. Apparently no one needs to vacuum or sweep anymore, pretty soon people won't have to brush their own teeth! It's helping humans work less, and we're also seeing nature become the inspiration for many tech innovations. Currently the world is moving in a direction where technology and nature are combining as one. One example of this merge is the process of making energy through osmosis. A 250-foot Rainbow Eucalyptus tree transports water and nutrients from deep in the ground, through its trunk, out and up its colorful bark and leaves via its nutrient transport system.



This incredible process has inspired Norwegian scientists to harness the energy of osmotic reactions to produce renewable energy. Mother nature really does have all the answers!

Here on the peaceful island of Maui there is one company actively involved in the convergence of technology and nature, ClimbingHI Tree Services. Currently ClimbingHI is utilizing a cutting edge database, TreePlotter, to map trees via GIS within Maui County. This team of Certified Arborists are taking tree pruning and maintenance to the next level! Once trees are mapped within the database, all maintenance and data on the trees is in a cloud storage.



TreePlotter has many tools, but one that stands out the most would be the ecological benefits of trees in a monetary USD value. With tree species, DBH (diameter at breast height), and land use; TreePlotter estimates the ecological benefit that trees provide to the owner. This is done through the National Tree Benefit calculator, an online tool based on iTree Streets research.

Eco benefits are broken up into 5 different categories:



1. **Stormwater.** Through promoting healthy soil and intercepting rainfall, trees help to reduce the amount of stormwater created from a rainstorm. Results are shown both in gallons of stormwater and an estimated monetary benefit, in USD.
2. **Property Value:** Studies have shown that trees increase the value of the property they're on. This model uses the tree's leaf surface area as well as the number of trees on the property to estimate, in USD, the increase to property value that they provide. These values can expect to increase over time as long as the trees are healthy and growing in leaf surface area over time.
3. **Energy Savings:** This section shows energy saved due to the presence of trees based on three different benefits that they provide (listed below). The benefits are estimated in kilowatt-hours (kWh, electricity saved during the summer), therms (reduced natural gas use in the winter), and in USD. Shading in the summer helps to reduce air conditioning costs. Trees transpire water, adding to the moisture content in the air and reducing air temperatures. Tree canopies serve as wind blocks, reducing drafts and the loss of heat through surfaces like glass windows.
4. **Air Quality:** Trees help to absorb harmful pollutants, intercept particulate matter that can cause respiratory issues, and release oxygen into the air. These benefits are recorded as estimates of pollutants removed (in pounds) and USD. The following pollutants are included: Ozone (O₃), Volatile Organic Compounds (VOC), Nitrogen Dioxide (NO₂), Sulfur Dioxide (SO₂), Particulate Matter
5. **Carbon Dioxide/Carbon Storage:** A healthy tree canopy helps to reduce atmospheric carbon through carbon sequestration (pulling carbon dioxide from the air and storing in their roots, trunks, stems and leaves). Energy savings also contribute indirectly to a decrease in carbon dioxide by lessening the need for air conditioning and heating. These values are shown in USD, carbon stored, carbon sequestered and carbon avoided (all in lbs).

Definitions:

Carbon Stored: All carbon dioxide stored in the urban forest over the life of the trees as a result of sequestration (in pounds). This measurement is not the same as annual carbon sequestered.

Carbon Sequestered: The amount of carbon annually removed from the atmosphere and stored in the canopy's biomass (in pounds).

Carbon Avoided: Annual reductions in atmospheric CO₂ due to sequestration by trees and reduced emissions from power plants due to reduced energy use (in pounds).



The time is now for humanity to understand the importance of trees and ecosystems around them. With technology like TreePlotter and its ecosystem benefits, the general public can become educated on the importance of the natural world around them, accessible at their fingertips! With the tree data that ClimbingHI Tree Services is collecting, there will be valuable findings in the future to come about Maui's tree ecosystems!

For more information about ClimbingHI visit www.climbinghi.com or call (808)-269-5462

[To watch more information on TreePlotter click here.](#)

[To watch ClimbingHI's mission and vision click here.](#)

2021 Platinum Sponsors

The Community Council of Maui expresses our sincere appreciation and gratitude to all our Platinum Sponsors.



Waste Pro Hawaii, LLC
www.wasteprohawaii.com



Energy Consulting Associates, LLC
www.energyconsultingassociates.com



Coastal Windows
www.coastalwindows.com



Ikehu Utility Solutions
www.ikehusolutions.com



Associa Hawaii
www.associahawaii.com



Insurance Associates
www.insuringhawaii.com

2021 Platinum Sponsors

The Community Council of Maui expresses our sincere appreciation and gratitude to all our Platinum Sponsors.



Hawaii Inspection Group

www.hawaiiinspectiongroup.com



Hawaiiiana Management

www.hmcmgt.com



Allana Buick & Bers

www.abbae.com



Cleaners Warehouse

www.cwmaui.com



Kawika's Painting

www.kawikaspainting.com



DESTINATION MAUI INC
Property Management

Destination Maui, Inc.

www.destinationmaui.net

2021 Platinum Sponsors

The Community Council of Maui expresses our sincere appreciation and gratitude to all our Platinum Sponsors.



Maui Disposal Company, Inc.
www.mauidisposal.com



CIT – Community Association Banking
www.cit.com/CAB



McKeon Sheldon Mehling LLLC
www.msmhawaii.com



Atlas Insurance Agency
www.atlasinsurance.com



Premier Restoration Hawai'i
www.premhi.com



Bank of Hawaii
www.boh.com

2021 Platinum Sponsors

The Community Council of Maui expresses our sincere appreciation and gratitude to all our Platinum Sponsors.



Bellissimo LLC

<http://bellissimo-tile.com>



**Structural Concrete Bonding &
Restoration Inc.**

www.scbri.com



Ameritone Maui

www.ameritonemaui.com

Mahalo for your support!

Save the Date

Upcoming Seminars

April 16, 2021
Annual Legal Seminar

September 2021
Disaster Preparedness

October 2021
To be Determined

November 2021
To Be Determined



New Washer & Dryer Sales

- ✓ **Quick Availability** — we have a full stock of machines and parts ready for sale today
- ✓ **A Company You Can Trust** — multifamily laundry experts since 1947
- ✓ **Top-Brand Washers & Dryers** — offering Speed Queen and Maytag
- ✓ **Beyond the Box** — delivery, installation and service contracts available

Plus, our machines can be outfitted to accept coin or card payment, as well as contact-free mobile payment.

» **Get a Quote Today!**

Visit wash.com/sales or call 800-236-5599



Published by the Condo Council of Maui. The information contained within should not be construed as a recommendation for any course of action regarding financial, legal, accounting, maintenance, landscaping, personnel, insurance, or other professional services by Community Council of Maui or its authors. Those wishing to submit an article or ad, please contact Della Nakamoto at dnakamoto@atlasinsurance.com