

Aloha CCM!



"Helping To Build Stronger Community Associations on Maui"

Message from the President

Dear Members and Sponsors,

This president's letter has turned into a gratitude list. As we have come out of the pandemic uncertain of attendance at the seminars would be, we are very happy for the big turnout. CCM is a community, from the non-paid Board Members to the Platinum Sponsors and Members that joined this year, you have all made the seminars possible and completed our mission statement to educate!

I would like to thank Elaine Gascon and Maxwell Kopper for all their hard work on this newsletter! With passion and vision, they have updated the look and added valuable content making it a worthy newsletter.

Thank you Newsletter Committee!

Our Platinum Sponsors are the life blood of the organization. Please consider their services or products before going anywhere else. We support them because they are good at what they do, warranty what they sell, and keep showing up for all of us! Much Gratitude to our Platinum's for coming back to support!

This year we invited back Non-Profits to share with us the need in the community for their services and how we can help them. Thank you to everyone who supported the Maui Food Bank. Unfortunately, food insecurity is still very high in Maui County and every little bit counts. Thanks to everyone who donated to Maui Food Bank! We donated 117 lbs of food and \$120 in monetary donations.

Summer is here and that means Hot Topics! Tom Boomer will be heading up that program and the Summer Hot Topic this year is Electric Vehicle Charging Stations.

- Lahaina side, Whalers AOA Board Room July 19th at Noon
- Kihei side, Whale Sanctuary Meeting Room July 20th Noon

Please RSVP to save your spot! lisa@makaipower.com (West side) or lisahfi@gmail.com (South side). Lunch will be served!

Our next seminar will be on September 8th and the topic is "Legislative Update". Phil Nerney will be the Seminar Coordinator. More information on this seminar to come!

Sincerely,

Lisa Cano



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Board of Directors

2023 CCM BOARD OF DIRECTORS

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Newsletter Editor: Elaine Gascon
Website Admin.: Rebecca Filipovic

Seminar Coordinator: Eunise Kunishige (non-Director)

SAVE *the* DATE

2023 Seminar Dates

September 8

October 6

November 17

Summer Hot Topics

July 19th – Whaler
AOAO

July 20th – The Whale
Foundation

See Page 5 for more
information!

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**Community Council of Maui
Summer Hot Topics Presents:
John Cano of**



EV Charging Stations

How it works • How it Pays

12:00 – 1:00 p.m. Lunch will be provided.

West Side: July 19th - The Whaler

2481 Kaanapali Parkway, Lahaina

**South Side: July 20th - Humpback Whale
Sanctuary**

726 S. Kihei Rd., Kihei

Please RSVP to save your spot:

West Side: lisa@makaipower.com

South Side: lisahfi@gmail.com



Hawaiiana is Maui's #1 Management Company



Doug Lefler, CMCA
Vice President,
Maui Operations

Hawaiiana Management Company, Ltd. currently serves 108 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 fifteen 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 West Maui office in the Kahana Gateway Professional Building is conveniently located to serve over 30 west side clients with their association management needs.

Why choose Hawaiiana?

- We serve 108 associations in Maui County
- Local (vs. mainland) banking
- All employees are in Hawaii

Maui County Clients:

- Aina Nalu
- Coconut Grove on Kapalua Bay
- Cottages at Kulamalu
- Emerald Plaza Place
- Haiku Town Acres
- Hale Kamaole
- Hale Ono Loa
- Hale Royale
- Hokulani Golf Villas
- Honokowai East
- Honu Alahele
- Ho'olea Terrace at Kehalani
- Ho'onanea at Lahaina
- Hotel Hana Maui Condominiums
- Island Sands
- Ka'anapali Royal
- Kahana Village
- Kai Malu at Wailea
- Kalama Terrace
- Kamalani
- Kamani at Kehalani
- Kamaole Beach Royale
- Kamaole Grand
- Kamaole Heights
- Kamaole One
- Kamoku Condominiums
- Kana'i A Nalu
- Kanani Wailea
- Kapalua Place
- Kanoa Resort
- Kapalua Golf Villas
- Ke Alii Ocean Villas
- Keala o Wailea
- Kehalani Community Association
- Kepuhi Beach Resort
- Kihei Beach Condo
- Kihei Garden Estates
- Kihei Kauhale Nani
- Kilohana Kai Vistas
- Kilohana Waena
- Koa Resort
- Kua'aina Ridge
- Kulamalu HOA
- Lahaina Roads
- La'i Loa
- Lanikeha
- Leinani Apartments
- Luana Kai
- Ma'alaea Banyans
- Ma'alaea Kai
- Ma'alaea Mermaid
- Ma'alaea Surf
- Ma'alaea Yacht Marina
- Mahana Estates
- Mahanaluua Nui HOA
- Mahina Surf
- Mahinahina Beach
- Makali'i at Wailea
- Makena Surf
- Maluna Kai Estates
- Maui Banyan
- Maui Kaanapali Villas
- Maui Lani Community Association
- Maui Parkshore
- Meadowlands HOA
- Milowai-Maalaea
- Molokai Shores
- 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'unoa HOA
- Royal Kahana
- Sandhills Estates HOA
- Southpointe at Waiakoa
- Spinnaker
- Sugar Beach Resort
- Summit at Kaanapali, Phase I
- Terraces at Manele AOA
- 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
- Wailuku Heights Ext. Unit II
- Waiolani Community Assn.
- Waipuilani
- Wavecrest Resort
- West Kuiaha Meadows



April Lum, CMCA, AMS
Director, West Maui Office



Debra Adams
Senior Management
Executive



Doug Jorg
Senior Management
Executive



Kathy Seidman
Senior Management
Executive



Melanie Alexander
Management Executive



Craig Bode
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Massy Cashen-Suguitan,
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Marilyn Chapman, CMCA
Management Executive



Alexander Gat, AMS
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Katie Guinaw
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Executive



Brian Henze
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Lisa Kahae
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Rachelle Mendoza
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NEW LEGAL RESERVE STUDY REQUIREMENTS

By Richard Emery, Reserve Specialist, RS-8, VP
Hawaii Affairs, Associa



It's hard to believe that the initial Hawaii reserve study law was enacted in 1995, amended in 1997, and compliance required by January 1, 2000, or 23-years ago. Although a reserve study is a budgeting tool, the intent was to mandate associations as a part of its annual budget to plan for future capital repairs and replacements to avoid surprise special assessment. Too often Boards think that their role is to avoid increases in maintenance fees and approve inadequate or incomplete reserve studies. News reports often report large owners' special assessments as the reserve fund is inadequate to fund the necessary repairs. New buyers are confronted with an unanticipated undisclosed assessment and may sue the association for failure to comply with Hawaii's condo reserve law.

The Hawaii legislature has started to enact new legislation with emphasis on a reserve study. In 2022, the legislature enacted Act 62 and in 2023, SB855 mandating reserve study changes. The following is a brief recap of the changes with comments following in italics. The law accurately defines the actual requirements beyond this short summary.

Act 62 (2022):

- Requires a developer's public report to contain a breakdown of annual maintenance fees, which includes the annual reserve contributions based on a reserve study. *(This provision is for new condo projects. In the past, some developers may have defined initial budget reserve contributions as 10% of the maintenance fees believing the HUD loan underwriting minimum would suffice. New projects often were severely underfunded using this approach.)*
- Requires a "cash flow plan" to be a projection over a minimum term of thirty years, previously twenty years. *(This change brings Hawaii in conformity with national 30-year reserve study standards. Too often components were given longer useful lives to avoid inclusion in a reserve study projection resulting in false understated conclusions.)*
- Requires annual budget to include estimated replacement reserves; provided that the reserve study shall be reviewed by an independent reserve study preparer; provided further that the reserve study shall be reviewed or updated at least every three years. *(Hawaii law allows the Board or others to prepare the reserve study although the preparer may not have the professional experience to do so properly. This change mandates a reserve study prepared by a person or company without reserve study credentials be reviewed by a credentialed reserve study preparer not less than every three years. This provision was amended in 2022 to clarify that a managing agent with reserve study credentials is not considered to have a conflict of interest.)*

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Hawaii Affairs, Associa



SB855, SD1, HD1, CD1 (2023, pending Governor signature):

The following is a summary of the new reserve study requirements effective upon approval, the governor's signature. It's required now! The new changes are as follows with my comments in *italics* in parentheses:

- The budget required under section 514B—144(a) shall include a summary with at least the following details: *(The easiest way to address this requirement is to include a cover page on the budget that defines all the statutory required disclosures below.)*
 - (1) The estimated revenues and operating expenses of the association; *(Existing.)*
 - (2) Disclosure as to whether the budget has been prepared on a cash or accrual basis; *(Existing.)*
 - (3) The estimated costs of fire safety equipment or installations that meet the requirements of a life safety evaluation required by the applicable county for any building located in a county with a population greater than five hundred thousand; provided that the reserve study may forecast a loan or special assessment to fund life safety components or installation; *(Building safety is important with many older buildings having inadequate fire safety systems such as sprinklers. This new requirement mandates that fire safety systems be included in the reserve study, where applicable. It is the only case when the association can project a loan or special assessment to fund solely the life safety system.)*
 - (4) The balance of the total replacement reserves fund of the association as of the date of the budget; *(Existing. The total amount in the reserve fund.)*
 - (5) The estimated replacement reserves assessments that the association will require to maintain the property based on a reserve study performed by or on behalf of the association; provided that the reserve study, if not prepared by an independent reserve study preparer, shall be reviewed by an independent reserve study preparer not less than every three years; provided further that a managing agent with industry reserve study designations shall not be considered as having a conflict of interest for purposes of this paragraph; *(This requirement requires independent review of the reserve study by a credentialed preparer. It might create liability if the review is not conducted.)*
 - (6) A general explanation of how the estimated replacement reserves assessments are computed and detailing:
 - (A) The identity, qualifications, and potential conflicts of interest of the person or entity performing the reserve study, update, or any review thereof; *(Disclosure, a national standard.)*

NEW LEGAL RESERVE STUDY REQUIREMENTS

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Hawaii Affairs, Associa



(B) Disclosure of any component of association property omitted from the reserve study and the basis for the omission; *(A reserve study identifies all the components. If a component is believed to have a useful life longer than 30-years, it still must be disclosed. All components not included in the reserve study must be disclosed and the basis for omission.)*

(C) Planned increases in the estimated replacement reserve assessments over the thirty-year plan; and *(Often a reserve study funding plan includes future increases in reserve study to contributions to make the funding plan work. Future increases to contributions in future years must be specifically identified in the budget summary.)*

(D) Whether the actual estimated replacement reserves assessments for the prior year as defined in the study was less than the assessments provided for in the reserve study, and, if so, by how much, and explaining the impact of the lesser assessments on future estimated replacement reserves assessments; *(Estimated replacement reserves are the reserve fund contributions. If for example, last year's reserve study stated the association would deposit \$100,000 in the reserve fund, the association must confirm the amount it contributed to the fund, disclose a lesser amount, and disclose the effect the lower contributions have the current reserve study funding plan. Reserve contributions are specifically defined by a reserve study. Contributions are not left over cash after collecting maintenance fees and paying operating costs.)*

A Board of Directors needs to embrace its obligation to prepare in good faith a reserve study that complies with Hawaii law. The Board needs to further embrace its duty to prepare a budget and reserve study in good faith even if the budget identifies an association economic burden. The new laws reinforce accurate disclosures and good governance. If you have a question, feel free to contact me at Richard.emery@associa.us.

Hurricane Healers: Fire and Water Restoration



With an El Niño watch in effect, NOAA forecasters expect a near- or above-normal hurricane season. As we all know, hurricanes can be devastating, leaving a trail of destruction in their wake. Fires started by utilities and other electrical components can rapidly tear through a building and everything inside. Heavy rains and floods can lead to water damage, fostering mold growth and decreasing the structural integrity of your property. Coping with the aftermath of fire and water damage can feel overwhelming and stressful, but timely assistance from professionals can alleviate the burden and reduce the long-term effects.

What should you do after an emergency fire or water event has happened?

It is not uncommon for individuals or businesses to postpone seeking professional restoration assistance while evaluating the extent of the damage themselves. Unfortunately, every day you delay your response can triple repair and restoration costs. Even worse, mold begins to grow within 24 to 48 hours of water damage and can worsen and sometimes complicate the restoration process. Quickly contacting your local restoration team will save you valuable time, reduce stress and minimize the overall cost of repairs.

A Breakdown of the Fire Restoration Process

Dealing with the aftermath of a fire can be exhausting, but with the support of a trained restoration and reconstruction team, you can take the critical first step toward recovery. Let's explore the steps that professionals follow to restore your property and return the comfort and safety you deserve.

- 1. Initial Response and Inspection** – A team will perform an inspection of all affected areas and work to stabilize the environment with state-of-the-art drying equipment and air scrubbers. Stabilization is essential as the team works to identify potential corrosion and prevent further damages.
- 2. Investigation and Preparation for Material Removal** – Following an investigation on the origin and cause of the fire, the team will help property tenants and owners determine the salvageability of all items before removal and storage.
- 3. Obtaining Permits** – Work can typically begin prior to obtaining permits. However, rebuilding a structure does require permits granted by the building's engineers and architects. Some restoration companies provide reconstruction services as well and can assist you with this.
- 4. Establishing a Clean, Safe and Dry Environment** – This is where the repair work truly begins. Teams will remove all unsalvageable building materials, media blast to remove char, critically clean all areas with a vacuum process and finish with a white glove test to ensure complete soot removal.
- 5. Deodorization** – Removing the source of the odor is critical – if it remains, it will continue to secrete a smoke odor after restorative cleaning is complete. Ozone and hydroxol generators, thermal fogging and encapsulation can be used to complete the deodorization process.

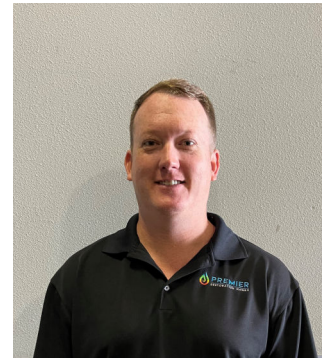
6. Reconstruction – If the restoration company you work with offers reconstruction services, they can help you restore walls, flooring, ceilings and other structural elements back to their original condition.

A Deep Dive into the Water Restoration Process

Emergency water events can happen at any moment, devastating your property and leaving you feeling like you're drowning. However, you have nothing to fear with the guidance of water restoration experts. Let's look at the systematic approach that top quality teams take to restore your property back to its original condition.

- 1. Initial Response and Inspection** – A team will perform an inspection of all affected areas with moisture meters and thermal imaging technology to help determine damages.
- 2. Rapid Extraction of Standing Water** – Removing standing water is 100 times faster than drying it. A mitigation team will generally use industrial strength extraction equipment to rapidly remove standing water.
- 3. Restorative Drying and Daily Monitoring** – A crew will begin by using dehumidifiers prior to setting up drying equipment and determining the "drying goal" for each material. Teams will monitor daily until that goal is achieved.
- 4. Evaluate for Hazardous Building Materials** – Asbestos, lead and other hazardous materials are common in structures built before 1985. A licensed team should always check for hazardous substances prior to the removal of unsalvageable materials.
- 5. Remove Unsalvageable Building Materials** – The team will help you determine the salvageability of the affected materials and items prior to removal.
- 6. Reconstruction** – Some restoration companies will offer reconstruction services. If you're working with one that does, they will restore your property to pre-loss conditions once the water mitigation service is complete.

Take immediate action in the wake of an emergency fire or water event and trust your local, professional restoration teams to minimize damage, reduce repair costs, and restore your property and comfort.



Joe Durang, Justin Pimentel, Marlone Madamba and Alexander Stuart are general managers at Premier Restoration Hawaii, one of Hawaii's largest and most respected restoration and construction companies. Locally owned and operated, Premier Restoration provides 24/7 emergency response on Maui, Oahu, Kauai and Hawaii Island. Contact Premier Restoration at info@premhi.com or (808) 873-8886.

Commercial Property Trends



Have you seen your association's latest insurance renewal? The chances are your program has seen significant premium increases in recent years. If you ask your insurance agent as to the reason why, the response you will likely receive is due to the "hard insurance market".

We are in the middle of a hard insurance market, characterized by rising premiums and less insurers writing coverage for the increased demand. Commercial Property coverage, mandated by HRS 514B, is an integral part of most associations' insurance program, and generally represents the biggest chunk of the overall insurance premium.

Let us consider two of the main drivers of the hard commercial property insurance marketplace, and what your association can do to best be prepared for it.

Reinsurance

One of the main drivers of the hard market is reinsurance. The National Association of Insurance Commissioners (NAIC), refers to reinsurance as "insurance for insurance companies". Some of the benefits of reinsurance include (1) expanded capacity, (2) spread of risk, and (3) catastrophe protection. Reinsurance is the backbone of insurance: it enables insurers to transfer and spread the risk of the losses they write to reinsurers. This allows insurers to effectively manage risk and the amount of capital that they hold to support those risks. In short, reinsurance supports stability and growth for insurers.

Munich Re, one of the world's leading providers of reinsurance, reported worldwide natural disasters in 2022 resulted in insured losses of roughly \$120 billion. Of the \$120 billion in insured losses, Hurricane Ian alone amounted to over \$60 billion in insured losses. In the aftermath of Hurricane Ian, reinsurers have reduced the hurricane limits they will write and tightened their underwriting guidelines – being more selective of what they will write.

Some of you may be thinking: "Hurricane Ian caused devastation in Florida. What does that have to do with us here in Hawai'i?" Well, three of the largest admitted insurers for condominium associations: First Insurance Company of Hawai'i, DB Insurance Company, and Allianz/Fireman's Fund Insurance Company, are required to adhere to the State's regulatory requirements, and therefore must purchase and maintain reinsurance. Globally, the cost of reinsurance has increased, so the cost of doing business for these insurers has also increased. Insurers are increasing premiums to stabilize their books of business and remain solvent to pay their claims.

Hawai'i Revised Statutes 514B, mandates full insurable replacement cost for condominium associations. Since some insurers are no longer offering full hurricane limits, associations will need to obtain layered hurricane coverage to comply with the statute and unit owners' mortgage requirements. This type of layered Hurricane policy will have much higher premiums.

Losses

Another driver of the hard market is losses. Many condominium buildings in Hawai'i are now 40 years old or older. Buildings that have deferred maintenance and have not replaced aging components are more likely to experience frequent and severe losses. Associations with a pattern of frequent or severe losses, can be non-renewed out of the admitted market and will have no choice but to turn to the non-admitted market. Non-admitted insurers tend to have the reputation of being the "insurers of last resort": they can insure "anything and everything", but at a price. They are not under the regulation of the Hawai'i Insurance Division, they do not have to file rates, and often charge exponentially higher premiums than admitted insurers. Once an association is in the non-admitted market, getting back into the admitted market may be difficult, though not impossible.

Commercial Property Trends



What can we do to prepare?

Despite these systematic risks, including natural disasters, reduced reinsurer capacity, and inflation affecting the insurance industry, associations can take steps now to be prepared and manage their expectations for the continued hardening of the market.

Inflation in the U.S. hit a 40-year high in 2022. With the higher cost of construction materials and labor, it may be prudent for associations to review and adjust the replacement cost valuations for their buildings to ensure that they accurately reflect full replacement cost. This will prevent premium increases due to underinsurance, ensure adequate property coverage when it comes to a loss, and avoid coinsurance penalties.

If your association is at risk of being non-renewed from the admitted market, some insurers may be willing to renew under certain conditions. This may be in the form of higher deductibles or premium increases. Insurers also like to see that associations are implementing preventative measures to reduce losses. Besides regular building maintenance, one initiative that condominium associations may consider is a high-risk components inspection – as described in HRS 514B-138. If your association is currently in the non-admitted market, good loss history, along with the presence of loss mitigating features in your building like fire sprinklers and central fire alarms, may qualify your association for coverage in the admitted market.

Communication with your insurance agent is key in surviving this hard market. Work with an agent that has access to all the markets. Make sure your agent starts these conversations with the markets as early as possible. Your agent should be providing you with accurate and unbiased information, so that your association can make educated decisions when it comes to your choice of insurance carriers and the coverage on your policies. At the end of the day, it is difficult to predict when the hard market will end. However, your association can take an active role now in preventing losses, which will be key in surviving the hard market and help keep premiums at a reasonable level.

Shane Choi is an Account Executive at Atlas Insurance Agency. He holds the Chartered Property Casualty Underwriter (CPCU), Associate in Insurance (AINS), and Associate in National Flood Insurance (ANFI) designations. He can be reached at (808) 533-8637.



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