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Message from the President

Dear CCM Membership,

I am honored to be this years Board President of CCM. I have been a member of the CCM ohana since 2021, and am committed to continuing the excellent track record of CCM. I have always viewed CCM as the gold standard for providing education, networking, and sense of community for all those involved in the crazy but rewarding world of community associations.

2024 was an amazing success and 2025 is off to a great start. For our first two seminars, we had record attendance in numbers not seen since prior to Covid. This year, we are striving for a balance of new topics and speakers, together with revisiting important issues in this constantly changing landscape.



As always, we owe everything to our members. It is your hunger for knowledge and education that pushes us to provide the best product we possibly can. We welcome all suggestions and input. If you have any suggestions or ideas on how to improve the experience for everyone, or just want to get more involved, please email me at mkopper@hawaiilegal.com. I look forward to hearing from you.

As the newly elected President, I am so lucky to have the support of long time CCM Board members Robert Miskae, Lisa Cano, Della Nakamoto, and Directors Emeritus Al Andrews and Tom Boomer. All CCM Board Members are constantly working hard and looking for ways to improve the experience for all members, and further our goals of support and education. I can't thank them, and you all enough for giving me this opportunity to serve as President.

-Max Kopper

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Insurance Market Update









SAVE the DATE 2025 Seminar Dates

April 11
September 5

October 10
November 21

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Board of Directors Should Inspect for Construction Defects Early and Regularly

By: **Chris Hikida**, Partner and **Ritchie Lipson**, Executive Director of Client Relations – Kasdan Turner Thomson Booth LLLC

In carrying out its duties, the board of directors of an Association of Unit Owners of a condominium project should, in addition to routine maintenance of the project, see that certain other critical property condition survey programs are implemented. First, all special procedures for equipment operation and periodic maintenance set forth in the product manufacturer's published literature should be carefully followed, to preserve warranty claims. Next, the association should attempt to follow reasonable written guidelines set forth by the project's contractor and/or developer. Next, the association should see that Building Code regulation inspections are conducted by qualified, certified, and licensed personnel. Fire sprinklers, fire pumps, emergency generators, and other life safety systems must be routinely operated and inspected. But is all of this enough? The clear, simple, and direct answer is NO.

A careful board will commission a comprehensive Property Condition Assessment by a forensic expert knowledgeable in your particular type of building or property. A regular program of evaluating should be established early in the life of the project for multiple reasons.

First, understanding and identifying potential defects early can allow the association to develop targeted maintenance or repair programs to address those defects before extensive damage occurs. Second, early detection of defects can help the association to address issues that might create potential life safety concerns. Third, prompt identification of construction defects can allow the association and its counsel to come up with a legal plan and preserve the association's legal rights against responsible parties.

Identifying Defects to Ensure Proper Maintenance or Repairs

Many construction defects involve the use of building components not sufficiently resistant to corrosion. The unique environmental conditions in Hawaii, such as high humidity, salt air, and tropical weather, means that certain materials are inappropriate for use in construction here. By identifying where inadequate corrosion resistant materials were used, the association can determine a maintenance plan to either mitigate the corrosion or perform replacement of those damaged materials as necessary.





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Regular assessments for construction defects are important because many defects won't be apparent until years after the construction. For example, many condominium projects experience issues with various plumbing systems, including leaks or backups, due to improper design or construction of the project. Often, these issues will not appear until well after the project is completed. By establishing a periodic full evaluation program, the association can ensure that it is able to identify defects that are not evident early in the project.

In essence, an early and regular program of evaluating the project for construction defects will allow the board to have a better understanding of how the project was constructed and how to best maintain and repair the project.

This proactive approach not only preserves the property's value but also allows the board to plan financially for the association's maintenance costs and reserves. Addressing construction defects promptly can also save the condominium association significant amounts of money. Deferred maintenance and unnoticed defects can lead to extensive damage, necessitating expensive emergency repairs and potentially leading to special assessments.

Identifying Defects to Address Potential Health and Safety Issues

Of significant concern are construction defect issues which involve those that potentially threaten the health and safety of individuals such as those that affect systems designed for safety of occupants. The association should assess early and often whether there are potential health or life-safety issues in the construction of the building.

There are multiple federal and state codes and regulations that govern how systems—such as fall prevention systems and fire safety systems—should be designed and constructed. It is important for the association to retain someone qualified to evaluate whether these life and safety systems were developed in accordance with applicable codes and regulations.

Identifying Defects to Plan for Legal Action and Preserve Legal Rights

In Hawaii, the Statutes of Limitations and Statutes of Repose establish strict deadlines on bringing construction defect claims. While it is commonly understood that Hawaii has a ten-year time limit





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from the developer's substantial completion, it is not quite that simple. Under Hawaii law, in certain scenarios it could be asserted that associations may be required to bring construction defect claims in as little as two-years from discovery or risk losing its legal right to bring those claims. Other limitations periods apply to contract claims, which are six years; and concealment claims which may be longer. When the time period starts can also be subject to disagreement.

Often, issues at the project that might appear to be minor maintenance issues can actually be indicative of a bigger construction defect. In order to protect itself against potential statute of limitations problems, associations should retain qualified forensic experts to evaluate issues at the project to determine whether construction defects exist.

It is important to consult with an attorney experienced in construction defect to determine your legal rights to recover for construction defects in your building. If the statutes are allowed to expire, the owners may be left exposed to assessments to fix the building.

What is a Property Condition Assessment?

A Property Condition Assessment is a detailed evaluation of the physical condition of a property. A starting point is doing a survey in accordance with guidelines set forth in ASTM E2018-15. Note, this is not a code standard. This standard provides guidelines for the systematic process of inspecting a property and reporting on its condition. A Property Condition Assessment includes:

- 1. **Document Review and Interviews:** Examining available documents such as construction plans, maintenance records, and previous inspection reports. Interviews with property managers and maintenance personnel provide additional insights into the property's history and current condition.
- 2. **Walk-Through Survey:** Conducting a visual inspection of the property's systems and components, including structural elements, mechanical systems, electrical systems, plumbing, roofing, and exterior and interior finishes. The goal is to identify any visible defects or signs of potential issues.
- 3. **Opinion of Probable Costs:** Estimating the costs to remedy identified deficiencies and predicting future maintenance and repair expenses over a specified period, typically ten years. This helps in financial planning and budgeting for the condominium association.
- 4. **Property Condition Report:** Compiling the findings into a comprehensive report that includes detailed descriptions of observed conditions, photographs, and recommendations for immediate repairs and ongoing maintenance. The Property Condition Report serves as a vital tool for the board in managing the property effectively.

The Property Condition Assessment provides the board with important information regarding the property and will help inform the board whether construction defects exist at the project.



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About the Authors:



Chris Hikida is a Partner with our Kasdan Turner Thomson Booth LLLC office in Hawai'i. His practice focuses on representing plaintiffs in class action and complex litigation in the areas of consumer protection, civil rights, and privacy violations. Chris is Admitted to Practice in the States of Hawai'i and California, U.S. District Court, Northern District of California, and U.S. District Court, District of Hawai'i. Prior to working at KTTB LLLC, Chris has worked for both plaintiff and defense law firms, and clerked for the Supreme Court of Guam and Chief Justice Recktenwald at the Supreme Court of Hawai'i. Chris draws on his diverse litigation experience to zealously advocate for our clients.

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Ritchie Lipson is Executive Director of Client Relations for Kasdan Turner Thomson Booth LLLC. For over 25 years, he has worked with Commercial investors, Municipalities, School Districts, Homeowner Associations, and Residential Property Owners to assist in the fair resolution of their claims for defective construction.

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Hawaiiana Recognition Highlights:

- PBN Best Workplace
- Honolulu Star Advertiser
 "Top Workplace"
- #1 PBN's Condominium Association Managers List

What Makes an Award-Winning Management Company?

Its People

At Hawaiiana Management Company, we truly believe the key to our success lies in our people. Hawaiiana has received many accolades over the years, and the reason is clear: our award-winning staff.

Here's what our clients say:

Our management executive provides quality guidance and comprehensive assistance to our association because of her thorough knowledge of our property's needs and objectives, and her professional skills. GM

Hawaiiana is a great company with a thorough understanding of Hawaii AOAO management. I am thankful for our management executive, as I can email, call or text her, and always get a quick response and a solution to a question or problem. SD

I'm very impressed with our Hawaiiana management executive, and appreciate his sensible, professional service. HT

Although we are probably one of her smallest association clients, our management executive treats us like we are her only priority and like family. CB

I am very pleased with the whole group of professionals assigned to our property. All are excellent in customer service and followthrough! KK

At Hawaiiana, success is measured by the value we are able to provide to those we serve. We are grateful for the opportunity to serve over 750 associations in Hawaii, translating to approximately 120,000 residences – all with a stellar client retention rate above 96%.

For more information on Hawaiiana's awardwinning services, contact: Mele Heresa, CCIM®, CPM®, Real Estate Broker RB-21752, at meleh@hmcmgt.com or (808) 593-6827.



For more information, please contact:

Mele Heresa, CCIM*, CPM*; RB# 21752 Phone: (808) 593-6827 Email: meleh@hmcmgt.com Or visit: www.hmcmgt.com





Pipe Replacement Is Coming to a Community Near You

It's official. The aging drain, waste, and vent (DWV) infrastructure problem that has been building in Honolulu for over a decade has reached the shores of Maui. There has been a surge of interest from property managers and AOAOs, and pipe replacement projects are kicking off across the island. What's driving the increase?

Continued Leaks

The old saying that "pipes don't fix themselves" really is true. As they start to fail, the condition of your pipes only goes in one direction—which is to get worse. Once pipes start to leak, communities inevitably see an uptick in both the frequency and severity of those leaks. As the problem escalates, communities experience more damage, inconvenience, and frustration.

Rising Insurance Costs

Every claim your AOAO files for a plumbing leak has a magnified impact on your community's insurance rates. Replacing your pipes can help stabilize those cost increases, giving your community the peace of mind that comes with a brand-new, worry-free piping system.

Mālama

To "care for, protect, and preserve" our homes and communities is an essential value for the people of Maui and Hawai'i as a whole. In the wake of the tragic wildfires in Lahaina last year, preserving our communities is forefront in our minds as we think about our families, neighbors, and taking care of our natural and built environment for future generations.

So, as the pipe replacement market emerges here in Maui, it's important to prepare for when your community may need to undertake its own piping infrastructure project.

Following a few basic steps can ensure your community is ready for what lies ahead as your pipes eventually age out.

Get Informed

Planning ahead is always the most important aspect of a potential pipe replacement project. Repiping is an expensive process, and unless your community is flush with reserves, it's important to begin the planning process early.



Pipe Replacement Is Coming to a Community Near You

Start by considering the age of your pipes. Each piping system in your community has an estimated useful life that you can learn from organizations like HUD and Fannie Mae. For example, DWV systems tend to hold up for about 50 years. Under the best of circumstances, your community would start reserving to replace those DWV pipes as soon as bylaws permit or at least 20 years in advance.

If you're experiencing problems already, act now to understand how your pipes are aging and what it will cost to replace them. You can request a free estimate from pipe replacement experts. And for a reasonable fee, some providers (SageWater included) offer a forensic analysis that gives you fact-based data about exactly what's happening with your pipes—including which sections are most at risk and approximately how long you can wait before you need to repipe.

The more information you have today, the easier it will be to make decisions about the future.

Talk Story

Start discussing your pipes with your AOAO at community-wide meetings. Take the community's temperature to understand how everyone feels about the benefits as well as the disruption and cost of a potential repipe project. If you sense a lot of resistance, education will be critical so that when the time comes, the community is prepared to make the right decision. If you sense excitement or urgency from the community because of recent leaks, shut-offs, damages, or other impacts from your aging system, you may need to accelerate your planning. Knowing where your community stands and how they feel about a pipe replacement project will help inform your timing and the potential challenges you may face when it comes time to vote on the project.

Do Your Homework

Understanding the financial implications to your community is essential. Once you have an estimate, talk with your community's bank about loan options. Explore the impacts of a special assessment. And don't forget to factor in the beneficial cost savings you will experience after a repipe, such as lower maintenance costs, fewer emergency repairs, reductions in insurance premiums, and more. With this information, you can weigh the pros and cons of a pipe replacement project and communicate the best course of action to your owners.

In the end, decisions about how to fix failing pipes may differ for each community. But learning from others' experiences, talking about the implications for your community, and being as prepared as possible will help ease the burden of a pipe replacement project when the time finally comes.

sageWater®

Pipe Replacement Is Coming to a Community Near You



The owners of The Resort at
Papakea in Lahaina are currently
undertaking a piping
infrastructure project with
SageWater, an Oahu-based
contractor that recently set up
shop in Maui due to the
increased demand for pipe
replacement work on the island.



John Banquil (jbanquil@sagewater.com) is the Director of Business Development, Hawaii, at SageWater, the leading turnkey contractor that provides plumbing and mechanical system design-build and replacement solutions. Since 2009, nearly 50 AOAOs have hired SageWater to repipe their communities, more than any other piping infrastructure contractor in Hawaii.



Condominium Residents Can Escape Internet Traffic

By Jill Kobayashi

Many of us in Hawai'i live in condos. According to the Department of Commerce and Consumer Affairs, at last count there were more than 1,800 condominium associations representing more than 170,000 units.

This translates into about 360,000 condo dwellers or about one in four Hawai'i residents.

Inevitable Internet Traffic

While condo living has its advantages, we have all heard stories where having many living in the same building can create crowded internet traffic service. It's like sitting in traffic with so many other cars on the freeway at the same time. Everyone is inching along, wishing they had their own private roadway.

That's the same feeling of those living in apartments or condominiums. When hundreds of condominium residents are accessing internet service at the same time, everything comes to a virtual standstill.

Peak Time Redefined

Today, peak internet traffic knows no boundaries. In the past, peak time was confined primarily to evenings, when everyone was home from work and school. However, the definition of "peak time" has evolved, especially since the pandemic.

With more people working remotely from home, and our desire to always remain connected, peak time is now 24/7. Buffering, frozen faces in virtual calls, video games that are too slow, and important documents that seem to take forever to send or receive can all lead to frustration.

For the first time, those who live in condominiums can escape from that feeling of being stuck in traffic and going nowhere when they are online and can instead experience uninterrupted, lag-free connectivity.

Game-changing Service

Fiber internet service that is connected directly to individual condominium units has become a game changer for Hawai'i residents. The neighbors on the same floor or those across the hall do not all need to have the same internet service provider as you. It's not an all-or-nothing situation.

Here's more good news for condo dwellers. Fiber can accommodate many users, even those in the same building, without impacting internet speed and reliability. With fiber directly to each unit, it's like having your own personal digital freeway. You no longer have to worry about getting stuck in traffic.



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Increased Property Value

Fiber offers another advantage for those who own their condominium units. Fiber is becoming viewed as a necessity, akin to other necessities. This is especially important as the world becomes increasingly digital and improves resilience in emergencies.

Condo units equipped with fiber are especially appealing and this enhances the value of the unit. A Fiber Broadband Association study showed that homes equipped with fiber internet are

valued slightly higher than those without fiber internet. With the demand for more smart amenities, especially among tech-savvy buyers and tenants, condo association boards and developers are paying careful attention to what could be a new standard for condo living.

Fiber has much broader applications than computers, phones, and TVs. Appliances, lights, thermostats and smart home systems also demand ever-faster internet speeds and bandwidth. The Internet of Things will integrate artificial intelligence, virtual reality, augmented reality and will require ultra-fast upload and download speeds. Fiber is likely to become a must-have essential for a connected life, today and into the future.

Environmental Benefits

Condo dwellers and associations concerned about the 'āina and sustainability will also find fiber internet the ideal solution to reduce their condo's overall carbon footprint. Fiber is more energy efficient than other types of broadband services, including copper. This requires less maintenance, reduces the building's environmental impact, and can lower costs for the association and individual units, helping to make living in Hawai'i more affordable.

Jill Kobayashi is Director of Multi-Dwelling Units for Hawaiian Telcom.

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