

INSIDE:

GETTING REAL ABOUT RESERVES ► MEET A MANAGER

BUILDING Manager



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NEXT GEN MANAGEMENT

Neil Ross, Associa senior VP,
has a plan to identify and train
a new generation of building
managers

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HOW TO LOSE \$2.3M DISCRIMINATION SUIT

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HAWAIIAN PROPERTIES WELCOMES NEW VICE PRESIDENT MICHAEL GORDON

Hawaiian Properties has hired Michael Gordon as vice president and senior property manager. He will oversee staff training and development, manage large high-rise associations and lead a team of property managers. Gordon is a veteran community association management professional with more than 25 years of experience overseeing condominium associations, master-planned communities, planned unit developments and cooperatives.

Gordon was awarded the Professional Community Association Manager designation, the highest professional recognition for community association managers, from the Community Association Institute (CAI) in 1997. Gordon is a military veteran who served in the U.S. Army for nearly 10 years prior to beginning his career in property management.

High-rise associations comprise a large portion of Hawaiian Properties' clientele and we look forward to leveraging Gordon's expertise in this area.

Annual Seminar in Kona for Board of Directors

The first annual board member seminar in Kona was held on December 6, 2018 at Courtyard King Kamehameha's Kona Beach Hotel. We will be holding another seminar in 2019 and we hope to see you there.

"Very informative & timely topics, great vendors & giveaways, and yummy lunch. Lots of attention to detail. Keep up the good work!!"

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I was a college junior when the first Earth Day happened, and recall being struck then by the notion that humans could so foul our own beds, as it were, that we could imperil life on Earth. All these decades later, the message has taken hold, and as Earth Day comes around again on April 22, polls show that most Americans believe climate change is an imminent threat to both our physical and economic well-being, and that we humans should do something about it.

The good news is that those in the building management industry, whether you run a residential or commercial building, are in a prime position to have a positive impact on our blue planet. And because this is the building management industry, it also comes as good news that most green initiatives tend to promote the saving of lots of green, as in cash, which a package of stories in this issue of *BMH* details. That includes the cover story on Neil Ross, Associa Hawaii senior VP.

Also in this issue, attorney Jane Sugimura takes a look at what a Maui condo board did everything! to lose a \$2.3 million discrimination suit.

Our Meet a Manager series continues

with Amara Milner-Kanemoto of Country Club Village Phase 2 in Salt Lake. She's part of a growing number of young women finding success in building management.

The News & Notes section highlights a few cool products we discovered at the recent buildings and facilities expo, with attendees appearing in our "Faces" section.

And our experts offer advice on subjects that include concrete spalling, reserve studies, floors and plumbing retrofits.

Have a comment on a story or a suggestion for future coverage? Please shoot me an email.

Mahalo,

Don Chapman

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How an AOA Lost \$2.3M

The board made mistakes at every turn in a discrimination case

Last summer a jury in a civil trial in Maui awarded \$1.9 million—plus another \$400,000 in legal fees and court costs—to a disabled unit owner and his wife against an AOA. The case is *White v. Villas at Kenolio*, and the lawsuit was totally preventable.

Hawaii AOAs need to take notice so that this doesn't happen to them.

A summary:

- Gregory White and his wife owned a unit at the Villas at Kenolio (140 units).

- Gregory was legally blind, and installed a wood floor in his second-floor unit due to his disability. He gave up driving at night because of his disability.

- The House Rules did not permit wood floors in second-floor units, so the Whites got verbal approval from the board president.

- After the floor was installed, the downstairs neighbor complained about noises from the wood floor.

- The board wrote the Whites a notice of violation, and demanded that the floor be removed within two weeks. Meanwhile, the board assigned a director to investigate the noise complaint, and the report to the board indicated that there was no noise attributable to the wood floor.

- When the Whites did not comply with the two-week deadline, the board began to issue \$200 daily fines, which quickly escalated to a huge delinquency because their maintenance fees were \$500 per month.

The association by-laws provided for a due process procedure before the board could issue fines, and that process included a right to a hearing and the right to question the complainant.

Also, because of the priority of payments policy adopted by the AOA, the Whites' monthly maintenance fees



Photo courtesy Matthew Thayer, Maui News

The Villas at Kenolio in Kihei, Maui

were first being applied to the fines, i.e., \$200 per day, and then to the maintenance fee late charges—caused by paying the daily fines with the maintenance fees.

Since the Whites were never allowed a hearing and an opportunity to question the complainant, all of the daily \$200 fines were illegal.

- The Whites asked the board for a reasonable accommodation due to Gregory's visual disability, but that request was denied unilaterally by the board president. The president claimed that Gregory did not have a disability because he was able to drive and walked his dog every day.

- The Whites filed a discrimination claim with the Hawaii Civil Rights Commission. When the AOA refused to settle, Gregory was given a "right to sue" letter.

- The daily fines reached \$170,000 and the AOA filed a foreclosure against the Whites. The Whites' circuit court discrimination action was filed on the day of the foreclosure sale of their unit.

This case raises all kinds of issues relating to the board's fiduciary duty imposed by Hawaii Revised Statutes Chapter 514B-106(a):



- **Failure of the board to comply with its own rules or governing documents.** The board president and directors admitted that they didn't read their declaration, by-laws and house rules, and they also admitted that they were not aware of the due process procedure in their by-laws on how to impose fines.

- **Failure to enforce rules and regulations fairly.** Although other second-floor units had wooden floors, including units owned by board members, only the Whites were fined \$200 per day.

- **Failure to hire experienced and knowledgeable AOA counsel and property managers.** The counsel and property manager for the Villas at Kenolio were not familiar with federal fair housing laws and did not know that they applied to condominiums.

- **Failure of the board to exercise independent judgment.** The board president was a "bully" and the other eight board members just followed without questioning the president's decisions.

- **Failure of the board to follow the Business Judgment Rule:** HRS 514B-106(a) incorporates HRS 414D, which provides that boards need to follow the business judgment rule that requires them to get an expert or professional opinion to assist them in their decision-making.

In this case, the board failed to get expert opinions about fair housing laws to help them address the concerns raised by Gregory White's request for a reasonable accommodation based on a disability.

Jane Sugimura is an attorney with Bendet, Fidell and Sugimura, specializing in condo law. Reach her at Hcca.hcaao@gmail.com.



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Two Big Color Changes for Condo Associations

For Neil Ross, it's been a busy year and a half reinvigorating Associa's fortunes in Hawaii

BY DON CHAPMAN

Two colors have grabbed the attention of Neil Ross, senior vice president of operations for Associa Hawaii. Each color represents a clear and present challenge for him and everyone who works in residential building management.

Those colors? Green and gray.

Green, of course, means doing all Associa can do in its own operations and in guiding community associations to be energy-efficient and planet-friendly. With 380 buildings under management contracts, the company has a wide reach.

"We actually have a division called Associa Green, which can work with communities on all kinds of projects, from PV to charging stations to lighting," Ross says from Associa's Bishop Street offices. "It's big for the industry as a whole. Each community has the ability to take some measures. It's such a big issue for us in Hawaii, we need to be aware of it, and our boards, too."

NATHALIE WALKER PHOTOS

And green measures are often money-savers, Ross says.

"We were just at an annual meeting where the board proposed sub-metering of units. They've had bulk metering, where the association as part of your maintenance fee is paying for water usage as a whole," he says. "There's no incentive there for anyone to save water. Sub-metering removes that component and puts in a wireless meter, so the installation cost is really low. With owners getting a water bill, overall we see it causing a reduction of water usage."

Gray, meanwhile, means the aging of condominiums as well their residents.

"You've heard about all the pipe replacement projects and elevator modernizations," Ross says. "If you look

n-o-r-c, NORC, 'naturally occurring retirement community,' where residents are aging into retirement, and that's changing the expectations of owners."

Those color-coded topics were just part of a wide-ranging conversation BMH had with Ross, a native of Edinburgh, Scotland, and the son of a nurse and a "bobby on the beat," a cop.

Like many in building management, this was never his career dream, and he spent seven years as a scuba instructor in Honduras. His life took a turn when

the owner of the scuba company suggested that Ross move to London, where this fellow owned a property development company. Ross did, in 2007, "just before the market crash. So we set up a maintenance company, he and I, which was successful. My wife Jessica, who I met in Honduras, her family had a management company in New Jersey, we had the option to move there. It made sense, we were starting to have our own family.

Please see page 16

"I try to start the day by not turning at my email, but looking at the important tasks I have to support the team that day."

down past Kakaako, all those condos were built in the 1970s and '80s, so they're getting on in age, which creates a challenge for communities that may not have been reserving adequately for capital expenditures and replacements.

"And the aging of the demographics means some (boards) are just not prepared to deal with the age of their residents, just in terms of railings and ramps and so forth. People are more inclined to age in place, so we have caregivers coming into the community—where do the caregivers park? There are a lot of issues around this.

"I just learned a term last week,

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I started as a portfolio manager, it was great. And then in early 2016 Associa acquired that company, Community Management Company of New Jersey. We managed a huge number of HOAs.

"Then I got a call from Associa, saying an opportunity opened in Hawaii. I'd never been here, my wife had been here on vacation. We thought about it for a minute or two, then flew out to meet the team here. At the time, Pauli (Wong, Associa Hawaii president) was coming on board, so the timing was great. We could tell it was a good opportunity. That was a year and a half ago. Quite a year and a half."

He typically spends four days of each work week on Oahu, the fifth on a Neighbor Island.

"I try to start the day by not turning on my email, but looking at the important tasks I have to support the team that day," he says. "Anything from preparing for a meetings to a project that one of our communities is undertaking, and doing a lot of work on education and training for community directors."

Perhaps the most significant thing to happen since his arrival is the introduction of TownSq, pronounced "Town Square."

"It's an app we use, available to all of our communities free of charge,"

Ross says. "It does everything—tracking work orders and maintenance requests, homeowners can check their balance and make payments. There are forums where boards can open communication with residents directly. You can do surveys. It's a very detailed tool. It launched about a year ago, and we have over 10,000 active users in Hawaii.

"It's a really valuable tool, not just because it helps create community and you can post activities, such as 'there's going to be a barbecue on Wednesday' or 'there's going to be an annual meeting Saturday.' For non-resident owners, and there are a large number of investors here, they can stay in

Ross on the Future of Building Management

Associa manages 380 buildings in Hawaii.

"That is a lot of people," senior vice president Neil Ross says. "The resident count is around 40,000. So it's also a huge responsibility. That is what is so appealing about this job, we have the opportunity to help owners and boards make a community out of their home. ... We're there to help guide them and create the best feeling in the community."

BMH asked Ross to think in the future tense about building management and its challenges, including where new managers will come from and the new things they will have to master as more multi-family buildings arise in Hawaii:

"Where managers are going to come from is a big issue for us," he says, "especially in this market where 61 percent of new homes being built are in community associations, nationally. You can see where the industry is growing. But today you can't go to college and get a degree in community management. It just doesn't exist. So understanding how we can get talent is a big thing for us.

"It's very competitive, especially when you're looking to attract managers and retain staff. Over the last year, we had a year of growth, added 25 new positions. More

importantly, we've been able to retain a lot of our key teammates—community managers, community directors. Managers have the hardest job. They're in the field, getting calls, handling emergencies, so we're trying to invest a lot of time in their training and education, and offering support.

"There is certainly a crossover now between hospitality, building management and community management. People are looking for talent in each of those areas. It's interesting, we actually hired a couple of people who are coming from the building manager side to the community manager side.

"Our main focus is really dealing with people, not buildings, to some extent. In addition to being aware of mechanical components and structural components, a lot of it is dealing with people and boards, and that can be challenging.

"Apart from the greening of buildings, there's the issue of national disasters. We were fortunate, Hurricane Lane turned away at the last moment last year, but now the state just issued a report on rising sea levels and prospects for having to do a managed retreat from shorelines, which will impact a lot of our communities.



Neil Ross confers with Associa Hawaii president Pauli Wong

"Technology and cybersecurity are big things for our communities. In 2017, nationally, community associations deposited something like \$25 billion into reserve funds. That is a big target for cyber thieves. We're on the forefront of that with our banking partners and security experts, making sure that we're understanding the risks and managing them adequately for our clients.

"The first thing we're looking for is someone who has a high level of emotional intelligence and will engage well with boards and residents. Ideally, you'd like all your managers to have many years

touch with the community through the app or website.

“Also, it has a strong environmental component,” Ross adds. “If you walk around our offices, you’ll find that compared to other companies there is a lot less paper. We’ve digitalized most of our processes, including accounts payable.

“It’s real time, and it promotes accountability and transparency. So if a homeowner sends their manager a request, the board can see that and they can see we’re responding in a timely fashion. And some boards are using it to open more communication with their residents. It’s been a great success.”



in community management, but that’s getting more and more difficult. So we want to be selective and make sure we’re bringing in people with, if not direct experience, then comparable experience. That’s where hospitality and other kinds of building management have been a good option for us. With the training and guidance we can provide, we’re being very successful in hiring managers who work really well with their boards.

“The main thing for our managers is, we are helping them stay at the forefront of all this, and understanding that they and their boards need to be willing to embrace change and not hide from it, because change is happening every day.”

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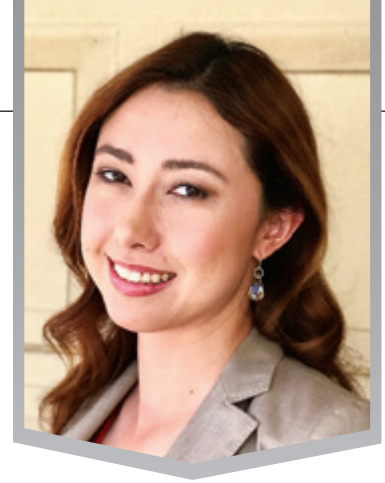
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Piloting Country Club Village

Amara Milner-Kanemoto finds flight school is good training for managing twin condo towers



BY DON CHAPMAN

Before she got into building management, Amara Milner-Kanemoto went to flight school and learned to fly airplanes. It's not a perfect analogy, but she agrees there are similarities between the two.

"I have to safely fly and land the building," says the subject of this month's *BMH* Meet a Manager series. "In ground school, we have to learn how airplanes work, which is very mechanical, and that really helped me in this industry."

Title, building:

General Manager, Country Club Village Phase 2 (Salt Lake). The complex, built in 1994-95, includes twin towers, 21 and 22 stories, 469 units total, housing more than a thousand people, with more than 50 percent occupant-owners. It also includes a parking garage

Years in building management:

Ten years total, with Associa almost four years in different positions—assisting with escrow, assisting with customer service, then site manager, promoted to general manager. I managed low-rise and high-rises before. This is the biggest one I've managed. I've been here just over a year.

How did you get into the industry?

I never saw myself doing this growing up. It's very unusual because I was very good at creative stuff, the arts, so I'd never have imagined I'd be in a more technical position. But I've found that I like it, and it ended up working to my strengths.



Basically, when I graduated high school (La Pietra), my parents had been successful business people—Little Cafe Siam, Senor Pepe, Columbia Inn Kaimuki—but were not doing great at that time. That turned out to be a blessing in disguise because I had to start paying for everything on my own, including school, so I started a sales job at Banana Republic. One of my co-workers, his father owned a site management company, and after working with me for a while he said, 'I think you'd be really good at this because you have really good people skills.' So I interviewed, and they were willing to give me a chance. His father, Doug Blanton of Specialty Services Inc., has been in the industry for a long time—resident manager, general manager, you name it. So basically I was an assistant site manager for half a decade. I learned a lot from him, how to handle different situations, whether it be board members or owners.

I found it very interesting. This

industry is not something they teach in schools. Nobody knows anything about it until you do it. What's interesting is it applies to so many industries you have to learn about, whether it be electrical, plumbing, mechanical stuff, people skills, crisis management, you have to learn it all, and it was very intriguing to me.

Current or planned projects at Country Club Village?

We've had a number, starting with emergency generators. If there's an outage, we have an auto transfer switch (ATS), and it wasn't working. That was interesting because I'd never worked with generators or ATS before. It was like rocket science, some of it. That took several months to untangle, so now our emergency system works. So much relies on that—elevators, stairwell lights. We worked with electricians, the generator company, the TS company, so multiple entities. They'd find one issue and fix it, then find another one and fix it, and on and on until we finally got it.

Another big issue here is the washing machine drain lines. When the buildings were built, they didn't install clean-outs. We discovered there was a build-up there from a long time ago, so we started coordinated (efforts), going into the units to install clean-outs, every couple of units. That's a big project that is still ongoing, but we've resolved some big problems with that one.

And coming up, we're doing an elevator upgrade: eight elevators, three in each building and two in the parking garage. It's something you have to do every 20 years or so. Technically I'm not a project manager, though some people think I am. So we brought in an elevator consultant to be project manager. This is expert-level. We're starting this year and it will probably take a few years to complete.

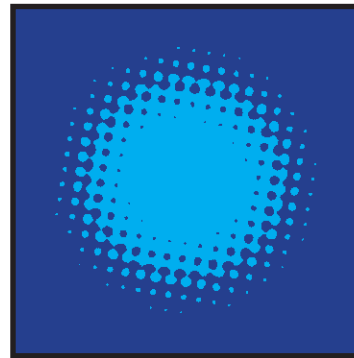
What is your approach to working with your board?

I feel like we're a team. Associa's community managers, myself and the board, we work together to keep the building in good shape for the owners. It's the biggest investment in their lives, and we want to make sure that everything is running properly and things are safe, keeping the value of the property up, and also execute the vision of the board.

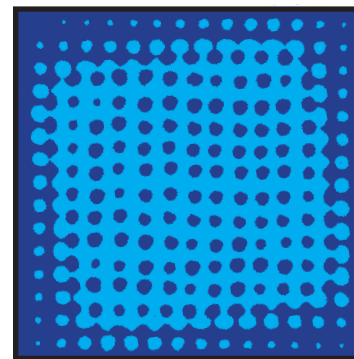
We have an awesome board—nine members—that has the owners' best interests in mind. There may be some differences of personality or opinion in how we achieve that, but at the end of the day we have the same goals: to make sure this is a wonderful place to live. And I think it's good to have some differences of opinion, you want different perspectives. We have some members with more of a hands-on maintenance background, others in banking, government, accounting. It's a good diversity.

Another cool thing is there is a collective experience, so if I encounter something new, I always like to check with my (Associa) director, site managers or community managers. Collectively we have decades of experience, so I'm not all by myself. It's something I really like, and it's something many associations don't realize: They're not just getting a manager, they're getting a team.

Please see page 20



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We've heard this is an unusual situation with multiple associations and boards overseeing various buildings.

Yes, four associations, which does add a bit of confusion. We're constantly having to correct realtors and owners; they don't know the difference. Phase II has an association with its own board. This area (the rec center and pool just outside her office) has its own board, so I don't have jurisdiction over this area.

Looking after the homes of more than a thousand people is a big responsibility.

It's a heavy weight sometimes, because so much depends on you being on top of things. Sometimes you have multiple projects that are all high priority, so you have to multi-task but also prioritize—you can't do everything at one time. Sometimes at night it wakes you up.

But it's work that will never be boring. There are always new things that

come up, and every building is unique. You think you've learned it all, and then you see something new, and it's like, well, that was different. It keeps you on your toes. And it's very broad. You have to be independent, good at working on your own. It's good if you're a self-starter and not afraid of responsibility.

You can have all the technical skills in the world, but if you don't have people skills you're not going to be good at this job. You have to like people and be very patient in this industry. I'd say listening is one of the biggest things, actively listening to owners and boards. People want to feel they're heard and that their needs are being met.

If a young person is interested in building management, what path would you suggest?

Find a mentor. You can learn business management and that can help, but in this industry a lot of it is hands-on.

You really need to start somewhere in the industry, and it's OK to start small, in admin or as an assistant manager, and you learn as you go. It would be useful if you did have some trade knowledge in a certain field, or some management experience. In any management position you have to work with people.

This is still a male-dominated business. Has that affected you?

It's true, people don't see a lot of female managers, especially those who may look younger. So every new site I go to, I have to work twice as hard to prove I know what I'm doing. Even building staff can be very skeptical at first, like, does she know what she's doing? Even women are like that, doubting that you know what you're doing because they're not used to people who look like me doing the job.

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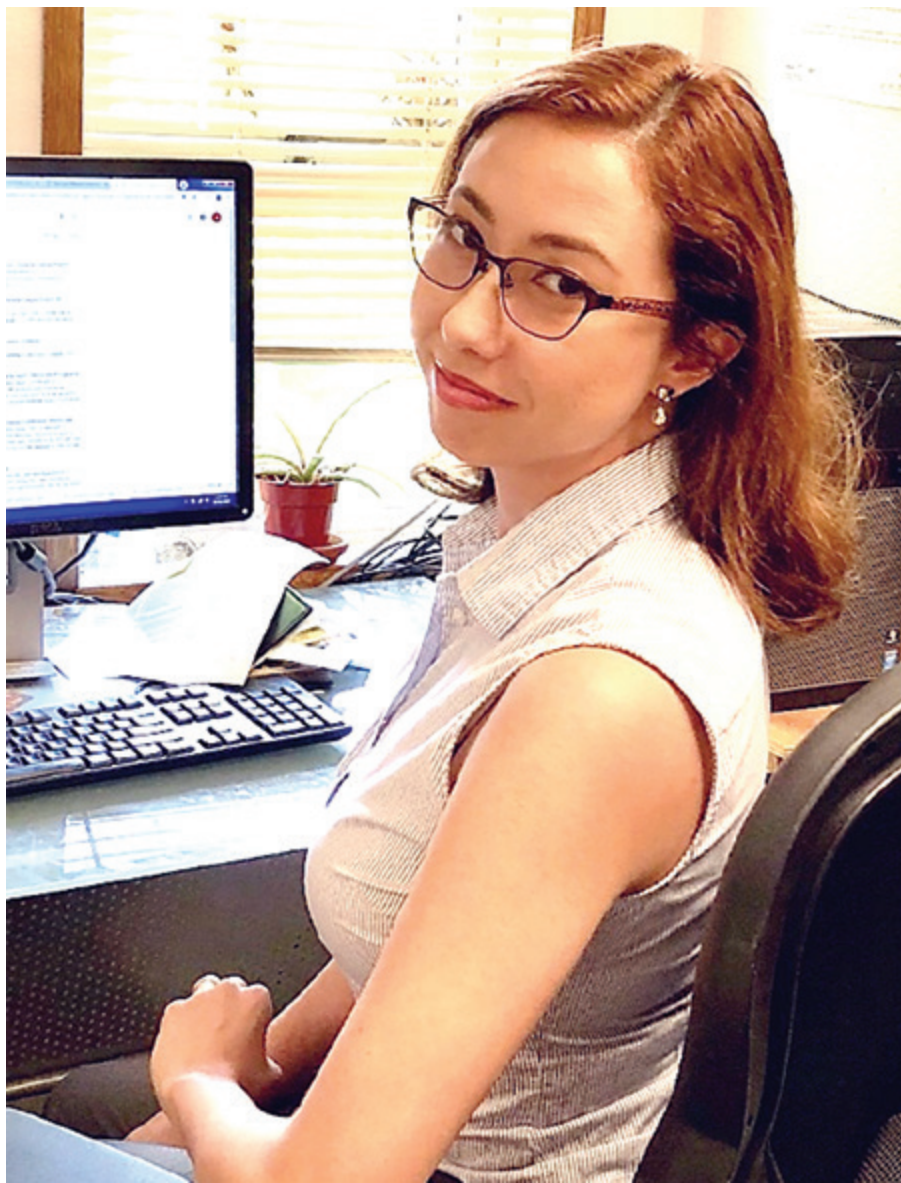
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Lessons from a Plumbing Retrofit

The keys to a successful project are planning and communication



Editor's note: Sue Kenworthy, D.Ed., is a lecturer at the Shidler School of Business at the University of Hawaii-Manoa. She also is a former president of a condo association we will call "XYZ Condo." She shares some of the valuable lessons gained from XYZ Condo's retrofit project.

BY SUE KENWORTHY

Hawaii has a number of small- to medium-size condominiums that were part of the building boom of the late 1960s and early '70s, and many of these condos now need major replacement of common plumbing pipes and chases.



Sue Kenworthy

Evidence shows that after approximately 50 years, cast iron pipes corrode and rust due to Hawaii's high humidity. Many condo boards are now faced with either renovating the common pipe system or having a chase break, which could

result in residents and owners not only being displaced but having their building condemned.

"Although the plumbing retrofit had been listed on the reserve study, many owners were totally unaware of the need for the project or even the location of common pipes in their units."

To any condominium board or set of directors considering a plumbing retrofit project, what follows are some of the lessons learned in a plumbing

replacement project of two buildings. It is hoped that by laying out some of the steps "XYZ Condo" took in its plumbing retrofit process, other directors and owners can prepare adequately for creating a revitalized building, and directors can be assured they are doing their due diligence in the process.

The project scenario: XYZ Condo has two buildings and 349 units, and the building has a higher-than-average number of owner-occupants (above 60 percent), which served as a tremendous advantage in the project.

1 Planning Phase: Two Years

One of the first things XYZ did to help create owner awareness was to plan a series of town halls, the first outlining the need for the project. Although the plumbing retrofit had been listed on XYZ's reserve study, many owners were totally unaware of the need for the project or even the location of common pipes in their units. In the first town hall, the XYZ board presented a log listing of common pipe breaks in the two buildings, the costs to the association

from these leaks, and showed that these breaks were beginning to increase. In follow-up town halls, the association's attorney was invited to participate, and pointed out that board members are actually derelict in their duty if they do not take action to make major capital improvements.

The board also did some creative things to capture owners' awareness, such as mounting previously broken common pipes in a display case, where residents could see the broken pipes from their building.

In the second year of the project, the board scheduled meetings every two weeks so that all owners could ask questions. A number of owners became ongoing members in this plumbing retrofit sub-group, providing sound advice for the project. Other owners who had missed the town halls came and simply asked questions directly of the plumbing retrofit chair and other board members. The formation of this group and the following discussions helped our insurance executive to lower our insurance rate, since this proved XYZ was serious about undertaking the retrofit.

Also, each association newsletter published throughout the project provided updates from the board president, the construction firm, or the company that did the overall plumbing construction. Once the project began, the plumbing construction company held a series of small town halls, referred to as "stack meetings," for owners and tenants from two or more "stack sets." These small forums allowed residents to ask more specific questions about the project and how it would impact them (what furniture to move, cabinets to clean out, etc.).

2 Implementation Phase: Two Years

Early in the project, XYZ Condo contracted with an established national construction firm to undertake a thorough assessment of the pipes to verify that the aging infrastructure was as bad as suspected. Although most of the board members volunteered their units for this assessment, as did some owners, the construction firm needed specific locations within the buildings. For example, the company wanted to



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assess the ground floor of one building where the pipes went directly into the ground. Owners in those locations also complied.

XYZ used a number of photographs taken by its maintenance supervisor in the course of his work, which provided initial cost-savings to the association. Still, things were missed during the assessment. When the retrofit project began, it was discovered that the shafts and chases did not have a two-hour fire rating, which is required in Honolulu. This was a surprise to the board and created additional expenses to bring the shafts up to code. This had been planned for in the initial contract, but not to the extent that was needed.

3 Determining Financing, Reserve Build-Up and Owner Buy-In

XYZ board members did their due diligence in determining the type of financing they would ask owners to commit to. Securing a bank loan requires a commitment by more than 50 percent of a condo association's ownership. Several banks and one credit union submitted bids for the project. An XYZ subcommittee and ultimately the full board settled on a bank that the board felt would offer the best deal to ownership. In a major project like this, it is crucial that the board initially asks for enough funds to cover the entire project; otherwise, the board might have to return for a second vote.

Other condo associations have also sought to combine multiple projects, such as improving a parking structure or spalling under a singular loan. Ultimately, the owners must approve the loan terms by a vote of 50-plus.

To help secure buy-in to the project, two directors called all owners of XYZ Condo, some as far away as Korea and New Jersey, to inform them of a town hall to discuss the financing and to ask for a vote on the loan. XYZ Condo asked for a vote of \$15 million. The projected cost of the project was \$11 million to \$12 million, but the directors wanted to cover unanticipated costs. The board also ensured that there were adequate reserve funds (\$3 million) before beginning the project.



Use of penalties can act as a deterrent to project-resistant owners

4 Use of Penalties

Although the penalty for owners who did not allow entrance to their unit was limited by the condo by-laws, the association was able to pass along contractor fees to project-resistant owners. This ultimately amounted to a total of \$500 per day, and thus far has been the deterring factor in any “resister owners.”

5 Developing a Vetting/Selection Process for Contractors

For each phase of the project, the board formed a sub-committee and reviewed at least three external proposals for assessment, construction work and financing. These proposals were compared and, in the case of the construction itself, items were compared on a point-by-point basis to determine which company would best serve the owners of XYZ Condo and would be most cost-effective.

Ultimately, in selecting which plumbing construction company to use, a second set of meetings was held separately with each company to determine if modifications could be made to their contract. By this process, the board was able to choose the company by name. One board member then negotiated each item and its cost, which was finally put to a vote by the whole board. Although time-consuming, going through this vetting process ultimately ensured that the contracts represented the needs of the association. Also, ultimately, the assessment construction company was used as the “owners’ representative,” an impartial party to look out for the needs of residents during the construction

phase, as well as becoming the architect of record.

6 Stable AOA Board Membership

With the exception of two people, the overall membership of the board remained the same during the project. The board expanded its membership in the third year of the project from seven members to nine, all due to the owners’ interest. XYZ Condo was fortunate to have a diverse board, which included an educator, a social worker, a professional planner, two individuals with architectural credentials and three with engineering backgrounds. Regardless of technical background, all board members were committed to the project. Also, selection of a plumbing retrofit chairperson was crucial to the project’s successful outcome.

7 Expect Surprises (and Fall-out from Marco Polo)

The mantra from XYZ’s construction firm—“expect surprises when the construction process starts”—definitely proved to be true.

As soon as construction started, a fire-stopping firm was added as a subcontractor. XYZ thought that the buildings’ shafts were fire-rated for a two-hour burn, but unfortunately they found that this was not the case. Material in most of the shaft walls demonstrated considerably less fire-stopping protection. This halted work for five days so the fire-stopping company could “gear-up,” and also increased the time contractors

would be in each unit to bring each shaft area up to City and County building code.

Older toilets also needed to be replaced by “low-flow” and code-compliant models.

8 Maintaining Accurate Databases of Owners, Tenants and Property Managers

Maintaining up-to-date contact information for owners, tenants and property managers, and facilitating communication between these groups, proved vital. Tenants, who were invited to the town halls (except for the vote collection) and stack meetings, often were not fully aware of what they needed to do in their units so the plumbers could do their work.

Also, maintaining a database of where vacating owners might go, such as a hotel, was important. In XYZ’s case, owners only needed to vacate on the first day of the project (when asbestos protection was applied), but could return at the end of the workday to have at least one working toilet and sink (a negotiated

item). Therefore, they weren’t required to relocate. But some did, and they provided their hotel or alternate housing information so the plumbers could reach them if necessary.

9 OAC Contractor Meetings

Early in the project, the owners’ representative set up owner/architect/contractor (OAC) meetings with XYZ’s maintenance supervisor, resident manager and the plumbing company. These weekly meetings proved crucial in specific problem solving and in resolving unexpected issues.

Since virtually all directors work during the day, the board of XYZ was not able to attend these meetings. But the meetings helped them understand the problems that arose.

10 Wrap-up Phase

Owners often find it difficult to understand that they won’t be billed for the project when their unit is finished, and that final charges can’t be tabulated

until the entire project ends. Why is this? Charges for unforeseen events such as common leaks are simply not available until the last unit is finished.

Certainly, a bank can compute estimates before work starts, but these are estimates only. Any major construction project needs to prepare for unforeseen costs, and plumbing retrofits are no different.

Also, it’s important to set up a “back charge” process for costs in which owners pay directly for certain items, such as toilets, washer boxes, additional owner-requested shut-off valves or additional fire-stopping that be done within their units as a result of renovations.

One lesson learned was that previously renovated units often had wiring placed in the shaft wall area, which is against City and County code. This wiring had to be removed. These costs were individual-unit cost-specific. A process was also needed to decide who would send payment notices to the owners—the XYZ office, the plumbing contractor or the property manager.

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Fabulous Floors

As new projects break ground, the Islands' builders are using a wealth of new products

PHOTO COURTESY AMERICAN CARPET ONE
Stone polymer composite (SPC) is popular on Hawaii residential projects

BY BRETT ALEXANDER-ESTES

Most Isle projects are still underpinned with concrete and steel. But once a slab is cured or a panel is locked, it's game on—local flooring vendors are vying for business with a wide array of new products.

Ground Reinforcements

High humidity often compromises Hawaii's new concrete foundations.



Kirk Hashimoto

Since moisture remediation takes time and money, Hashimoto says

"Typical issues are ... with the moisture (vapor) transmission through the concrete," says Kirk Hashimoto, executive director of the Cement and Concrete Products Industry of Hawaii (CCPI).

Hawaii builders can use many products "to give a great substrate for floor coverings."

According to Kimo Scott at OK Hardware, one of these products, Va-

"Corrosion-resistant reinforcing is increasingly being used and accepted for all concrete work."

—Kirk Hashimoto

por Lock 20/20, is slated for Momilani School's site improvements and a new large Barbers Point project.

Because Hawaii's concrete slabs—both floors and walls—are also vulnera-

ble to spalling (corrosion from chlorides and metal rebar), "non-metallic and corrosion-resistant reinforcing is increasingly being used and accepted for all concrete work," Hashimoto says. Builders who want to successfully use non-metallic rebar should consider all properties relevant to its application during design, he notes.

Gatorbar—non-metallic rebar made of fiberglass-reinforced polymer (FRP)—is "gaining more acceptance all the time" on Hawaii projects, says Paul Kane, owner and manager at Aloha Marketing. A recent Kapolei warehouse project, he says, used 30,000 square



Paul Kane

feet of Gatorbar grids in a February pour.

When using steel frame throughout a project, says Akira Usami, field sales manager-Hawaii at CEMCO, the



Akira Usami

firm's Sureboard 200S "combines non-combustible floor sheathing products with great floor and roof diaphragm values for the structural engineer." CEMCO's

200S was launched recently, he says, and "has been successful on West Coast roof- and floor-framing projects. It is a great product for future mid-rise design projects in Hawaii."

Topping Off

According to Hashimoto, stained or polished concrete floors are becoming increasingly popular. Advantages include no volatile organic compounds (VOCs), low cost, and superior durability and life of the product, estimated at a hundred years or more.

But cold, hard concrete isn't for everybody, and many 2019 Isle projects feature kinder, gentler flooring. This includes porcelain tile, wood polymer composite (WPC), stone polymer composite (SPC), luxury vinyl tile, sheet vinyl, COREtec—and of course, carpeting.

Flooring for All Sectors

Porcelain tile may sound dainty. But porcelain tile by "Daltille, American Olean and Marazzi has a huge breadth of products that satisfy all commercial, hospitality, residential and industrial projects," says Janna Arrisgado, sales representative at Daltille Sales Service Center in Honolulu.



Janna Arrisgado

Current Hawaii projects using these products include "Block O, Hale Koa room renovations and 7-11," she

says. The product "resists decades of heavy traffic, is stain-proof, scratch-proof, waterproof and fire resistant . . . (and) made with the lowest carbon footprint of any floor—it is



Madeline Murphy-Lopez

green-certified and completely free of any VOCs."

Mohawk Group flooring products are also used in projects in all Hawaii building sectors, says Madeline Murphy-Lopez, an account executive at Mohawk's Hawaii division.

Commercial Flooring

Mohawk's commercial flooring is currently being installed at Kaiser corporate offices and in the corridors at the 1450 Young Street Condominium, Mur-

phy-Lopez says, and will be installed at Hale Ikena-U.H. Hilo in May.

In 2018-2019, she says, Mohawk's best-selling commercial products are "carpet tile, Enhance Resilient Tile (ERT)—otherwise known as Luxury Vinyl Tile (LVT)—and sheet vinyl."

Through 2020, she says, Mohawk is launching "PVC-free ERT Pivot Point . . . (and) Molveno and Prize Fighter rigid waterproof core ERT." Mohawk also

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“has the first Living Product Challenge-certified flooring products—Lichen and Nutopia carpet tile collections.”

Carpets and rugs by Embassy Carpets, often seen at Hawaii hospitality properties, feature a bleach-proof proprietary dye, built-in antibacterial protection and contain 110 stitches per square inch. According to Dara Jilla, president at Embassy, the colorfast vinyl carpets’ main benefits are that they are “virtually maintenance-free” and “never fade under the tropical sun.”

Residential Flooring

Trisha Makiya, store manager at American Carpet One Floor & Home, says both wood polymer composite and stone polymer composite are “water-proof, kid-proof and pet-proof,” and are currently in high demand. Both products will expand this year with “SPC Pro Plus line and WPC New Mega Refresh (that) will include some new herringbone looks.”

Makiya says COREtec waterproof



PHOTO COURTESY AMERICAN CARPET ONE

In 2019, wood polymer composite (WPC) is often in high demand

vinyl planks and tiles are popular in Hawaii residential projects. COREtec customers, she says, value the product’s

“quality, enhanced graphics, easy maintenance and easy installation.”

More New Products

New 2019 products and processes will likely benefit floors and foundations of concrete and steel.

“(Concrete) materials and methodology continue to advance,” Hashimoto says, and points to many 2019 Hawaii jobsites where “there are self-consolidating concretes, as well as admixtures that enhance the concrete. All products are geared toward better construction and longer service life.”

Usami says “another product innovation CEMCO will be launching in the second quarter of 2019 is a new and improved tabbed-track Sure Span Rim Track for our Sure Span Floor System. This continues CEMCO’s long-standing commitment to providing the most efficient cold-formed steel floor framing system in the industry.”

With so many new projects underway and on the horizon, Hawaii’s flooring vendors are eager to install their new finishes—and dazzle their clients.

“Design as art is a leading trend for 2019,” says Arrisgado. “With bold colors in geometric patterns and unique shapes, every product in our Spring launch offers an element of eye-catching style to take the design beyond mere function.”

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Concrete Industry Promoting Certification

This year, says Kirk Hashimoto, executive director of the Cement and Concrete Products Industry of Hawaii (CCPI), the organization is advancing American Concrete Institute (ACI) and other industry best practices.

"We have been working to uniformly certify inspectors and craftsmen in concrete-related areas that will make concrete projects more durable and safe," Hashimoto says. "Uniform certification of concrete technicians ensures that the materials continue to meet the expected standards required by the project."

CCPI, he says, has "worked with most of the stakeholders to accept the ACI certifications we offer."

Certifications are internationally recognized, Hashimoto says. CCPI offers ACI courses and qualifying



PHOTO COURTESY MOHAWK GROUP

Mohawk's new ERT Pivot Point line is PVC-free.

exams that "test on the information from nationally recognized standards and are overseen by a selected pool of examiners."

CCPI's Adhesive Anchor Installer course has presented "several sessions

over the past couple of years, and has gone from a handful of certified installers to dozens of certified installers and inspectors," Hashimoto says.

"Demand for more certified installers and inspectors continues to grow."

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Spall Repair: The Scope of Work

How to reach a win-win deal with your contractor



Scott Barnes

For repairs, you want to get a fair cost for professional repairs but you may lack “trade” language. If you were to ask three licensed repair firms for a proposal on spall repair you will receive three different answers because each has its own way of viewing and pricing a project.

Besides choosing a firm that has a solid reputation for quality work, is properly licensed for spall repair (not incidental to another license of work), maintains a drug-free crew and tests for lead, how do you get it done? How do you get a “win-win” for both you and the contractor?

It starts with your budget and prioritizing the repairs. Without an unlimited budget, do not ask for an “everything” proposal. Not every crack, peeling paint bubble or concrete chip is indicative of a necessary repair. Some are cosmetic, some are minor and some major. Focus on the major damage and major risks, then work your way down.

Next, take photos of your building’s obvious defects. Spalls on walkways, lanais, steps and roof edges are usually quite visible and “before” photos make great records for the future.

With a budget and photos, you call three firms ... but stop right here. More work is yet to be done on your side. A critical part is missing, the “scope of work” (SOW).

Scope of work defines the repairs and what the contractor will be required to include in its proposal. Better SOWs yield better proposals. It is the contractor’s road map. Rule of thumb here, if you want the contractor to include it, state it in your SOW.

In my experience there are three SOW types: third-party professional, manufacturer’s produced and contractor produced. The difference between is their level of subjectivity. The third-par-



ty professional is not subjective, but the manufacturer’s and the contractor’s are. For further illustration let’s review.

The third-party professional SOW is from a licensed professional, usually a structural engineer (SE) paid to produce a scope of work with drawings, repair quantities, repair types and who secures the permit. The chosen contractors are given a bid package. This scope of work yields “apples to apples” quotes. One challenge is the reduction in the funds for the repair budget by the cost of the SE’s involvement. This SOW is a “win-win” for both. It provides a base lump sum cost and unit costs.

The manufacturer’s SOW has become common and looks professional. It appears to be specific, but it’s only specific for a single trade, that of the manufacturer of the product(s) to be used. It details the application of the main work using its products, but other trades which are incidental (spall repair) are left open.

While it does define concrete repair types it’s missing the quantities/types/locations, the essence of “apples to apples” bids. Used mainly for projects

with painting as the central work, all other work is incidental. It just asks for unit costs on the variety of spall repair types and the estimators best guess. Additionally, it might contain language referring to “non-structural concrete spall repair” and only “recommends” that a professional SE be engaged.

For “walk-ups,” this type of SOW can yield a satisfactory document and all the proposals received should be in the same ballpark for quantities observed.

For high-rises, the SOW will be a total guess. Estimates extrapolating what is “seen” on low floors and averaged out for the rest are, in my opinion, a waste of time. Better to look at the unit costs and make a decision based on those rather than guesses. Also, these kinds of proposals sometimes leave out the line item for mobilizations/rigging.

What is unit cost? It’s the cost for a defined measurement of work in a professionally recognized and accepted manner, typically defined as a cost “per square foot” or “per linear/lineal foot” or per “unit.”

For the contractor-produced SOW, I see this 90 percent of the time. The owner or property manager calls and asks for a spall repair proposal for an address. I go over, make visual observations, produce a proposal and send it back.

There are traditionally three types of contractor-produced SOWs for spall repair. The first is a base cost with unit costs. This is usually for a building where you can only access and observe a fraction of the total work area (mainly high-rises). Second is the fixed cost with unit cost, where the estimator can visually observe and access most of the property (mainly walk ups). For areas that were inaccessible during the site visit (such as lanais), the unit costs would be charged by the quantities found for additional costs. Third is the

all-inclusive SOW, where it is one price.

The first two are considered “win-win” for the client and contractor because of the inherent “fairness.” Only work that is real, quantifiable and verified is performed. The third, the all-inclusive scope of work/proposal for spall repair, is the least favored and most one-sided. This type of SOW gets inflated to cover the unknowns and minimize risk to the contractor. It offers no relief to the client if those unknowns are never realized, yet paid for.

So how, besides the third-party professionally produced SOW does an owner or property manager make the subjective proposals into an “apples to apples” comparison? Simple, compare the measurements. How much of each type of spall repair were detailed in the proposal and what is the cost for each repair along with any base cost? Comparing side-by-side will tell you a lot. If one is grossly under- or over-reporting a type of spall, make a note, contact the estimator and ask for details. You may be surprised.

Professional estimators want to find and record everything they see during their site visits. They really don't want the unknowns to appear and produce change orders, but the reality is that it does happen for a variety of reasons, the main one being inaccessible areas/ unknown conditions. I have found that the larger the percentage of inaccessible areas, the larger the chance for change orders.

It is my hope that as an owner or a property manager, this insight into the scope of work has been useful. It may give you cause to engage your contractor on their level about the work that you are asking them to perform. I have always found that an informed client makes the job more rewarding and much smoother.

Scott Barnes is a concrete specialist-estimator with Central Pacific Specialty Contractors. He has over 10 years' experience in concrete restoration, concrete repairs, epoxy injections, concrete coatings, decorative concrete coatings, waterproofing and pools. His specialty is the repair and maintenance of concrete for the owners and managers of low-rise apartment building walk-ups. Reach him at 255-1794 or scott.b@cpschawaii.com.



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Settlement Under Concrete Slabs

Shifting foundations and soil problems are common in Hawaii. A remedy: polyurethane grout injection



Richard Malmgren

While it's common knowledge to many who were born or raised in Kaneohe or Kailua, I had never given much thought to how far beach sand extends inland until I was called to a residence on Kailua Road.

Located a significant distance from the current sea line, the owner was concerned about the ever-increasing void underneath the concrete slab-on-grade of a one-story house. She asked if we could do something.

A variable 1- to 5-inch gap was observed around 30 percent of the perimeter of the house. The entire property was on sand to an unknown depth except for a shallow topsoil horizon that supported grass. Subsequent holes drilled through portions of the interior slab to determine the extent of void area revealed a similar situation under the kitchen and portion of the living room.

It became apparent that subsequent to the construction of the house, the sand had consolidated over time. Harking back to my college course in soil engineering, I remembered that clay-soil is best consolidated by pressure while granular material (e.g., sand) is best consolidated by vibration. I suspect that minimal, if any, attempt was made to properly compact the sand prior to placing the concrete house pad. After all, poor compaction was more the rule rather than the exception in the construction boom subsequent to Statehood.

My speculation is that years of vibration from vehicles, including trucks, traveling along the sometimes-bumpy Kailua Road generated enough ground shaking over the decades to consolidate the sand and create a void under portions of the slab.

The remedy was to inject polyure-



Repairing a seawall or bulkhead with polyurethane grouts will fill voids, stabilize loose soil and seal leaks at a fraction of the cost of wall replacement

thane grout under the slab to fill the empty space beneath the underside of the slab as well as the voids between the several top inches of unconsolidated sand particles.

Loss of Soil Behind and Below Seawalls

Retaining walls between shoreline homes and the ocean are of increasing concern and will become more so with a rising sea level. Many of these walls were insufficiently constructed to resist the undermining of backfill material as the beach erodes and the waves advance.

As the tide comes in, water penetrates the soil behind the wall. As the tide washes out, it takes soil with it,

creating voids. This problem is typically intensified when the material behind the wall and under the footing is sand.

Hawaii generally prohibits the construction of new private erosion-protection structures seaward of the shoreline. The state is trying to develop a comprehensive coastal policy among the concerned agencies. In the interim, there is an increasing desire among many to fill the voids behind existing walls and underneath their footings as well as to better stabilize the soil and mitigate further soil erosion until a policy is determined.

As with voids beneath a concrete slab, one remedy is to inject polyurethane grout. The expansive material fills voids, seals cracks, seals failed joints

associated with the existing wall as well as contributes to soil stabilization.

What Is Polyurethane Grout Injection?

Polyurethane grout injection is a technique used in multiple applications, most commonly to stop leaks, but also for filling voids as well as for soil stabilization. We usually inject hydrophobic polyurethane grouts. Manufacturers design different polyurethane grouts for different applications.

The uncured material is a liquid. Products vary, but with the addition of an accelerator, they can often expand 20 times their initial volume into a polyurethane foam that fills cracks and voids as it expands. Because free foam expansion is not as dense, a prudent contractor injects additional material in order to achieve a tougher, closed-cell polyurethane foam.

Richard Malmgren is president of RCM Construction Corp. He can be reached at 545-2177.



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What's In Your Master Policy?

Condo associations must be ready for these eight exposures



Todd Takayama

There are more than 350,000 community housing associations across the United States, with condo associations accounting for almost half of those, according to HOA-USA. If you are involved with a condo association, you know that proactive management is essential.

Like any other structure, condominiums are susceptible to property damage risks such as fire, flooding, wind, vandalism and other perils. Liability exposures, however, are even more concerning and costly. Shared amenities, such as swimming pools, spas and playgrounds, can be particularly challenging.

Managing these risks is just one of the responsibilities of the condo association. In addition to preventing injuries, unnecessary expenses and lawsuits, risk management protects each owner's condo investment. A good risk management program is an integral piece of your overall management strategy which includes routine maintenance, enforcement of community rules, dispute resolution and safety protocols.

To build a strong risk management foundation, you must be sure that your condo insurance package covers the right things. Every condo property is different with its own unique exposures. Don't assume one size fits all, or that every agent will offer you the same options and rates. When it comes to insurance, it pays to do your homework.

Here is information to help you make informed insurance decisions:

Q: *What is the Master Policy and what does it cover?*

A: When a single condo unit is purchased, the owner must purchase a HO-6 policy, which provides coverage for the owner's living area,



personal possessions and personal liability. In addition to personal spaces, condo properties have common areas such as lobbies, swimming areas, basements and elevators that are shared by all owners and must also be insured. To protect these spaces, condo association boards purchase a Master Policy.

Q: *What specific coverages should be included in the Master Policy?*

A: Your Master Policy should safeguard against a variety of risks, including these eight exposures:

• **General liability (GL) claims.**

What happens when a delivery driver slips and falls on a wet sidewalk, a visiting child gets injured on a playground or a visitor's car is damaged by your landscaping crew? The condo association needs to have insurance coverage to respond to these types of general liability claims. That's where GL coverage comes in. It's not uncommon for condo associations to carry up to \$5 million in coverage to protect against these types of lawsuits.

• **Property damage.** What if lightning causes widespread roof damage, or there is a

termite infestation affecting multiple units? What if an elderly resident accidentally crashes a vehicle into your rec center? That is when property insurance applies. Condo association by-laws determine what is covered by the Master Policy versus the individual HO-6 policy. Generally, there are three types of building coverage available:

1. "Bare walls," which covers basic structural elements such as walls, floors, roof and elevators. Individual unit owners must purchase their own insurance coverage for items such as kitchen and bathroom fixtures, flooring, cabinets and countertops and wall coverings.
2. "Single entity," which covers the basic structural elements and standard finishes in individual units, with the exception of the unit owner's personal property. If a unit owner makes improvements such as new flooring or lighting at his or her own expense, the association Master Policy won't cover it.

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3. Modified single-entity/all-in, which provides comprehensive coverage for standard or upgraded permanent fixtures within the interior walls of individual units. Unit owners still have to purchase coverage for their personal property.

• **Directors' and officers' liability.**

Condo association directors and officers face the risk of being sued for their performance on the board. This coverage protects them from personal liability for the decisions they make in that role.

• **Crime and fidelity losses.**

Financial misconduct by an association board member can be personally and financially devastating for an association, so the association needs to be protected from this possibility.

• **Equipment breakdown.** If a boiler, air conditioning system or other major mechanical system goes down, you need coverage in place to repair or replace the faulty equipment and get things back up and running as quickly as possible.

• **Workers' compensation claims.**

Does your association have employees who work on-premises? You'll need workers'

compensation insurance to cover the costs of work-related illnesses and injuries.

• **Sewer backup.** Most master policies won't cover damage from a sewer or drain backup, so you'll need specific coverage.

• **Hurricanes and floods.** Most master policies also won't cover damage caused by hurricanes or floods, so you'll need specific coverage. Here in Hawaii, condo associations are required to carry hurricane insurance. Depending on location, flood insurance may also be mandatory.



Q: What does the term "original conveyance" mean?

A: Here in Hawaii, "single entity" is the most common type of property coverage purchased by condominium associations. This type of insurance covers items inside individual units such as fixtures, appliances, flooring and cabinets, but will only replace these items with the same type and quality as the developer conveyed to the original owner. That's what is meant by "original conveyance." If the individual unit owner makes improvements that fall outside that original conveyance, the unit owner's HO-6 policy would have to cover it.

Q: How do you make sure your risks are properly covered?

A: As you can see, condo communities face many exposures. Fortunately, you can protect your owners' investments through proactive management and smart insurance. Work closely with an independent insurance agent with condo experience to identify and insure your property's unique exposures. Be sure to work with an independent agent who can offer quotes from multiple companies.

Proactive risk management and insurance selection will protect property owners' interests, fulfill your board responsibility and provide invaluable peace of mind for all the residents in your condo community.

Todd Takayama is vice president of commercial underwriting at First Insurance Company of Hawaii. He joined First Insurance in 2010 and has more than 30 years of insurance industry experience. He is a Chartered Property Casualty Underwriter (CPCU). For more information about First Insurance, visit www.ficoh.com or call 527-7777.

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Who Covers What?

The challenge of coordinating property insurance coverage between the association and the unit



Elaine Panlilio

One of the most common disputes in condominium living arises from determining whether the association or the association's policy versus the unit owner or the unit owner's policy would be responsible for making certain repairs.

In a condominium, all unit owners share ownership of the common elements. Some property is categorized as limited common elements, which is for the exclusive use of one or more, but fewer than all, of the units. And some is categorized as being owned exclusively by a unit owner.

So with multiple owners involved, who is responsible and who is covering what?

The Condominium Association's Declarations, Bylaws and Rules are governing documents that define and list what the association is responsible for and what the individual unit owners are responsible for.

Most condominium declarations or bylaws take the position that common elements are the association's responsibility to insure, maintain, repair and replace, while personal property of the unit owners as well as any renovations or additions for a specific unit will be the responsibility of their respective owners.

But what about limited common elements? Whose responsibility is it to insure, maintain, repair and replace the limited common elements? Once again, the answers to these questions will be in the association's governing documents. The responsibility to insure, maintain, repair and replace a limited common element is usually the association's responsibility with the exception of when the declaration shifts this responsibility to the unit owner.

Association's Master Insurance Policy

• **Building.** The association's policy covers the buildings and the common



elements that typically include exterior and interior walls, floors and ceilings, including elevators and other building equipment as defined by the association's governing documents.

• **Fixtures.** The association's governing documents will also define and list the fixtures inside the units that it is responsible for. These can include but are not limited to refrigerators, cooking ranges, built-in appliances, built-in cabinets and countertops or any other fixture as originally installed in a unit. The association's insurance policy will cover the fixtures as originally installed and will repair or replace with like kind or quality as that of the originally installed fixture.

Unit Owner's Insurance Policy

• **Building Additions and Alterations.** For condominiums, under the

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Hawaii Revised Statutes §514B-143(b), unless otherwise provided in the declaration or bylaws, the association's insurance need not cover improvements or betterments to the units. What this means is that renovations, improvements or betterments made by unit owners within their units will be their respective duty to insure, maintain, repair and replace.

For example, in a condominium where the bylaws read that the unit owners are responsible for any improvements or betterments made to the unit, if at some point the original carpet flooring is replaced with hardwood, the unit owner will need to insure the upgraded replacement cost of the flooring. If coverage applies in a claim, the association's policy will only pay for the cost to repair or replace carpet of like kind or quality as originally installed. The cost difference between repairing and replacing damaged carpet with hardwood floors will then be covered under the unit owner's policy.

The association's insurance policy

and the unit owner's insurance policy dovetail and fit together like puzzle pieces to make the association and the unit owner whole again, and restore them to the same condition before the loss occurred.

• **Contents/Personal Property.**

Another important feature of the unit owner's policy is coverage for personal belongings owned by the unit owner since these items are not covered by the association's policy.

• **Loss of Use Coverage: Additional Living Expense or Fair Rental Value.**

When a unit becomes unlivable from a covered loss, additional living expenses such as the cost of temporary housing in a hotel and the increased cost of meals are covered under the unit owner's policy.

For a unit owner who rents out their unit, when the unit becomes unlivable from a covered loss, the rental income that the unit owner is missing out on is covered under the fair rental value coverage.

It is also best practice for unit owners who rent out their unit to require their tenants to carry renter's insurance. Rent-

er's insurance will cover the tenant's loss of use and additional living expense; additionally this insurance will also cover the tenant's contents or personal belongings and the tenant's liability, since these items are not covered under the unit owner's policy and are not covered under the association's policy.

Claim payments under loss of use coverage are typically made after the expenses are incurred. This means the insurance company will reimburse rather than covering the cost upfront.

• **Personal Liability.** In this increasingly litigious society that we live in, liability coverage becomes increasingly important. Personal liability coverage is included in a unit owner's policy.

When someone is injured in common areas such as lobbies or hallways, elevators and clubhouses, the association's commercial general liability policy will provide coverage. However, if the injury occurs inside a unit or if a unit owner is legally liable—for example, a unit owner's dog bites someone—the unit owner's personal liability coverage will be the one to provide coverage.

• **Loss Assessment Coverage.** Loss assessment is a unit owner's share of a loss to the common elements. Under the Hawaii Revised Statutes §514B-143(d), the board may assess the association's master policy deductible to the unit where the loss originated or to the units affected by the loss. The association may also charge a special assessment to all unit owners following a bodily injury or property damage in a common area.

With multiple owners and multiple insurance policies involved in a typical condominium claim, it is obvious why the most common dispute would arise from trying to determine which party is responsible or which policy is going to cover a claim. The answer to this type of dispute should always be researched by reviewing the association's governing documents that define who is responsible for what.

Elaine Panlilio is an account executive in the AOA unit at Atlas Insurance Agency. She holds the Certified Risk Manager, Certified Insurance Counselor and Certified Insurance Service Representative professional designations from the National Alliance of Insurance Education and Research. She can be reached at 533-8766 or epanlilio@atlasinsurance.com.



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But That's All We Can Afford!

The case for adequate reserve contributions



Robert Nordlund

What's better—\$50-a-month reserve contributions as part of your condo's total monthly assessment, or \$100?

All other things being equal, I'd rather pay the \$50 monthly bill. That would keep \$50 more a month in my pocket. Why would any board, able to set the budget at their association, choose the higher amount for the owners?

This question, confronted by boards every year, reveals flawed logic. It's not an "I'd rather pay more or less" question. The cost of common area deterioration is what it is. The roof will fail and need to be replaced. The question is only how you pay for it, and it boils down to the choice between "sooner" or "later."

The most common choice of "later" is usually more expensive. All common area projects will require expensive repairs and replacements. Choosing to fund reserves at a rate less than your assets are deteriorating, less than recommended in your reserve study, doesn't save you money. It just means you'll pay that money later by means of a special assessment or a loss in home values.

And "later" often means it will be more expensive than initially anticipated. A good example is a paint project that will require significant prep or repair costs due to delays.

Reserve costs are never truly optional. The roof doesn't care if your reserve fund has the cash or not. It will fail, along with all your other reserve projects, usually in a predictable manner, after years of faithful service.

So the basic complaint of "that's all we can afford" is a fictitious and arbitrary line in the sand created by the board. It has nothing to do with the real "bill" of the ongoing cost of deterioration.

Each owner purchased a home with common areas (roof, paint, asphalt,



elevators, hallways, pool, etc.). Those common-area components will need to be repaired or replaced with 100 percent certainty.

The board's job is to provide for the needs of the association. If the board feels assessments are high, the best course is not to reduce reserve contributions in an attempt to keep assessments low. The best choice is that, due to the true cost of living in the association, some owners need to move to a more affordable (smaller/simpler) home.

That's how you protect your owners from the unfortunate surprise of special assessments many are ill-prepared to

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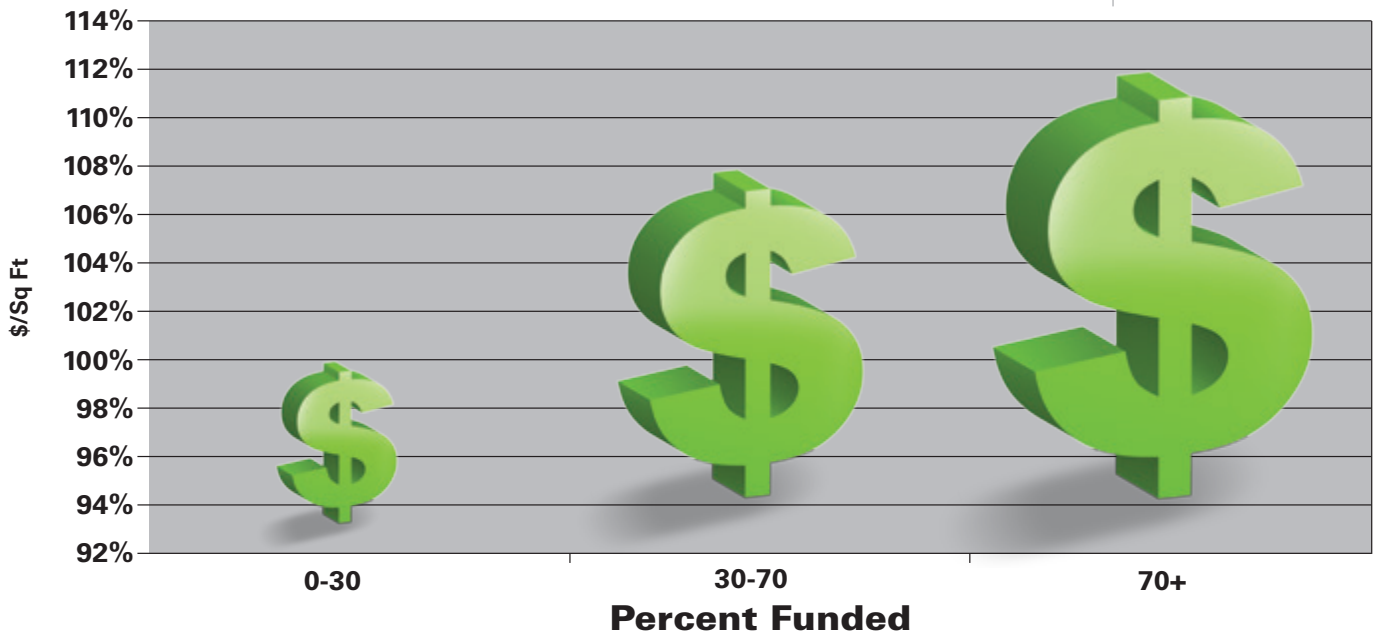


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From page 41

afford. And the board could face liability exposure for failing to budget in a fiscally responsible manner.

Special assessments are unwelcome

and unfair, “penalizing” the owners with the cost to repair or replace something, an expense the board (or boards) failed to prepare to pay. Many of the owners who enjoyed the use of those

assets are gone. Everyone should have paid their fair share of deterioration over time on an ongoing basis over the months and years they owned a home in the association. That represents the true cost of home ownership—not deferring expenses into the future.

If the board is unable (or unwilling) to collect funds for a necessary expense by means of a special assessment, the result is deferred maintenance. But beware: Curb appeal (or lack thereof) is real.

In a recent test of similar two- and three-story condo association clients in a tight geographic area, we cross-referenced home sale prices (on a per square foot basis) to their reserves percent funded. “Percent funded” is a measure of reserve fund strength, where 100 percent means reserves exist on-hand equal to the value of common area deterioration at the association. So the lower the association’s percent funded, the more the association has to rely on fortunate timing of reserve projects (dodging one to pay another, or deferring projects until funds can be scraped together), until finally a special assessment is necessary.

Such conditions are obvious to prospective buyers as they walk the property and see old carpet, tired/dated lobbies or recreation rooms, lack of fresh landscaping, deteriorated asphalt, stained/faded/peeling paint,



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etc. No one pays top dollar to buy a home in that kind of association.

Well-funded associations (see chart) enjoyed home values over 12 percent higher than homes in associations with weak reserves.

Homeowners making “adequate” reserve contributions enjoy home values well above homes in associations with weak reserves. In a condo valued at \$350,000, 10 percent is \$35,000. Gaining an extra \$35,000 in home value by making the reserve contributions recommended in your Reserve Study (\$100 a month instead of \$50 a month) begins to sound like a great investment. Looking at the numbers this way, it would be foolish to not make adequate reserve contributions.

Setting a budget that includes adequate reserve contributions is fair to the owners. Every month they pay the ongoing cost of living in the association, without fear or dread of an upcoming special assessment. In addition, reserve contributions sufficient to provide for the timely maintenance of your common areas is one of your most profitable real estate investments.

The bottom line is you can’t afford to not make adequate reserve contributions.

A registered professional engineer, Robert Nordlund has been involved in the community association industry since 1982. Robert founded Association Reserves Inc. in 1986 and has pioneered many widely used reserve-funding concepts. For his expertise, he earned the Community Association Institute’s (CAI) Reserve Specialist (RS) designation as RS #5. Robert was involved in creating the 1998 National Reserve Study Standards and has greatly influenced the reserve study industry. He is a past chairman of CAI’s Reserve Professionals Committee and past chairman of the Association of Professional Reserve Analysts. Robert regularly writes on the topic of reserve studies and is a frequent speaker in industry-sponsored seminars and presentations throughout the United States. He is often called to serve as an expert witness in litigation involving reserve issues. He can be reached at 800-733-1365 or rnordlund@reserve-study.com.



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6 Ways Condos Can Go Green

Associations can lead the way in making Hawaii a greener place

There are more than seven billion people on the Earth. We take up a lot of space and use a lot of resources. That makes implementing eco-friendly practices even more critical to preserve the environment and the resources that we do have. Trees can be cut down in the blink of an eye, but they take years to grow.

HOAs and condo associations can do their part by going green and making more conscious decisions to be eco-friendly. Here are six ways your HOA or condo association can start making a difference:

Use Paperless Communications

One of the biggest ways associations can be proactive is by cutting back on the amount of paper waste they create. Instead of sending out newsletters, fliers and forms that will soon find their way into the trash can, make use of electronic options. Create a spot on the community website or portal where governing documents, request or application forms and other communications are kept. Send email blasts, electronic newsletters and digital reminders instead of printing out countless pages of information. Software programs such as Evercondo can make managing and organizing electronic communications and files simple by having everything in one place.

Install Motion Detectors

Instead of keeping lights on all the time, use motion detectors that are only activated when needed. This can be done for both indoor and outdoor lights, and significantly reduces energy usage. Motion sensors can also be a deterrent for suspicious activity because the lights pop on when movement is detected.



Use Energy-efficient Appliances

Encourage homeowners to choose energy-efficient appliances when buying or replacing appliances in their home. Associations can also choose to use these types of devices in common areas such as business centers or clubhouses. Make sure they're Energy Star certified.

Service HVAC Systems Annually

Ensuring that the HVAC system is running efficiently is a great way to save energy and prolong its life. Regular maintenance can help to identify problems and keep the heat or air conditioning from being a drain on electricity because they are not functioning properly.

Promote Recycling

Many HOA and COA communities have recycling programs in place, but residents may not be taking full advantage of them. Post visual signs near recycling areas and send reminders about

exactly what types of materials can be recycled. Residents may not realize that they can discard certain types of cardboard, paper, plastic or other material. By simply raising awareness and educating homeowners, the HOA can help keep more waste out of landfills.

Plant Native Species

When landscaping the grounds, use hearty plants that are native to the area. They often require less watering and maintenance. Pick plants and shrubs that are appropriate for the amount of sunlight, shade and rainfall that the area receives. Consider installing an irrigation system to help control water usage, or limit watering to early morning or later in the evening so that it has time to soak in before the heat of the day.

Adopting more eco-friendly practices and going green can help with managing costs in the association while also cutting down on unnecessary waste and energy usage. We only have one Earth, so we should be doing all that we can to protect it for generations to come.

—Evercondo

Government Explores Greener Policies

Appliance efficiency standards are coming

BY BRANDON BOSWORTH

Part of the fight for a greener, more energy-aware Hawaii will take place in the legislature and at government agencies.

“This is a primary focus for Blue Planet Foundation,” says Melissa Miyashiro,



Melissa Miyashiro

chief of staff at Blue Planet Foundation.

“We see policy as a critical lever for driving change. Each year, we work to introduce a clean energy and climate policy package at our state legislature.

“At the beginning of the 2019 session, that policy package included measures that increase electric vehicle charging infrastructure in multi-family residential buildings and workplaces, require zero fossil fuel-vehicle sales after 2030, place a ban on coal, explore putting a significant price on carbon, and adopt appliance efficiency standards and building efficiency requirements.

“A number of these bills are still alive at crossover, and we’ll be focused on pushing these measures across the finish line in the coming months.”

Blue Planet also works with the Public Utilities Commission (PUC).

“Most recently, we’ve been actively engaged in the PUC’s performance-based regulation, which has the potential to reimagine the way our electricity utility is compensated,” Miyashiro says. “Rather than a regulatory structure that promotes status quo investments, what if the utility could be compensated for more quickly connecting renewable energy to the grid, customer equity, or reducing greenhouse gas emissions? The performance-based regulation docket is exploring that question.”

“Each legislative session, we play close attention to energy-related legislation that could potentially affect



PHOTO COURTESY BLUE PLANET FOUNDATION

Solar farms play a major role in Hawaii’s move toward renewable energy

our business and our customers,” says Jim Alberts, senior vice president of business development and strategic planning at Hawaiian Electric Company. “Among the measures we have been tracking is legislation to implement a carbon emissions tax and repeal existing fuel taxes.

“The intent of the bill is to be revenue-neutral, but our high-level estimate



Caroline Carl

is that it would add over \$19 million in costs each year to our customers. Any tax should not unfairly burden our customers, nor should it create an uneven playing field for the company

when we are already firmly committed to transitioning our piece of the state’s energy system off of fossil fuels.”

State lawmakers are currently considering House Bill 556, which—according to Hawaii Energy Deputy Director Caroline Carl—“would enable Hawaii

consumers to make the best energy, water and financial choice over the lifetime of the equipment and protect our consumers from ‘dumping’ by manufacturers who cannot sell less efficient products in markets where standards do exist.”

Carl says there is “a strong push” to have Hawaii adopt appliance efficiency standards.

“More than a dozen states have already implemented some form of appliance standards for various equipment, with California, a market leader, paving the way,” Carl says. “As an example, with minimal or no additional upfront cost, these appliance efficiency standards could potentially save households with electric water heaters more than \$200 annually and could save 1,122 GWh over the next 15 years. Standards will also protect Island renters who often have little say in purchasing decisions by their landlords, but who may then bear the brunt of higher electric bills.”

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Have Battery, Will Travel

Hawaii continues to embrace electric vehicles

BY BRANDON BOSWORTH

The move away from traditional gas-guzzlers to electric vehicles (EV) is one component of Hawaii's move toward cleaner energy.

There are more than 7,000 EVs registered in Hawaii, and Hawaii is second in the nation in the number of EVs per capita – trailing only California. The Hawaii Automobile Dealers Association reports that more than half of Hawaii's 70 dealerships are selling electric cars, and a study by the Hawaii Natural Energy Institute (HNEI) estimates there will be 140,000 EVs on the road in Hawaii by the year 2040.

However, there are bumps in the road when it comes to a wider embrace of electric vehicles.

"Our buildings are not necessarily equipped for this growing demand for electric vehicles," says Melissa Miyashiro, chief of staff at Blue Planet Foundation. "As the number of EVs in the state continues to skyrocket, adequate vehicle charging infrastructure remains a concern."

"Residents in multi-family dwellings or condos are often unable to find a place to charge, preventing them from receiving the benefits of EVs. In addition, EV charging during the middle of the day when low-cost solar energy peaks helps the overall energy system, but most workplaces lack such charging infrastructure. Blue Planet Foundation is pursuing policies that would expand Hawaii's existing EV charging requirement to multi-family buildings and workplaces."

"We also need to ensure that new

The demand for EV charging stations in Hawaii continues to grow



PHOTO COURTESY HAWAII ENERGY

Hawaii Energy now offers a Workplace Electric Vehicle Charging Station Rebate Program

and renovated buildings are 'EV ready,' with adequate infrastructure in place to accommodate future EV charging, to avoid costly upgrades later."

To help increase the number of charging stations, Hawaii Energy now offers a Workplace Electric Vehicle Charging Station Rebate Program.

"This effort is a strong push toward getting Island businesses EV ready," says Caroline Carl, deputy director at Hawaii Energy. "We've teamed up with Ulu pono Initiative to offer a limited-time, \$5,000 rebate for the installation of or upgrade to a dual-port Level 2 EV charging station at workplace and apartment/condominium parking lots."

This offer ends on June 30, so Carl says "eligible companies and property managers need to act fast."

Another Hawaii Energy initiative involves working with owners and managers of large commercial properties to upgrade aging electrical power distribu-

tion transformers.

"These significant, behind-the-scenes pieces of equipment run around the clock, providing important power to the building's electrical equipment, but continually consuming energy," Carl says. "Unlike most electronic products—large or small—transformers are designed to run for an estimated 30 to 40 years. This long lifespan means great potential for substantial, cumulative energy savings. Transformers being manufactured today feature advanced technology."

To make transitioning easier, Hawaii Energy offers rebates to help cover the cost of purchasing new energy-efficient transformers.

In addition to these EV-related initiatives, Hawaii Energy is offering a limited time incentive for booster pump upgrades for high-rise buildings. "It's a \$5,000 rebate on the retrofitting of a variable frequency drive (VFD) per system, which is an increase from the customary \$3,000 rebate," Carl says.

"Whether it's an apartment complex, hotel, hospital or dormitory, booster pumps can be tailored to match any system. Retrofitting to the latest booster pump with variable frequency drives not only means sinks, showers and baths operate more efficiently, they also provide 20 to 50 percent-plus savings in electricity usage related to water pumping."





John Hagihara



Tomoko Naka



Angelica Rockquemore



Matt Hom

HHF Planners Promotes Four

Hawaii-based planning and landscape architecture firm HHF Planners recently promoted four staff members: **John Hagihara** to senior associate, landscape architect **Tomoko Naka** to associate, **Angelica Rockquemore** to senior landscape designer and **Matt Hom** to senior planner.

Hagihara's projects include station planning for Biki, Honolulu's new bike-share system and managing NEPA EAs for solar PV energy projects on Oahu and Guam. Currently, he is managing the update of the City and County's Oahu Bike Plan.

Naka has worked on public park, commercial, condominium, resort, housing, institutional, military and

high-end residential projects in Hawaii, Guam, the San Francisco Bay Area and Japan.

Rockquemore is a key member of the firm's award-winning landscape architecture team as well as an experienced staff planner contributing to the firm's core services: facility planning, environmental planning and historic preservation.

Just over three years into his professional career, Hom is already an accomplished planner who has contributed to a diverse range of projects at HHF, including master planning and environmental permitting projects in Hawaii and facility planning efforts for the U.S. Navy.

Perez Heads Business Development at Oahu Extraction

Ruben Perez, an 18-year veteran in the flood and mold remediation and restoration industry, has joined Oahu Extraction LLC as business development director.



Ruben Perez

His background includes positions in claims adjusting, sales and construction, and brings residential and

commercial property loss-adjusting experience that includes nine hurricanes.

"Ruben's dual expertise in claims adjusting and sales combined with his extensive industry knowledge will be a great addition to our rapidly expanding business and a terrific value-added benefit for our clients," says Marco Lima, co-owner of the Honolulu-based flood remediation and restoration services company.

Akau Named President at BCH

Honolulu-based planning, engineering and landscape architecture firm Belt Collins Hawaii (BCH) has named **Aaron Akau** president and CEO.

Akau, previously a vice president and director of landscape architecture, succeeds **Michael Terry**, who has led BCH since 2005 and will remain in an advisory role and continue working and managing various landscape ar-



Aaron Akau

chitecture projects. Akau has been with BCH since 1997, joining the company as a landscape architect. His projects include the Halekulani Resort in Okinawa and the Four Seasons Resort Lanai.

Waikiki Shore Hires Ahlo as Manager

The Waikiki Shore has hired **Randy Ahlo** as association manager.

The 168-unit, oceanfront condominium located at 2161 Kalia Rd.,



Randy Ahlo

includes 120 rental units managed by a variety of companies (Castle Resorts, Outrigger, Captain Cook). Waikiki Shore opened in 1960.

Ahlo, a Saint Louis School graduate, brings with him

43 years in the hospitality industry, managing both restaurants (Hanohanao Room) and hotels (Imperial) as well as hotel-condo combos (Island Colony). Most recently he served as general manager of the Waikiki Yacht Club.



Bye-bye to Parking Fobs

GeoVision has introduced a new line of security cameras that could put an end to the use of fobs for entry into parking garages. This is especially an issue when tenants give away fobs to friends and family. Each presents a potential security risk.

The cameras read license plates—from as far away as 25 yards, and at

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Jeremy Paguirigan, Crystal Vara, Yvette Soares, Karin Villaverde, Max Neves and Kristina DiFazio

HBFPM Expo Time

PHOTOS BY NATHALIE WALKER

Thousands of people involved in the building management industry turned out for the Hawaii Buildings, Facilities & Property Management Expo at the Blaisdell Center Exhibition Hall March 6-7. The expo featured 330 exhibits promoting just about anything a building manager or board could use, as well as a variety of topical seminars.



Merly Maglaya and Richard Furst



TJ Cordero, Roy Spencer and Ward Ogata



Mele Teresa, Tracy Zafranco, Elena Cazinha and Naina Ogden



Lawrence Ching, Audrey Okaneku and Colin Chikamoto



Glen Suzuki, Linda Aganos, Shaunagh Haiola, Suwadee Nitta and Kristi Hirota



Arthur Hayes and Steve Peterson



Jeff Okuhara, Neil Ross, Jeffrey Tong and Jonathan Mosqueda



Dicson Aggabao, Tricia Louie and Ryan Char



Caroline Campos-Maika and Paige Onishi



Nikki Arakawa, Summer Kapana, Kelii Kenney, Dana Akasaki-Kenney and Richelle Thomason



Cleaner Pools, No Chemicals

It may seem counterintuitive at first glance, but it is possible to have a cleaner, bluer pool or hot tub by eliminating chemical usage, thanks to a high-tech device called Pool Tiger.

First, a note about those chemicals. Chlorine is the primary one, and has been used for almost as long as humans have dug holes in the ground and filled them with water to splash about in. Brown University has been credited for being the first to use chlorine to sanitize its swimming pool in 1910.

Ray Seapno of Pool Tiger in Hawaii says that distinctive “chlorine smell”



Ray Seapno

many people associate with pools and spas actually comes from a chemical reaction when chlorine interacts with organic matter such as human skin oil, sweat, fecal matter

or urine. It’s called off-gassing, and can create an irritant for those with asthma. Another basic pool chemical is cyanuric acid, used to keep chlorine in the water. It is a potential carcinogen.

Pool Tiger offers an escape from chemical usage, which is a good and

green thing to do, and on a more immediately practical level, can save a condo association hundreds of dollars.

How does it work?

The process, says Pool Tiger President Keith Morrill, is called hydronamic cavitation. As water flows through the Pool Tiger, water is converted to a vapor, then “collapses” back into a liquid. While in the vapor state, the molecules heat to over 500 degrees Fahrenheit,



Keith Morrill

which converts pool water to “structured water,” which exits the Pool Tiger at the same temperature it entered the device. Impurities, meanwhile, clump together on a molecular level and sink to the bottom of the pool, where they can easily be vacuumed away.

Seapno says the Pool Tiger requires no maintenance or replacement parts, and structured water evaporates more slowly than regular water.

For more information, go to pooltiger.com. Contact Morrill at <mailto:hipatfan@gmail.com>, hipatfan@gmail.com or Seapno at pooltiger808.com.

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vehicle speeds up to 124 mph, depending on the model. When it scans an approved license number, the gate opens. If a vehicle with a non-approved license number approaches, the gate remains shut.

The system includes both entry- and exit-oriented cameras, which allows

security to know which cars are in the garage and which have left.

The company also touts the system’s low-energy requirements and resistance to vandalism.

*For more information, contact **Dustin Rodine** at 949-572-1486 or Dustin@usavisionsys.com*



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During the most recent legislative session, Gov. Ige signed into law SB 2939, Performance Based Ratemaking (PBRM), making Hawaii the first state to have performance-based ratemaking mechanisms on the books.

“The bill essentially requires the PUC to establish the utility model of



Brian Gold

the future by Jan. 1 2020, through linking utility revenue to performance metrics like affordability of electric rates, service reliability and rapid integration of renew-

able energy services, rather than gold-plating capital investments,” says Brian Gold, president of Inter-Island Solar Supply. “Our trade association, the Hawaii Solar Energy Association (HSEA), is an intervenor in this docket.”

Gold adds that “another important regulatory development will be a ruling on the second phase of the Distributed Energy Resources (DER) docket that HSEA is also an intervenor in. Currently, we have five different active interconnection tariffs for consumers to choose from. The DER docket should define a single, long-term, stable tariff that appropriately values the grid services provided by distributed energy resources like solar energy.”



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