

HAWAII CONDOMINIUM BULLETIN



VOLUME 5 NO. 1

Funded through the Condominium Management Education Fund

SPRING 1996

PROGRAM OF WORK FOR FISCAL YEAR 1995 - 1996

This article is excerpted and adapted from a report prepared for the Legislature by the Hawaii Real Estate Commission on the administration of the Condominium Management Education Fund. The programs listed are part of the Commission's program of work, which is an annual implementation of a five-year strategic plan. This article briefly summarizes selected programs of the Real Estate Commission for fiscal year 1995-1996.

Condominium Review Committee: Real Estate Commission standing committee with monthly public meeting at which condominium and cooperative issues are considered. Commissioners Carol Mon Lee and Michael Ching serve respectively as the Chair and Vice-Chair of this committee.

Condominium Mediation and Arbitration Program: Provide alternative dispute resolution services through Neighborhood Justice Center and Mediation Services of Maui.

Hawaii Condominium Bulletin: Newsletter for condominium community.

Condominium Board of Directors' Guide: Consists of brochures on

Fiduciary Duty, Proxies, Sense of Community, Insurance and Fidelity Bonds.

Welcome to Condominium Living Booklet: Develop a booklet "welcoming" new condominium apartment owners and tenants.

Five Year Education and Research Plan: Research, exchange, and develop rollover fifth year.

Condominium Seminars: Sponsor seminars for apartment owners, board of directors, and managing agents.

Condominium Association Budget and Reserves: Continue to analyze and review the budget and reserves law and rules.

Rule Making, Chapter 107: Research, draft, and develop amendments to Chapter 107, Hawaii Administrative Rules.

Rule Making, Chapter 53, Fees: Review and research application and registration fees for the condominium area to ensure that fees charged are in relation to cost of services provided.

Condominium Project and Public Reports: Evaluate the condominium project registration process.

Condominium Association Registration: Administer program.

Condominium Managing Agent Registration: Administer program

Condominium Management Education Fund: Research, development, maintenance, and review of budget, finance, and records of the Condominium Management Education Fund (CMEF).

Advice, Education, and Referral: Provide information to the condominium community. Distribute a copy of Chapter 514A and Chapter 107, to each registered condominium association and condominium managing agent.

Legislative Acts and Resolutions: Review, carry out responsibilities of Acts and Resolutions. Amend public distribution version of Chapter 514A.

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Maui Meeting Planned by Condominium Review Committee

Tentatively planned for Friday, May 10, 1996. All members of the condominium community are invited to attend the Commission's Condominium Review Committee meeting. For time and location, please look for announcements in the news media or call 586-2643.

Members of the Real Estate Commission, the Commission's staff, and the staff of the Hawaii Real Estate Research and Education Center will be present. The meeting will have an agenda and an open forum.

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Letter from the Chair...

Dear Condominium Owners:

As I write this, many associations are planning or conducting their annual meetings. To all newly elected or newly reelected directors and officers, congratulations on your election. I commend you all for your willingness to serve.

To assist you in learning more about condominium governance, this spring, the Hawaii Real Estate Research and Education Center with the assistance of the Hawaii Real Estate Commission, will again present seminars on Oahu and the Neighbor Islands. Please call HREREC for more information. This year's seminars will focus on insurance. I am sure you will find the seminars very informative.

In addition, every year the Condominium Review Committee meets on a Neighbor Island. This year the Condominium Review Committee is planning to hold a meeting on Maui, during May or June, subject to administrative approvals. I look forward to meeting some of you there.

Finally, we welcome Cynthia Yee as the Commission's Senior Condominium Specialist. She served formerly as Director of Condominium Management Education at the Hawaii Real Estate Research and Education Center. Prior to assuming that position, she served as a Real Estate Specialist at the Commission. Welcome back, Cynthia!

Please feel free to write to or call (586-2646 or from the Neighbor Islands, 1-800-468-4644, extension 6-2646) the Commission's condominium specialists.

Very truly yours

Carol Mon Lee,
Chair, Condominium and
Cooperative Review Committee

Bills Propose Two-year Registration for Condominium Associations

Presently, pending bills (HB 3101 (HD1) and SB 2504 (SD1)) would require condominium associations to register every two years, beginning July 1, 1997, with a biennial registration fee of \$25 and a Condominium Management Education Fund fee of \$2 per apartment per year which are identical to present fees.

If such a bill is enacted, this means that associations would register for a six-month period from January 1, 1997 to June 30, 1997 and then for a two-year period from July 1, 1997 on.

In addition, if such a bill is enacted, the Real Estate Commission would set a deadline for submission of applications so that associations would be able to be registered by the July 1st deadline.

Ask the Condominium Specialists

Q. What are reserves?

A. Reserves are money which a condominium board collects regularly from owners to pay large, future expenses which result from the deterioration of the condominium project over time, for example, the costs of repairing or replacing the roof and elevators. A board which does not assess the owners *regularly* for reserves must make periodic special assessments for money to pay for those large expenses.

Q. How does an association know if its reserves are adequate? Is \$1,000 per apartment enough? Is \$500 per apartment?

A. Every condominium is different and has different expenses and reserve requirements. Each board must make a *reserve study* (or analysis) of the project to determine if the association has sufficient reserves. A reserve study requires the board to determine: (i) which parts of the project the association is responsible for (e.g. walls, roof, parking lot); (ii) when they will need replacement, maintenance, or repair; and (iii) how much that will cost.

Example: A board's reserve study indicates that in 10 years the project roof will have to be completely replaced at a cost of \$100,000. At present, the association has no money to do the work. The board must collect at least \$10,000 a year for the next ten years (\$100,000 divided by 10) to ensure that it has a "full reserve" for the roof (i.e. \$100,000 to replace the roof 10 years in the future).

NOTE: The board does not have to collect the full \$100,000, immediately. The board needs to collect only enough to ensure the association has the necessary amount at the end of ten years. For example, if after 5 years the board has collected \$50,000, its roof reserve should be a "full reserve" at that point. The roof will still be 5 years from replacement, so the association will still have 5 years to collect the necessary funds. In 1992, the reserves law was amended to permit an association to set aside a statutory reserve as little as 50 percent of a full reserve and to establish a statutory reserve by January 1, 2000.

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1996 Legislative Update

At this writing, the Legislature is considering several issues of interest to condominium owners. Due to space limitations, only a brief summary of some, but not all of the bills, is being provided. Some of these bills may die. Some may become law. At the end of the Eighteenth Legislature, readers are advised to check the final status of any pending legislation. Readers may do this status check at branches of the Hawaii State Library by using Hawaii FYI.

The pending bills propose the following changes:

- **Attorneys Fees.** HB 3725 would require that reasonable attorneys fees be awarded.
- **Biennial Condominium Associations and Managing Agent Registration.** HB 3103 (HD1) and SB 2504 (SD1) propose two-year registration for condominium associations and for condominium managing agents.
- **Proxies.** House Bill (“HB”) 3241 and Senate Bill (“SB”) 2644 propose to limit the use of quorum only proxies.

- **Flood Insurance.** HB 2542 proposes to make it optional, subject to certain conditions.
- **Reserves.** SB 120, HB 1088, and HB 736 propose to extend the reserves deadline to the year 2003 for associations with at least 25 percent of owners over age 65, subject to certain conditions. SB 2094 would repeal portions of §514A-83.6(g) that exempt certain association bylaws with higher maintenance or reserve standards.
- **Family Child Care Homes.** SB 2003 and HB 2531 would permit family child care homes (less than six children) to be established in residential areas, including condominiums.
- **Condominium Manager Certification.** SB 2649 (SD1) and HB 3242 would require condominium managers employed by condominium managing agents to pass an approved examination.

Amended Real Estate Commission Meeting Schedule for 1996

Condominium Review Committee (10:30 a.m.)

Wednesday, April 10, 1996 – Kapuaiwa Room
Wednesday, May 8, 1996 – Kapuaiwa Room
Wednesday, June 12, 1996 – Kapuaiwa Room
Wednesday, July 10, 1996 – Kapuaiwa Room
Wednesday, August 14, 1996 – Kapuaiwa Room

Real Estate Commission (9 a.m.)

Friday, March 29, 1996 – Kapuaiwa Room
Friday, April 26, 1996 – Kapuaiwa Room
Friday, May 24, 1996 – Kapuaiwa Room
Friday, June 28, 1996 – Kapuaiwa Room
Friday, July 26, 1996 – Kapuaiwa Room

Kapuaiwa and Kuhina Nui Rooms

HRH Princess Victoria Kamamalu Bldg., 1010 Richards Street, 2nd Floor, Honolulu, HI

Subject to change. Please reconfirm dates, times and location with commission staff. Phone 586-2643.

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This publication is an informal interpretation, pursuant to Chapter 16-201, Hawaii Administrative Rules. This publication is not an official opinion or decision, nor should it be viewed as binding on the Real Estate Commission or the Department of Commerce and Consumer Affairs.

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Government and Legislative Participation and Reports: Distribute an annual report to the Governor and the Legislature on the Condominium Management Education Fund, program of work, budget, and mediation program.

Neighbor Islands Outreach: Commission staff to conduct two Condominium Review Committee meetings at a neighbor island site. For the 1995-1996 fiscal year, Kona and County of Maui are the preselected sites.

Interactive Participation with Organizations: Actively participate with Hawaii, national, international,

and Pacific Rim condominium-related organizations.

Condominium Specialists Office for the Day: Operate an office for the day at preselected neighbor island locations.

Condominium Speakership Program: Upon request, a Commissioner or staff member to act as speaker, subject to availability and funds.

Condominium Reference Library: Available at Hawaii State Public Libraries, Neighborhood Justice Center, Mediation Services of Maui, and Real Estate Branch.

Start-up Kit for New AOAOs and CMAs: Research, develop, print, and distribute a start-up kit for all new condominium associations (AOAOs) and new CMAs. To include a copy of Chapter 514A, Administrative Rules, budget and reserves guide, board of director guide or brochures, past Hawaii Condominium Bulletins, etc.

Case Law Review Program: Monitor, collect and report on condominium-related Hawaii case law, federal case law and case law from other jurisdictions.

Education Calendar

This listing reports the availability of some condominium governance related events. The Hawaii Real Estate Commission and the Hawaii Real Estate Research and Education Center **express no opinion** about the quality or content of any event which they do not sponsor; neither should the listing be construed as an endorsement or sponsorship of any event by the Hawaii Real Estate Commission or the Hawaii Real Estate Research and Education Center, unless expressly indicated. Interested parties are advised to conduct their own investigation and formulate their own opinion about these matters. Participants are advised that courses are subject to change, please check directly with the provider about the specifics of a particular event.

Date	Time	Course Title	Location	Provider
3/14	11:30	HCAAO Membership Luncheon Meeting "Pot, Prostitutes and Punks"	Hale Koa Hotel	HCAAO
4/2	6-9:30 pm	Purchase, Ownership and Management of Condominiums	Bus. Adm. Bldg., A102	SBMP
4/13	8am-12pm	"Cable TV for Your Association - The Issues of Affordability, Legality and Staying Abreast of Technology"	Oahu	CAI
4/27		ABC's Course	Oahu	CAI
4/26-28 & 5/3-5/96		ARM 101 Course "Successful Site Management" Cost: \$475.00	Marco Polo	HAC
5/2-4		M100 Course "The Essentials of Community Association Management"	Oahu	CAI
5/11		"The Fair Housing Challenges for Association Leaders"	Oahu	CAI

For full information on the above-listed courses, please call the provider

	Provider	Phone	Address
Alakahi	The Alakahi Foundation	522-5990 (Oahu)	1142 Auahi St. Suite 1806, Honolulu, HI 96814
CAI -	Community Associations Institute Hawaii Chapter	488-1133 (Oahu)	P.O. Box 976, Honolulu, HI 96808
HAC	Oahu ARM Committee	523-6096 (Oahu)	1571 Piikoi St. #506, Honolulu, HI 96822
HCAAO -	Hawaii Council of Associations of Apartment Owners	533-2528 (Oahu)	677 Ala Moana Blvd., Suite 701, Honolulu, HI 96813
IREM -	Institute of Real Estate Management Hawaii Chapter No. 34	737-4000 (Oahu)	1136 12th Ave., Suite 220, Honolulu, HI 96816
CCM -	Condominium Council of Maui	879-8847 (Maui)	P.O. Box 647, Kihei, HI 96753
UH-SBMP -	Small Business Management Program University of Hawaii	956-7363 (Oahu)	2404 Maile Way, Room A-202, Honolulu, HI 96822

Hawaii Real Estate Research and Education Center 1996 Spring Seminar Series

REINVENTING HAWAII'S REAL ESTATE ECONOMY: Ten Things You Absolutely Need to Know to Survive!

Presentation by
Dr. Nicholas Ordway, Chairholder
Hawaii Chair of Real Estate

Among the topics to be covered are: economic trends specific to the island on which the seminar is being presented; how to better use the World Wide Web, and technology traps to avoid; who are the new buyers of real estate products and services, and how to reach them; and risk management techniques that protect the consumer.

- Kauai: April 13, 1996 (Saturday) 1:00p - 3:00p
Kauai Community College Dining Room
3-1901 Kaunualii Hwy, Lihue
- Hilo: April 26, 1996 (Friday) 1:30p - 3:30p
Hilo Hawaiian Hotel, Moku'ola II
71 Banyan Drive, Hilo
- Maui: April 29, 1996 (Monday) 1:30p - 3:30p
Wailuku Community Center
395 Waena St. (Papohaku Park), Wailuku
- Kona: May 9, 1996 (Thursday) 1:00p - 3:00p
Keauhou Beach Hotel
78-6740 Alii Dr., Kailua-Kona
- Oahu: June 14, 1996 (Friday) 6:00p - 8:00p
School of Architecture Auditorium (Rm 205)
UH Manoa Campus, 2410 Campus Rd.
Parking lot: \$3.00 - enter lot from University Ave.

REGISTRATION: NO FEE, however, preregistration is requested to ensure adequate space and materials. Registrations accepted at the door.

SPECIAL ACCOMMODATIONS: If you have a special need related to a disability, please call the Center to let us know how we may accommodate you.

Presentations by the Hawaii Real Estate Research and Education Center, College of Business Administration, U.H.

The Center is supported in part, by the Real Estate Education Fund and the Condominium Management Education Fund, Hawaii Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii, Trustees

SEMINAR REGISTRATION

PLEASE COPY FORM THEN PRINT OR TYPE:

NAME _____

ORGANIZATION _____

ADDRESS _____

PHONE _____

PLEASE be advised: No registration confirmation will be sent to you.

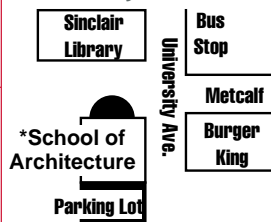
Your are advised to keep a copy of your registration form. Mahalo!

CONDOMINIUM INSURANCE and FIDELITY BONDS: Insuring Your Condominium Association's Property and Assets for the 21st Century!

This seminar is designed to familiarize condominium board of directors and owners with the subject of association insurance. The seminar will include an overview of association insurance, suggestions for establishing and evaluating the adequacy of an association's insurance program (including checklists to assist the process), regulatory insurance requirements, types on insurance policies, and suggestions for choosing professionals to assist with developing an adequate association insurance program.

The panel of presenters may include Insurance professionals, regulatory representatives and condominium managing agents and board members.

- Kauai: April 13, 1996 (Saturday) 9:00a - 12:00p
Kauai Community College Dining Room
3-1901 Kaunualii Hwy, Lihue
- Maui: April 20, 1996 (Saturday) 9:00a - 12:00p
Maui Beach Hotel, Longhouse
170 Kaahumanu Ave., Kahului
- Kona: May 11, 1996 (Saturday) 9:00a - 12:00p
Keauhou Beach Hotel
78-6740 Alii Dr., Kailua-Kona
- Oahu: June 1, 1996 (Saturday) 9:00a - 12:00p
School of Architecture Auditorium
(Rm 205), UH Manoa Campus,
2410 Campus Road
Parking lot: \$3.00, enter lot from
University Ave.



NO CONTINUING EDUCATION CREDIT: These programs are NOT designed as continuing education courses.

Questions? Call the Center on Oahu: 956-7892 or toll-free – neighbor islands: 1-800-642-4756

PLEASE REGISTER ME FOR THE FOLLOWING:

REAL ESTATE SEMINAR:

- Kauai: 4/13/96
- Hilo: 4/26/96
- Maui: 4/29/96
- Kona: 5/9/96
- Oahu: 6/14/96

CONDOMINIUM SEMINAR:

- Kauai: 4/13/96
- Maui: 4/20/96
- Kona: 5/11/96
- Oahu: 6/1/96

PLEASE MAIL COMPLETED FORM TO:

Hawaii Real Estate Center
2404 Maile Way, B-201
Honolulu HI 96822