



**Hawaii Council of Associations
of Apartment Owners**
DBA: Hawaii Council of Community Associations
1050 Bishop Street, #366, Honolulu, Hawaii 96813



August 22, 2017

Hon. Kimberly Marcos Pine, Chair
Hon. Ikaika Anderson, Vice-Chair
Committee on Zoning and Housing
Honolulu City Council

Re: Testimony (with comments) re Bill 17, CD1 Relating to Building Inspections
Hearing: Thursday, Aug. 24, 2017, 9 a.m., Committee Meeting Room

Chair Pine, Vice-Chair Anderson and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO dba HCCA). This organization represents the interests of condominium and community association members.

We are aware that this bill was introduced to address what occurred at Ala Moana Center at the end of last year when the railings failed and a visitor to the shopping center fell to his death. Somehow, because of that tragedy, this bill was introduced and affects all high-rise buildings, including condos and co-op buildings who have reserve studies that require them to maintain and repair their buildings on a regular schedule, which includes a building envelope inspection¹ every 7-10 years when the building needs to be painted.

HCCA submits that these building envelop inspections that occur at least once in a 10-year period for high-rise buildings should result in an exemption for those buildings from the requirements of this ordinance.

We also agree with and support the amendment to increase the applicability of the ordinance and the reporting time to 10 years. We suggest that the bill clarify that (i) it will apply to all buildings whether commercial or residential that are three or more stories; and (ii) it will not apply to wooden buildings that are three stories or less. We also suggest that the definition of a "Professional" include a licensed painting

¹ Before a concrete building can be painted, a licensed painting contractor will survey the building to find any cracks in the building's exterior wall so that it can be repaired before it is painted. The survey requires the installation of scaffolding and the cost is tens of thousands of dollars. The survey is usually verified by the signature of the painting contractor.

contractor or a general contractor because many if not most times, the professional who does the building envelope inspection is not a professional engineer.

The 10-year time frame for reporting is consistent with the time that reserve studies required by HRS 514B-148 typically use in scheduling the painting of a high-rise building, and this work requires inspection of the exterior of the building, including the concrete lanai slabs, for spall repairs², which have to be done prior to painting the building. The inspection of the building exterior and lanai slabs would be done not by a design professional or an engineer, but by a licensed painting or general contractor, and if the association has to pay the contractor to prepare the report required by this bill, the cost to do so should be minimal or at no cost. The inspection prior to painting the building could also require an inspection of spalling on windows³ since all spall repairs need to be done before the building can be painted.

The bill needs to be amended to clarify that if a building undertakes repairs or renovations that require inspection of the building envelope (i.e., exteriors walls) by a professional, that the professional can complete its report and file it with the City and that filing will “reset” the 10-year deadline. That way, the building will not have to hire or engage a professional at great expense just to prepare the report required by this bill. One of the greatest concerns that I have heard in connection with this bill is that associations will have to hire an engineer just to so the report required by this bill and that will be very expensive.

Also, the report should be a City form – possibly a 1-page template prepared by DPP that would require the professional to check off boxes and leave a space for explanation or description of any unsafe condition. By providing a template with the information requested, it will be more efficient for the DPP and for the professional who has to complete the report. Also this will reduce the cost to the Association since the professional will not have to produce the report from scratch. The report should be signed by a representative of the Association, i.e., a board officer or an employee of the managing agent, and the professional⁴. The form should be a form that can be prepared and filed on line just like applying for a permit can be done online.

In Sec. 16-___5 “Unsafe Conditions” in (a) and (b) the times specified to take action is too short. In (a) the requirement is “within 24 hours” of being notified of an unsafe

² This would occur even if the “lanai” did not constitute a common element in the condominium declaration’s definition of an apartment unit in the building.

³ Some buildings have experienced spalling around the window frames that result in windows becoming dislodged and “falling out” of the building.

⁴ Section 16-___4(b) (15) delete reference to a “seal” since the filing will be an online filing and some Professionals so not have seals.

condition . . . In condominiums, the Association needs to act through its Board of Directors. Even with email and an emergency board meeting by phone, a Board would be hard-pressed to be able to comply with the 24-hour requirement in (a). In (b), the time there would require an owner to “commence work” within 10 days of the receipt or filing of a report. I know from experience that if the repair involves spall repairs to fix lanai railings or loose windows, there is no way that the work would “commence” in 10 days. The first time we had to do spall repairs because a piece of concrete fell off the building, it took us about 4 months to complete a survey of the building (300 units, 23 stories) and then another 3 months for Wyss Janney to prepare the specs for the repairs and then another 60 days to get a contractor and begin the repairs. With all the development that’s currently happening in Kakaako and elsewhere, it may take even longer to get a contractor to do the repairs.

For the reasons specified above, we ask the Committee to defer action on this bill. Thank you for allowing me to testify on this very important matter.


Jane Sugimura
President