



Newsletter

March 2023

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1 President's Message



I say it nearly every month: There's a lot going on at the Waikiki Banyan. There's the Rec Deck reconstruction (see the separate committee report for details), the elevator replacement project (bids expected this spring), all of the maintenance projects large and small that G.M. Jack describes in his monthly report, some contract renegotiations, the start of the 2024 budget process (which takes more than half a year to work through) and so much more.

Luckily, we have a good staff, and if I may say so, a good Board that puts in countless volunteer hours.

Another big thing is legislative oversight. In our legislative update report, we'll talk briefly about bills put forth at both the State and County level that could have quite an impact on the Waikiki Banyan.

March and April are turning out to be very busy months. We'll keep you posted through this newsletter and emails as necessary. Please get involved. Attend Board meetings via Zoom from home or the 3rd floor office conference room. Help make the annual meeting happen by sending in proxies (it's not quite too late). We welcome questions, comments, and suggestions; simply email info@waikikibanyan.org.

---Bob Newell, President

2 Treasurer's Report



Treasurer (Snapshot) Report:

Jan. 2023 & 2023 YTD Snapshot of Financials:

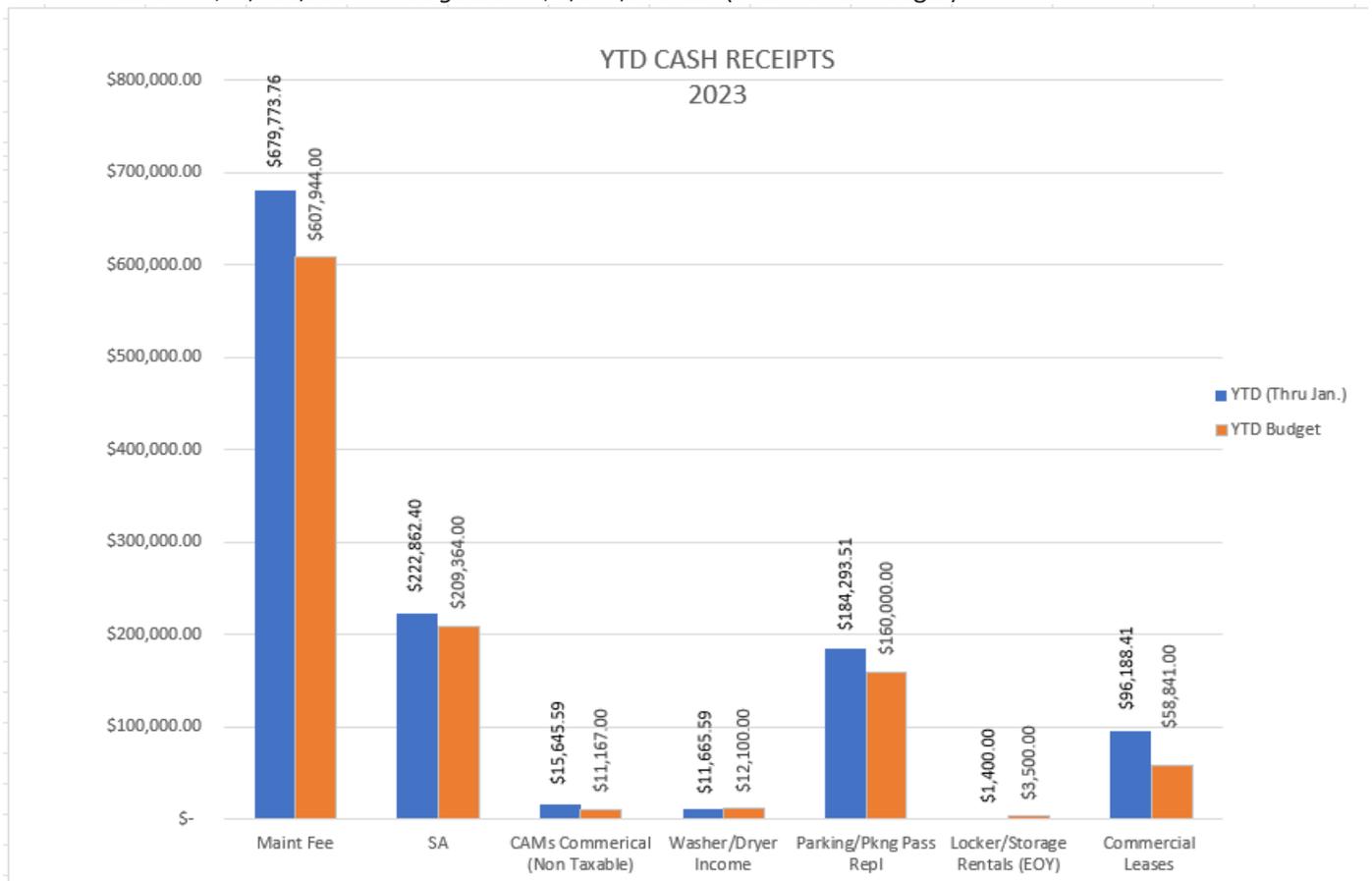
Cash Receipts:

Jan. Cash Receipts:

Actual = \$ 1,266,688.21 Budgeted = \$1,072,350.00 (118.1 % to Budget)

YTD Total Cash Receipts:

Actual = \$ 1,266,688.21 Budgeted = \$1,072,350.00 (118.1 % to Budget)



Cash Disbursements (Expenses):

Jan. Cash Expenses:

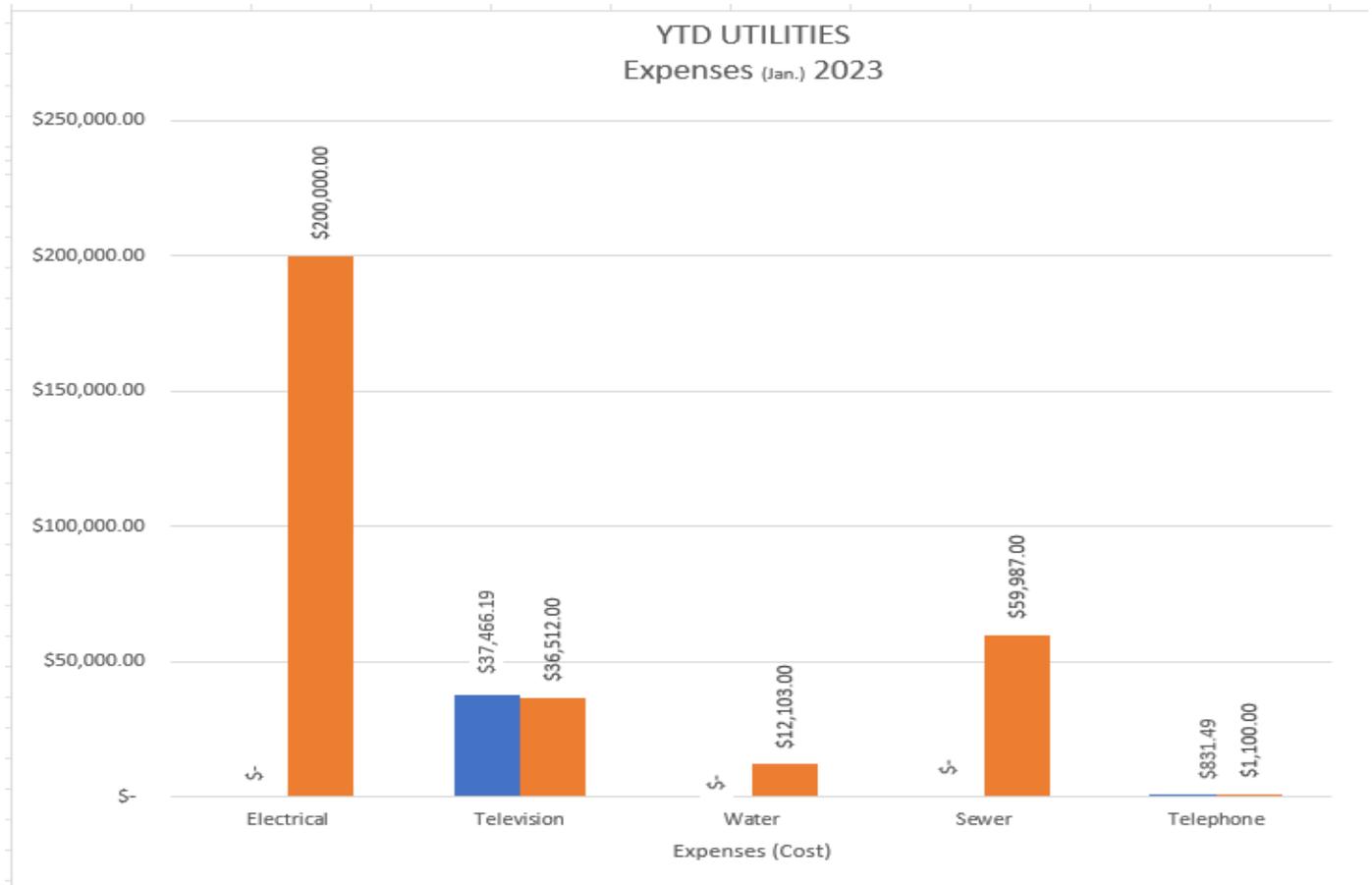
Actual = \$372,905.82 Budgeted = \$ 922,698.56 (40.4% to Budget) (59.6% under)

Note. Percentage off due to timing on expense bills for Electrical, Water & Sewer

YTD Total Cash Expenses:

Actual = \$372,905.82 Budgeted = \$ 922,698.56 (40.4 % to Budget) (59.6% under)

Note: Percentage off due to timing on expense bills for Electrical, Water & Sewer



Operating Surplus/Deficit: (Cash Receipts – Cash Disbursements)

YTD Total Operating \$'s:

Actual = \$ 893,782.39 Budgeted = \$ 149,652 (592.2 % to Budget)

Note: These figures are skewed this month, since we are missing 3 major expense bills (electrical, water & sewer)

Total AOA (WB) Cash + Reserves:

YTD Totals:

Actual = \$ 11,742,323.81



TREASURER'S REPORT
WAIKIKI BANYAN

CURRENT MONTH SUMMARY

JANUARY 2023

INCOME	Actual	Budget		Variance
Non-Taxable Receipts for the month:	\$963,934	\$834,975	✓	\$128,959
Taxable Receipts for the month:	\$302,754	\$237,376	✓	\$65,379
TOTAL RECEIPTS for the month:	\$1,266,688	\$1,072,350	✓	\$194,338

EXPENSES				
TOTAL OPERATING EXPENSES for the month:	\$327,906	\$922,699	✓	-\$594,793

There is a net operating **SURPLUS** of: ✓ **\$938,782**

Utilities:	\$38,298	\$309,702	✓	-\$271,404
Contracts:	\$148,404	\$253,955	✓	-\$105,551
Building Maintenance:	\$36,706	\$24,305	✗	\$12,401
Administration:	\$1,079	\$16,098	✓	-\$15,019
Professional Services:	\$23,584	\$22,087	✗	\$1,496
Payroll and Benefits:	\$105,352	\$78,435	✗	\$26,918
Other Expenses:	\$19,483	\$218,117	✓	-\$198,634

*significant variances are listed on the attached report

BANK BALANCES

Operations Accounts balance is:	\$753,374
Reserve Accounts balance is:	\$10,988,949
Restricted Cash balance is:	-\$150,297
TOTAL Cash and Reserves balance is:	\$11,592,026

YEAR-TO-DATE SUMMARY

JANUARY 2023

INCOME	Actual	Budget		Variance
Non-Taxable Receipts for the year	\$963,934	\$834,975	✓	\$128,959
Taxable Receipts for the year	\$302,754	\$237,376	✓	\$65,379
TOTAL RECEIPTS YTD:	\$1,266,688	\$1,072,350	✓	\$194,338

EXPENSES				
TOTAL OPERATING EXPENSES YTD:	\$327,906	\$922,699	✓	-\$594,793

YTD, we are ✓ **\$938,782** under budget on regularly budgeted items.

Utilities:	\$38,298	\$309,702	✓	-\$271,404
Contracts:	\$148,404	\$253,955	✓	-\$105,551
Building Maintenance:	\$36,706	\$24,305	✗	\$12,401
Administration:	\$1,079	\$16,098	✓	-\$15,019
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Payroll and Benefits:	\$105,352	\$78,435	✗	\$26,918
Other Expenses:	\$19,483	\$218,117	✓	-\$198,634

Capital Expenditures YTD:	\$142,047	\$7,726,298	✓	-\$7,584,251
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--Mo Schreiber, Treasurer

3 Recreation Deck Committee Report



The Rec Deck Committee met on February 3, 2023 to review and discuss tile finish selections for the swimming pool and hot tubs, as well as a possible logo option for the swimming pool. Tile finish selections for the swimming pool and hot tubs have subsequently been approved by the Board.

Our consultant, Arne, and CDS (Architect) continue to meet with the DPP and WSDD to review and discuss the architectural and FF&E elements as well as construction document submittals. We are waiting to receive any updates, including comments from DPP and WSDD, to determine next action steps as the DPP and WSDD have very strict guidelines that must be met.

Refinements will continue to be made for the FF&E (fixtures, furniture and equipment) as we narrow down options and finish selections that best meet durability, maintenance, wind, and budget requirements and bring back final selections/option back to BOD for approval.

As a reminder, the majority of this “repair and replace” Rec Deck project consists of critically important structural repairs and drainage improvements. The goal is to ensure structural soundness, meet current ADA and local codes, and bring the 6th floor recreation deck back to a better version of its original appeal with updated FF&E.

Timing and project schedule is primarily dependent on permit review and approval by the DPP, given DPP’s backlog, it is difficult to determine and advise of the timeframe.

Once DPP and WSDD signs off, the project will go out to bid and final pricing will be submitted for committee and board review and approval. At that point, an updated project schedule will be created and shared with owners and tenants.

--Linda Sahara, Director; Mo Schreiber, Treasurer

4 GM's Report



PROJECT SUPPORT:

Partially and Completed Projects:

Lanai Decks at Units T1-608, T1-610, and T1-612 (Completed)

Ball Valve Replacement Heat Pump #2 Tower 2: The ball valves on heat pump #2 are not able to be fully closed and need to be replaced. (Complete)

Carpet Cleaning: Spot treatment to be completed by end of December. (Complete)

Playground Slide Repair: Blocked off the slide on 08 Nov. No response from a referred local vendor, so looking at fabricating a part as the solution. (Complete)

Tower 2 Heat Pump #3 Heat Exchanger – In progress ETC 27 Dec 2022. (Complete)

Patch BBQ Block Work: 90% Completed and estimated completion for end of December. (Complete)

Projects under review with DPP with no changes/Projects with no changes:

Recreation Deck: (rec deck structural study, surface review, design/drawing, documentation, permitting and SOW). Restrooms project and Deck/Garage project have been submitted to DPP. Project team is working on Project Manual and specifications as we wait for comments from DPP.

Recreation Deck Pool Design Build: The preliminary pool design drawings have been received.

Recreation Deck Replacement of Tennis Court Fence: - This is still pending permitting process and quotes have been submitted to obtain permits for this “barricade” fencing to meeting DPP emergency repair permit requirements. Replacement of Tennis Court Fence will be included in the rec-deck renovation.

NOTE: With NO fencing on the Rec Dec – we are unable to allow any type of playing that includes a ball (Soccer/Tossing, kicking, playing with balls or any flying object in this area for Safety reasons). Thank you in advance for complying with security when stopped for these types of activities.

Recreation Deck Playground Equipment: Vendor selected for the design and construction of the new play equipment, Contract has been signed and executed. Rec-Deck Committee has selected color and model.

Storm Drain Replacement / Perma-line repair: Board of Directors approved the proposal to proceed to design and permitting. The design phase is complete.

Elevator Machinery Room top-level roof Replacement. This Project is Complete. Waiting for final invoice and close out documents.

Fire Pump Replacement: Vendor has been selected for the design and permitting, once design and permitting is complete the project will go out for BID.

Elevator Modernization: The elevator modernization scope of work is in progress; Pre-BID walk Completed 11 January 2023. BIDS return date has been delayed due to some additional electrical code requirements. Once I have more firm dates I will update accordingly

Ongoing Projects:

Elevator Modernization: The elevator modernization scope of work has been completed. *(Pre-bid walk through took place 11 January 2023 at 1000 am.)* BIDS are expected back to the Elevator consultant later in March or early April. Once BID Proposals are reviewed for accuracy and completeness they will be forwarded to the Board of Directors for consideration.

Commercial Space Electrical Meter Upgrades: Project has commenced Infrastructure installation complete. One of the meters failed, and now waiting on replacement meter, estimated delivery date 01 January 2023. *(Complete)*

Porte Cochère Column Repair: Project has commenced Pillar planks being manufactured. Pillar planks have been removed. Material has been procured estimated material arrival date 09 February 2023.

Trash Compactor Replacement -Tower 1: 12-to-16-week lead time for materials / Estimated Delivery March 10.

Lanai Spalling Repair: The next round of Lanai spalling has been approved by the board of

Directors, contract has been signed and executed. Below is the month of March Lanai Repairs. Owners and agents all have been notified via email. This work is being performed Monday to Friday's from 9am to 5pm. Please expect some noise as these repairs happen.

- Mon 27 Feb to Fri 3 Mar 2023
Units: 2-3707, 2-3703, 2-3701, 2-3609
- Mon 5 Mar to Fri 9 Mar 2023
Units: 2-3512, 2-3509, 2-3413, 2-3411, 2-3401
- Mon 13 Mar to Fri 17 Mar 2023
Units: 2-3310, 2-3306, 2-3305, 2-3212, 2-3113, 2-3110
- Mon 20 Mar to Fri 24 Mar 2023
Units: 2-3108, 2-3014, 2-3102, 2-3011, 2-3001
- Mon 27 Mar to Fri 1 Apr 2023
Units: 2-2911, 2-2909, 2-2907, 2-2905

Lanai Spalling Inspections – 351 lanais have been inspected / 39% complete / 110 with spall 241 without spalling issues / 44% of units have spall issues / First 2 floors (2-38 and 2-37) are scheduled for 06 Feb inspection. *The AOAO only Got into 5 units of the 18 that were scheduled, even after confirmation from managing agents.*

Ongoing Maintenance Projects:

Bike Rack storage areas - Notice of Violation: The last item left to correct for the Notice of Violation is to move the surfboard racks from A-1 parking area to the new bike storage area and we are waiting for permits to process.

Parking Garage: Notice of Violation: – As of July 2022, according to the DPP website, the plans are still in review.

Applied for Yearly Elevator Inspections: Inspection request accepted just waiting on being assigned an inspector / Emailed about this inquiry on 13 Dec 2022.

Spare Heat pump Heat Exchanger – Lead time of 6 months / in week 8.

Painting Perimeter Chain and Posts: Waiting on material and is 30% completed.

Painting and Cleaning Perimeter of Building: In progress and ongoing.

Painting and Cleaning the Parking Garage: Cleaned and painted the yellow traffic lines in the garage. In process of scheduling ongoing maintenance.

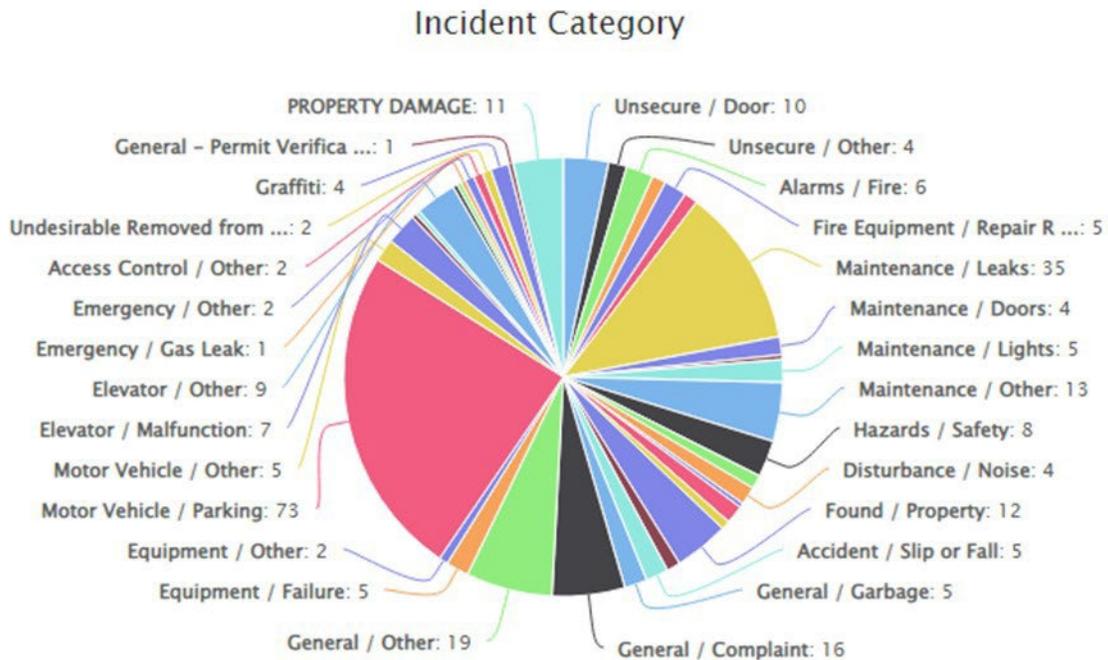
Rooftop Bracket Support Replacement: Waiting on a back-order part with no ETA.

5th Floor Tower 2 Fire Box – ETA 4 weeks at the earliest / ETA 14 Mar / We are in week 10
Order is delayed due to a company changeover.

Rooftop Bracket Support Replacement - Waiting on a back-order part with no ETA.

Laundry Room Tile replacement: In the process of seeking proposals for tile replacements in the laundry rooms. Received one proposal from a contractor. AOA is looking at the cost to do in house.

Parking Garage Mirrors: Installing mirrors for the parking garage to help mitigate traffic incidents.



Security Incidents

ADMINISTRATION/FINANCE/PERSONNEL

LANAI INSPECTIONS: There are still have many units to inspect. If you have not had your lanai inspected, please contact info@waikikibanyan.org to schedule. We are only just over halfway through.

YEARLY POOL maintenance dates have been set for May 2023: The May 2023 Pool & Spa maintenance schedule is below, if it is completed early, we will send a notice to all agents and owners.

Pool maintenance will commence May 7th, 2023.

- The pool will be closed from May 8th to May 18th, 2023.
- *POOL OPENS THURSDAY May 18th at 8am*

- The Spas will be closed Monday May 8th to Thursday May 24th, 2023.
- *SPAS OPEN SATURDAY May 24th at 8am*

During this period, the yearly pool/spa maintenance will be performed. The decking around the Spa area will be fixed as needed. All tiles throughout the pools will be checked for loose/cracked and sharp edges.

General Managers Corner

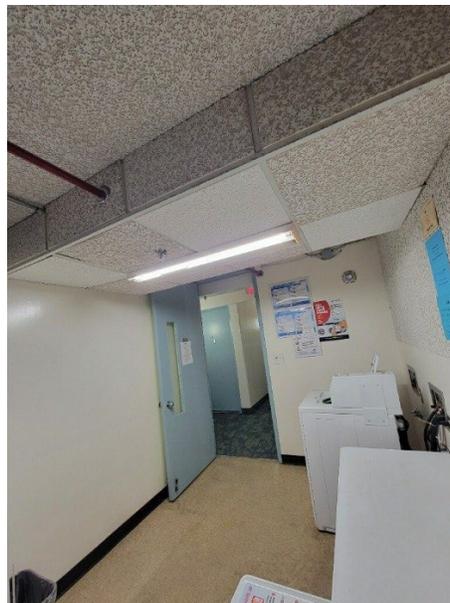
1-608/1-610/1-612: Lanai Spalling Repair: Final steps in the “Garage Spalling Project” repairs for the building. NOTE: It is important to be watching your lanais for any cracks/chips or missing concrete...For those that STILL HAVE NOT scheduled in their lanai inspection – please contact the AOA Office ASAP. Below is the before and after pictures for your reference.



Tower 2 Trash Room Door Replacement: Below Joey (one of our seasoned Maintenance crew) is using the installation of the trash door as a learning opportunity for Jordan, who is the newest member of our maintenance team.



Ceiling Tile Repair – Part of maintenance of the building is replacing ceiling tiles. Here is some that Kalau, our Maintenance Supervisor had replaced in a laundry room.



Annual Fire Safety Inspection - Our annual building fire safety inspection was completed a couple of weeks ago. We only had a few minor issues, that we had previously identified and fixed ASAP. Here are some of the hoses we replaced, as they were due to expire.



Slide Leg Bracket Repair: Our equipment is getting a lot of fun use from the children that play here at the banyan. We have made repairs in order to keep those kids safe as they enjoy the playground.



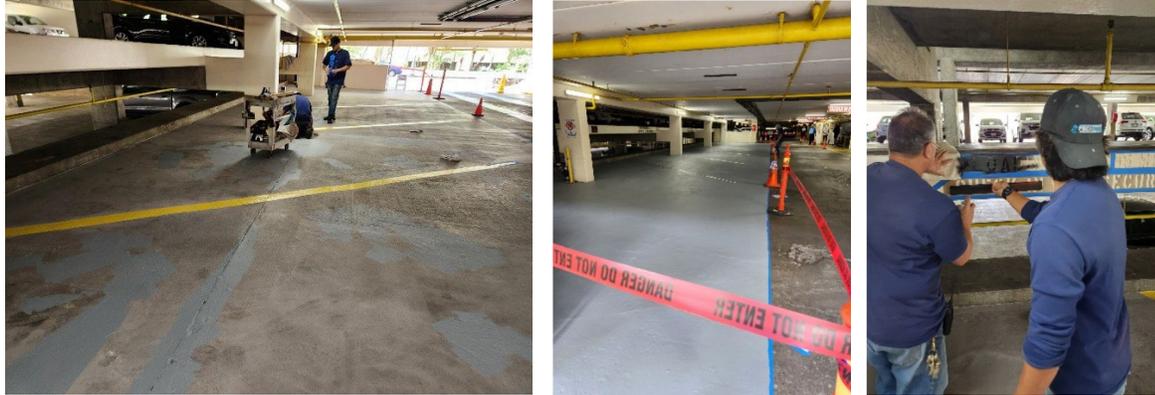
Maintaining Emergency Exit Lights: Electronics burn out. We constantly make sure to keep safety in mind. We repair and replace the exit lights as soon as we know about them. Here Joey and JR are re--replacing an old emergency exit light.



Chicago Cartridge Replacement: An update to the building plumbing - we started replacing the shutoff valves in the laundry rooms. These valves allow us to shut the water off locally without disturbing guests in those stacks. On the top is the old brass valves and on the bottom is the new ceramic cartridges that we are using now.



New Loading Parking Zones – In order to be ready for the new parking rules rolled out on March 1st, 2023 We have created a “NEW” loading area located on the right side as your drive into the garage entrance. Our maintenance team painted and labeled the 5 parking spots at the garage entrance.



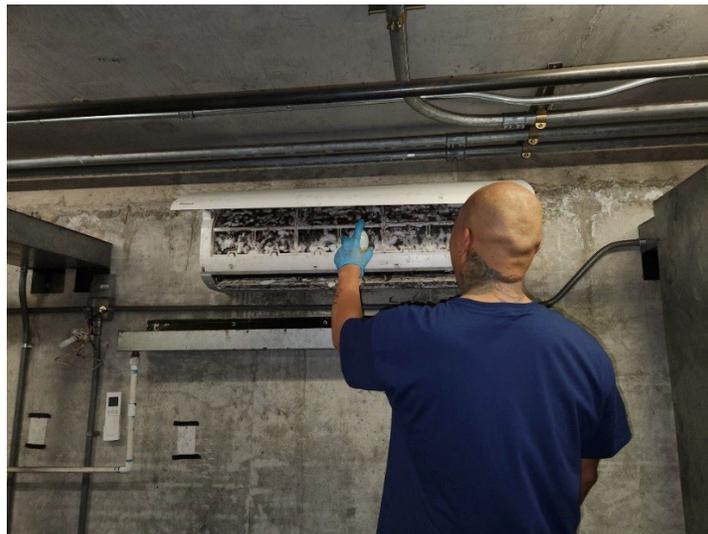
Grinding down uneven sidewalk: Sometimes the sidewalks settle and become uneven. The Paoakalani garage pedestrian exit, was one of the areas the team fixed.



Fire Sprinkler Maintenance – We had a few sections of the fire sprinkler lines replaced to stay up to State Fire codes. This is to keep everyone safe! Here is Joey painting the replaced pipe.



Proper AC Maintenance: Even at the maintenance shop we have to perform proper maintenance on our AC systems. Here is JR cleaning the split units that keep our elevator operating systems cool.



--Jack Johnson, General Manager

5 Quorum for Annual Meeting – Reminder



2023 ANNUAL MEETING RESCHEDULED

Please see below for an update on the annual meeting. There is also an updated proxy.

If your proxy was turned in for the original meeting it will transfer to the March meeting. Please do not submit the new proxy.

We've also included an information sheet, "Understanding the Proxy". We hope this is helpful.

Please help us have an annual meeting this year by returning your proxy today. We need about 80-90 more proxies and right now the percentage is 41%.

We make it easy for you to return your proxy one of the following ways:

Send by USPS to:

Hawaiiana Management Co, Ltd.
Attn: Kacie G, 711 Kapiolani Blvd STE 700
Honolulu, HI 96813

Email to: kacieg@hmcmt.com

Take a photo of the proxy with your phone and send it to Kacie at the above address.

Drop it off at the AOAO Office

FAX to (808) 593-6333

If you've returned your proxy, thank you! If you haven't, please do so today. If you have questions or want help please contact me at info@waikikibanyan.org and I'll give you a call.



Hawaiiana Management Company, Ltd.
 Pacific Park Plaza, Suite 700
 711 Kapiolani Boulevard
 Honolulu, Hawaii 96813
 Fax: (808) 593-6333
 Internet: www.hmcmgt.com

***** IMMEDIATE ACTION REQUIRED *****
 If you do not plan on attending the Annual Meeting, complete and submit the enclosed proxy immediately to ensure quorum is established and to save the Association money by avoiding additional mailings.

**NOTICE OF CONTINUED ANNUAL MEETING
 ASSOCIATION OF APARTMENT OWNERS OF
 WAIKIKI BANYAN**

NOTICE IS HEREBY GIVEN that the Continued Annual Meeting of the Association of Apartment Owners of Waikiki Banyan has been called and will be held on:

DATE: March 16, 2023
TIME: 2:00 p.m. (Registration begins at 1:00 p.m.)
PLACE: On Site Recreation Deck (6th Floor)

A G E N D A

- a) Roll Call
- b) Proof of notice of meeting
- c) Reading of minutes of preceding meeting
- d) Report of officers
- e) Report of committees
- f) Election of inspectors for election
- g) Election of directors
- h) Unfinished business
- i) New business

The Notice and the Annual Meeting Packet was sent to all owners on November 18, 2022 for the original meeting date of February 16, 2023; however, due to a lack of quorum, this meeting is a continuation of the February 16, 2023 meeting. Some owners have already returned their proxies; these owners will not be receiving a new proxy. If your proxy has been received by our office, that proxy is still valid; you do not need to complete a new proxy.

There are nine (9) Directorships to fill. Nominations may be made from the floor.

Only owners of record as shown on the Association's books as of the close of business on March 15, 2023 or their designated proxy holder shall be entitled to attend and vote at the meeting. A photo I.D. may be required.

All owners are encouraged to attend the meeting. However, whether or not you currently plan to attend the meeting, please complete and **SIGN** the enclosed proxy and return it immediately in the stamped, pre-addressed envelope that we have provided. This will help to ensure that a quorum will be present so Association business may be transacted. Please remember that if we fail to have a quorum, the meeting will have to be rescheduled and the Association will incur additional expenses for a THIRD mailing.

NOTE: PURSUANT TO STATE LAW, PROXIES WILL NOT BE VALID UNLESS COMPLETED AND RECEIVED BY THE ASSOCIATION SECRETARY OR MANAGING AGENT, HAWAIIANA MANAGEMENT COMPANY, LTD., NO LATER THAN 4:30 P.M., MARCH 14, 2023. YOU MAY FAX: (808) 593-6333, E-MAIL: KACIEG@HMCMGT.COM, OR POSTAL MAIL YOUR PROXY TO US. PREVIOUS PROXIES THAT WERE SUBMITTED ARE STILL VALID.

BY CALL OF: Bob Newell
 President
 BY: [Signature]
 Jon A. McKenna
 Management Executive

Date of Notice: February 21, 2023
 Enclosures: Proxy and Return Envelope.

**ASSOCIATION OF APARTMENT OWNERS OF WAIKIKI BANYAN
PROXY**

Note: (Please check **only one** of the following boxes. This proxy will be valid only for the above meeting and adjournments, may be revoked prior to its exercise, and shall be returned upon request if you attend the meeting and wish to vote in person. If you are not present at the meeting, this proxy designates your proxy holder as your substitute for any proxies assigned to you unless you designate another substitute in writing subsequent to this proxy. If this proxy is assigned to someone other than the board of directors and that person's substitute fails to attend the meeting, this proxy shall revert to the board of directors to be cast solely for the purpose of establishing a quorum.)

The undersigned, being the owner(s) of the apartment(s) shown below, does hereby constitute and appoint

The Board as a whole, to be voted on the basis of the preference of a majority of the Directors present at the meeting.

The Directors present at the meeting and the vote to be shared with each Director receiving an equal percentage.

The individual whose name is printed on the line next to this box.

as the undersigned's attorney and agent, with full power of substitution, to act in the undersigned's name, place, and stead, and to vote as the undersigned's proxy at the **Continued Annual Association meeting to be held on March 16, 2023** and at any and all adjournments thereof, for the transaction of any and all business that may properly come before the meeting, including the election or re-election of directors, according to the proportional interest in the common elements that the undersigned would be entitled to vote if then personally present, hereby revoking any proxy or proxies heretofore given, and ratifying and confirming all that said attorney and agent may do by virtue hereof.

or

For quorum purposes only.

In the event that a proxy is returned with no box or more than one of the boxes checked, the proxy shall be counted for quorum purposes only.

This proxy is valid only for the meeting cited above and any and all adjournments thereof. If I/we attend the meeting in person, I/we may request a ballot to vote in person thereby voiding this proxy (if not previously exercised). Receipt of notice of said meeting is hereby acknowledged.

PRINTED NAME(S) OF OWNER(S) [REQUIRED BY LAW]:

SIGNATURE(S) OF OWNER(S) [REQUIRED BY LAW]:

UNIT NO(S). _____
[REQUIRED BY LAW]

DATE SIGNED: _____
[REQUIRED BY LAW] Do not post date.

Sign and print your name as it appears in the Association's records, and provide your unit number(s) and the date. Persons signing in a representative capacity (personal representatives, executors, administrators, trustees, guardians, conservators, partners, members of a member-managed LLC, managers of a manager-managed LLC, and corporate officers) are to add their titles and, if requested, are to submit evidence of their authority to act in that capacity.

For this proxy to be valid, the proxy must be received by the Association's Managing Agent or Secretary no later than 4:30 p.m., on **March 14, 2023**. Proxy may be faxed to (808) 593-6333 or emailed to kacieg@hmcmtg.com.

IF NOT PROVIDED PRIOR TO OR TOGETHER WITH THE NOTICE OF MEETING, I WISH TO OBTAIN A COPY OF THE ANNUAL AUDIT REPORT REQUIRED BY HAWAII REVISED STATUTES §514B-150.

Date Received _____ by Managing Agent/Board Secretary

UNDERSTANDING THE PROXY

WHAT IS A PROXY?

A proxy permits the member to assign his or her vote to someone else, in the event that the owner cannot be present to vote in person. The proxy holder should be someone the member trusts.

WHY IS THE PROXY IMPORTANT?

Your proxy is used to help establish quorum for the meeting. A quorum must be established for any business to be conducted.

WHAT SHOULD I DO WITH THE PROXY?

Complete the proxy and mail, email or fax it back as soon as possible, even if you are planning on attending the meeting. You can always get it back, if you attend the meeting, you will be issued a ballot to cast your own vote. In addition, returning your proxy can save your association money by eliminating the need for additional mailings to establish quorum.

A brief description of each proxy option has been noted below to assist you in completing your proxy.

- ❖ The Board as a whole, to be voted on the basis of the preference of a majority of the Directors present at the meeting.
 - **If you check this box, you wish to assign your ballot to the Board members present at the meeting. This will allow the Board members to cast your vote.**
- ❖ The Directors present at the meeting and the vote to be shared with each Director receiving an equal percentage.
 - **If you check this box, your vote will be divided and assigned to each Director present. This allows the Board members present to cast an equal percentage of your vote.**
- ❖ The individual whose name is printed on this line (to be used as quorum if absent).
 - **If you check this box, you MUST name the individual you are appointing to cast your vote.**
- ❖ For quorum purposes only.
 - **If you check this box, you want the meeting to be held, but do not want anyone to vote for you.**

To ensure you are returning a valid proxy, the following is required to be completed:

1. Select **one** of the proxy options on the "PROXY" form
2. Print and sign as legal owner(s)
3. Enter the owned lot number(s)
4. Date and return to managing agent by the deadline specified

6 Legislative Report



A number of bills are on our radar at this time both at the State and County level.

City & County

- Bill 4

This bill is intended to create a separate property tax category for short-term rental units (STRs), also called transient vacation units (TVUs). According to Ordinance 22-07 (formerly known as Bill 41), TVUs are to be taxed at the Hotel and Resort Rate, which is over three times the residential rate. Bill 4 was stuck in Committee but recently moved ahead. The City is proposing that a lower tax rate (yet to be determined) be established only for TVUs assessed at \$600,000 or less but fortunately this was increased to \$800,000 meaning Banyan owners will be covered if the Bill passes in current form.

Note that the Bill doesn't set the tax rate; it only creates a new category. The tax rate for the new category will be set separately at a later date.

- Bill 9

Hopefully this is dead as it hasn't moved at all. It would have established a super-high tax rate for property not occupied at least half the year by a resident of Hawai'i.

- Bills 61/62

These two Bills are close to identical and we're not quite sure why there are two of them, but they do contain provisions that might affect the Waikiki Banyan. The upshot of the Bills is to have all property taxed at "highest and best use" which for the Banyan is obviously the Hotel & Resort rate.

There are a couple of exceptions. If you don't rent out your property, and are a resident,

there is a process whereby you petition for an exemption with a "dedication" to residential use. This is complex and the rules are contradictory. The other possible exception is for time shares that meet certain conditions. This is also complicated and we won't try to explain it here. We've sent the text of the Bills to our legal firm to get their interpretation.

The Bills are in the early stages in the City Council.

State House

- Bill HB15

This Bill allows for non-judicial foreclosure for unpaid fines relating to violations. This bill is general in nature but obviously applies to STRs. This effectively allows a home to be taken without judicial process.

- Bill HB538

This Bill provides enhanced penalties for those who don't remedy violations in a timeframe "acceptable" to the county planning departments. "Acceptable" seems open to arbitrary interpretation. A provision that was just recently deleted would have allowed county planning departments to have unannounced, warrantless access to your rental property (seems quite unconstitutional). Note this bill is also general and doesn't just apply to rental violations.

- Bill HB84

This Bill would give the counties the right to "sunset" short-term rentals, even if they were legal and in permitted zones.

- Bill HB820

This very controversial Bill would establish a seemingly additional 25% tax on short-term vacation rentals. The working assumption is that it would not apply to hotels but again, it's complicated. The Bill has been held up in committee for rework and clarification.

Comment

If you'll notice there's a common theme above. Having dealt with so-called illegal short-term rentals, attention has turned to legal rentals. One of the Representatives in the State House has openly declared his intention to eliminate all short-term rentals on O`ahu, which he believes will make more housing available to residents.

Visitors would then be forced to stay in hotels. Isn't that interesting?

--- Bob Newell, President; Cathy Panizzi, Secretary

7 Did you know? Billboards



The first state to ban billboards was Hawaii back in the 1920s. Due to its beauty and land desirability, over 8 million tourists visit Hawaii each year. Could this be due to the fact that there aren't any billboards obstructing its natural appeal? Possibly. The Aloha State has preserved its rooted history through initiatives started by the Outdoor Circle, which is an organization that pioneers the removal of aerial advertising.

The main reason being why Hawaii has decided not to erect billboards is to maintain its gorgeousness, but there is an unintended consequence from this. Politicians in Hawaii aren't able to promote their candidacy through outdoor signage, limiting their potential voters. People in Hawaii will carry signs along highways and byways with the names of their chosen political representatives.

--Randy Warner, Director

8 Interesting Places to Visit - Queen Kapi`olani Regional Park



Queen Kapi`olani Regional Park is the largest and second-oldest public park in Hawaii, located in Honolulu on the east end of Waikiki just beyond Kuhio Beach Park and the Waikiki residential neighborhood. The 300-acre (1.2 km²) park, named after Queen Kapi`olani, the queen consort of King David Kalākaua, is home to the Waikiki Shell and the Honolulu Zoo

Besides the Honolulu Zoo and the Waikiki Shell, the park includes tennis and basketball courts, soccer, baseball, lacrosse and rugby fields and an archery range. The park hosts many international lacrosse and rugby tournaments a year. Its bandstand serves as an entertainment venue. It is also a popular course for joggers who utilize its two-mile (3 km) circumference. The park also serves as both the starting and finish lines of road races in Honolulu, including the Honolulu Marathon.

Kapi`olani park is also home to Honolulu Cricket Club, the only cricket club in the Hawaiian Islands. Founded in 1893, it is the oldest sporting club in the Pacific according to Guinness World Records.[6] As Kapi`olani Park continues south, it becomes Kapi`olani Beach Park, adjacent to Kuhio Beach and Waikiki Beach. The park itself also serves as a natural border between Waikiki and Diamond Head neighborhood.

Take a short walk over to the park and enjoy the beautiful grounds.

9 Parking Rules Clarified



Effective March 1st, 2023, there are clarified rules for Visitors and Temporary Workers/Contractors and Agents sent to all agents and owners. Specific rules can be found in House Rules on <https://www.waikikibanyan.org/>

Temporary Workers/Contractors and Agents:

- Bona fide Temporary Workers (only) may park for \$10 per day (payment by credit card only)
- \$10 parking is valid between 7 am and 5:15 pm ONLY. Vehicles in the garage after 5:15pm are subject to parking ban and/or towing.
- Park on upper **levels 2-5** ONLY. Parking is not permitted on ground floor.
- Office staff of agents using a Temporary Worker parking pass must park in the basement level (down the ramp, on the lower-level A-1)
- Workers must be working in a unit(s) at the Waikiki Banyan ONLY and must remain on-site at all times while the vehicle is parked.
- Temporary Workers may use an owner's parking pass, if available.
- 15-minute parking for quick drop-offs will be permitted in the five diagonal parking stalls (new loading zone) opposite the guard post on a first-come basis. All vehicles must be logged in by Security or will be subject to towing. The 15-minute time limit will be strictly enforced and overstay will result in the loss of future use of this privilege. If there are no vacant stalls in this area, the \$10 parking fee must be paid to enter the garage. This area may also be used for afterhours emergency call-outs as needed when logged in by security.

ALL vehicles parked in the garage must display a valid parking permit or pass. Any vehicle found in the garage without a valid parking permit or pass clearly displayed may be subject to towing and/or parking ban and the owner/driver may be subject to other penalties. There are NO EXCEPTIONS, including for unit owners.

Visitor Parking:

All visitors MUST be registered (pre-arranged) in advance of their arrival with the security team at the guard shack.

- Please pre-register at least 15 minutes prior to the visitor coming on property.
- Visitor hours are from 8am to 12midnight only and there is a limit of 4 hours. If the Car is not gone by 2400 (Midnight) they will be charged 2 x daily rate.
- When the owner or long-term resident is registering their guest, you will need to provide their cell phone number, unit number visiting, name of their guest, type of car, and license number.
- If your guest shows up not registered, their options will be to pay the daily rate, or they will be turned away if they choose not to pay. THEY MUST BE PRE-ARRANGED (registered) with SECURITY at guard shack.
- Pre-registering a guest vehicle does not guarantee that a visitor parking space will be available at time of arrival.
- Visitor Parking is limited to one visitor vehicle per unit, one time per day (no in-and-out privileges). No vehicles, other than those properly registered per 5.13 (C) may occupy a visitor parking space.

The above are just the highlights, please familiarize yourself with the process and check house rules 5.13 C for details posted in <https://www.waikikibanyan.org/>.

As always, all questions should be directed to Info@waikikibanyan.org.

10 Editor's Notes



Are you thinking about how many things are changing again? Did you like the way things were before? Are you thinking that clarifying the rules are too stringent? Are you enjoying the freedom of knowing what is expected and the knowledge that rules are being enforced?

Change is a scary word, by Webster's definition - n. 1. Any variation or alteration.....*a change of habits or principles*. The Banyan is in the midst of change, lots of perceived and real change, some of these changes are perceived for the better, some are definitely changes for the better while others are still up for consideration.

The changes in the coming months/year are positive ones. We'll have safe structurally sound buildings that will also boast a beautiful newly renovated recreation deck. We'll figure out how to secure the building, we're changing and maintaining our testy elevators, we are changing and supporting rules that are clogging our parking processes and we are enforcing and changing processes that will enrich the daily workings of our life at the Waikiki Banyan.

We should be proud of the AOA team lead by our GM, Jack, they work hard to make living at the Banyan a positive experience. And we need to be patient as we all work on the ongoing issues related to our "changing" building.

The way to ensure that the changes go in the direction that you hope they will go, you need to voice your opinions and encourage and support your Board by participating in the Board meetings, going to the Annual General Meeting and by sending in your Proxy.

"Change is the law of life. And those who look only to the past or present are certain to miss the future."

-[John F. Kennedy](#)

--Angie Lum, Director, Coordinating Editor

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