

**Stephen W. Long, AIA
& Associates Architects**

Architects
Engineers
Planners

August 28, 2023

LAHAINA FIRE ARCHITECTURAL RECOVERY
UPDATE & CRITICAL ISSUES
August 18, 2023

CRITICAL ISSUES

1. Register with FEMA as soon as possible, at the Maui War Memorial Gym at 700 Halia Nakoa St. in Wailuku. Walk towards the white tents and find FEMA.
2. Some clients have already met with their private insurance adjuster or a FEMA representative.
3. FEMA is for primary residences only.
4. Commercial properties are referred to the SBA by FEMA, where one can apply for a business loan at approximately 2%-2.5% interest for 30 years. This is a non-collateralized loan.
5. We have met with FEMA twice. Geysa Vargas Nieves, the supervisor on duty, told us that FEMA will make everyone whole financially...making up the difference between your private insurance coverage and the Actual Cost of Construction to rebuild, including full architectural, engineering and landscaping services.
6. In case FEMA does not cover the full amount, we have a team of law firms that specialize in disaster fire litigation in mass action lawsuits against all liable entities, including HECO. Damages include Actual Cost of Construction and emotional expenses.
7. EVERYONE should register with FEMA. FEMA hotline 800-621-3362.

FEMA PROCESS

1. Obtain Registration Number.
2. With our assistance, obtain an estimate for repair from a licensed general contractor.. This can only be done after we prepare Construction Documents for bidding, permitting and construction.

3. A general contractor will then provide us with an estimated replacement cost of construction, with the full Actual Cost of Construction to be determined at the time of Certificate of Occupancy.
4. Write a Deficiency Letter and submit the Denial Letter for the full Cost of Construction from your private insurance company to FEMA for substantiating the difference between your private insurance and the actual Cost of Construction.
5. FEMA has 60 days to respond.

COUNTY INFORMATION

1. On Monday, August 14, 2023 we met with the County of Maui Department of Public Works (DPW) Building and Engineering Departments, as well as the County Planning Department. We were the only architects in the buildings and everyone we met with could not answer any of our questions. Their responses were that it was too early to say anything and that they were uncertain how the permitting, rebuilding, Historical District and Governor's Emergency Proclamation was going to affect the entire process or what current codes and regulations would be exempted.

QUESTIONS

1. What building and zoning codes will be exempted as part of the Governor's Emergency Proclamation?
2. Will you allow Lahaina Town, within the Historic District, to be rebuilt or replicated and how will the current codes and plans be applied to the restoration of the Historic Lahaina District?
3. What current codes and regulations will be exempted to allow preexisting homes to be rebuilt to their previous specifications and location on the lot?
4. What will be the requirements for an SMA Minor, Shoreline Certification Survey and Elevation Certificate?
5. When and where will you be setting up the Office of Emergency Permitting, OEP?

FINANCIAL

1. When you receive final reimbursement from the insurance company or FEMA, you may be required to pay off any mortgages and liens on the property.
2. Individuals may work with their insurance companies to rebuild, while continuing to make monthly payments.

3. It is critical to communicate with your mortgage company to clarify your options.
4. Clients with any insurance related issues will be referred to our one of our Team's insurance attorneys AND the Hawaiian State Insurance Commissioner, Gordon Ito for review and enforcement.

INSURANCE

1. Regardless of whether you have Guaranteed Replacement Cost with an increase rider, or affixed amount, or FEMA...it is very likely that there will be a financial shortfall.
2. In that situation, we are working with an experienced and selective team of attorneys identified below.
3. We believe that is in virtually everyone's best interest to inform your insurance company that you intend to Rebuild.

CONSULTANT TEAM:

1. Associates in Office:
Chris St. Clair
Jay DeSilva
Debbie Freeman
Rasa Clark
2. Draftspersons:
Dale Matsuura
Aubrey Goings
Tom Quaas
3. Site As-Built Drawings:
Terry Michael Weaver
Sherree Giegling
4. Structural: Chris Wilson & Associates
5. Mechanical: Fabian Serkis @ Pragmatic Professional Engineers
6. Electrical: Daryl Yatusaki Engineering
7. Plumbing: Fabian Serkis @ Pragmatic Professional Engineers
8. Civil Engineering and Surveying: Ron Fukumoto & Associates
9. Archaeology: Nancy McMahon @ Exploration Associates
10. Landscape Architect: Craig Duff
11. Fire Analysis: Rebecca Lauricella
12. Project Manager / Construction Administration: Jesse Murphy @ Makai Construction Services
13. Realtors:
14. General Contractors:
15. Attornies:

a. Richard Bridgford @ Bridgford, Gleason & Artinian w/ Jay Stuemke Law Firm

ARCHITECTURAL FEES: Typical architectural and engineering fees range between 8% and 12% of the Total Construction Costs. We fall in the middle with the following Fee Schedule. We also include communicating with your insurance company and adjuster as part of full architectural services.

Architectural and engineering services are clearly part of the rebuilding process, yet each policy coverage is different, and we encourage you to check with your insurance company. Our final full services will likely be a part of any mass action lawsuit.

Under normal circumstances we are able to estimate the Actual Cost of Construction judging from recent jobs and general contractor input. It will be difficult to determine an accurate amount due to the nature of the disaster event and unforeseen circumstances.

Our Preliminary Owner Architect Fee will be restricted by the insurance policy limit amount because we feel that it should not be an upfront financial burden to our disaster clients who have more than their share of issues to face. Our final full fee will be determined in the future once the 'dust has settled', the actual cost of construction has been determined by your general contractor and any FEMA compensation and lawsuits have been finalized.

Consequently, it will likely be years before we receive our full architectural services fees.

We will endeavor to work with each client's individual needs and help everyone we can.

Stephen Long & Associates does not receive a referral fee from the general contractors or attorneys whom we refer to you. That is a personal choice and Agreement between the Owner and General Contractor or Attorney Team. We refer competent and experienced professionals who we believe will look after the best interests of our clients.

1. For residential clients who have a full set of previously permitted Construction Documents we charge 9% of the Total Construction Cost. We must still redraw the drawings in the computer to permit them and have them conform to current codes and regulations. The Actual Final Total Cost of Construction includes landscaping costs because we work closely with our landscape architect consultant to design the irrigation system, hardscaping, xeriscape options and design integration. Our fee includes normal residential structural, mechanical, electrical and plumbing engineering fees. It does Not include civil engineering fees. The extent of the civil engineering services required is still unknown.

Depending upon the new Scope of Work and existing drawing permit information, we may be able to further reduce our fee to eliminate the Schematic Design portion of our services.

2. For residential clients that do Not have existing permitted drawings, our fee is 10% of the Total Construction Costs. The Actual Final Total Cost of Construction includes landscaping costs because we work closely with our landscape architect consultant to design the irrigation system, hardscaping, xeriscape options and design integration. Our fee includes normal residential structural, mechanical, electrical and plumbing engineering fees. It does Not include civil engineering fees. The extent of the civil engineering services required is still unknown.
3. For commercial or resort zoned clients our fee is 11% of the Total Construction Costs. The Actual Final Total Cost of Construction includes landscaping because we work closely with our landscape architect consultant to design the irrigation system, hardscaping, xeriscape options and design integration. Our fee includes normal required structural, mechanical, electrical and plumbing engineering fees. Commercial project permit drawings must be prepared, stamped and signed by a licensed Hawaii engineer and are much more complex. It does Not include civil engineering fees. The extent of the civil engineering services required is still unknown.
4. Planning permits such as an SMA Minor, Environmental Assessment, Historical / Cultural Surveys, Elevation Certificate and Shoreline Certification Surveys are additional services.
5. At your request we will prepare an AIA Owner Architect Agreement

LEGAL:

We are working with a few select attorneys to refer appropriate individual legal services and to work with individual clients on their mass action lawsuits. These lawsuits will sue all liable entities, including HECO for the difference between what the client received from insurance settlements or FEMA and the Actual Final Cost of Construction.

BUILDING

1. We are assuming that those clients who wish to rebuild and add a second story will be allowed to do so, if they conform to all current building, zoning and historical ordinances.

HISTORIC LANDMARK DISTRICT:

Lahaina Town is a Historic Landmark District.

Under National Historic Landmark (NHL) regulations there is an ability to restore what was previously there.

Elaine Rotunda-Jackson, with the Department of Interior NHL, will be coming to Hawaii.

BUILDING CODES: We are familiar with and adhere to the current Maui Building and Zoning Codes.

1. Chapter 16.26 Building Codes, updated May 31, 2023, adopting the "Uniform Building Code, 1985 Edition",
2. Adopting the 2021 International Energy Conservation Code .
3. Title 19 Zoning Code Ordinances of Maui.

Stephen W. Long, AIA
& Associates

PO Box 1693
Kihei, HI 96753

808-652-8000

slong808@gmail.com
www.Maui-Architecture.com