



## **House Rules**

These guidelines, called ***House Rules*** in this document, are for the general wellbeing of all owners, residents, guests, and tenants, hereafter called ***occupants***, of Kihei Kai Nani Resort. They provide for the general welfare and safety of occupants at KKN. (The occasional specific examples serve as models for the meanings of the House Rules.)

All House Rules are in compliance with Hawaii Revised Statutes (HRS) &486K-10.

The rules apply to all occupants. The Board of Directors, the Site Manager, and the Managing Agent(s) for Kihei Kai Nani, Destination Maui, enforce these rules. Any disregard of the house rules by occupants or guests can lead to fines for the homeowner.

Copies of the House Rules are provided to each owner and are available in the KKN Office and on the KKNAOAO website. ([knaoao.com](http://knaoao.com))

## **Apartment Unit Occupancy**

There are 180 apartment units at KKN. Apartment units are for residential use only.

- 1) Owners are required to annually submit a Certificate of Insurance to the Site Manager.
- 2) Owners are required to have functioning smoke alarms in their unit(s).
- 3) Upon arrival all Owners and Guests must register at the Kihei Kai Nani office. A Parking permit may be acquired there and must be displayed in the car window at all times when on property.
- 4) Owners and Agents must provide the office with their arrival information, as well as arrival information of guests including names and length of stay at least 24 hours prior to arrival.
- 5) An abbreviated version of the Association House Rules (Menehune House Rules) must be accessible in all units.
- 6) No animals are allowed in units or on the premises, except for certified animals for use by handicapped persons, or those with medical permission, meeting ADA requirements.
  - a) Occupants with approved certified animals are responsible for disposing of their animal's waste.

- b) Certified dogs must be leashed at all times and must never be left while outside.
- 7) The feeding of stray or wild animals is not allowed on the premises (i.e. birds and cats).

### **Smoking on Property**

- 1) **Smoking is only permitted in 2 designated areas on the Kihei Kai Nani property. There is NO SMOKING on Lanais, the Pool Area or on grounds.**
- 2) Smoking is **NOT PERMITTED** inside units **EXCEPT** with written consent by owners or owner's agent.

### **Disturbances on Property**

Owners and occupants of a unit are responsible for the conduct of their guests.

- 1) Quiet time on the property is from 10 p.m. to 8 a.m. During those hours it is important to avoid loud voices in the parking lot and loud television volume.
- 2) The disregard of any House Rules by occupants or guests can lead to consequences to the homeowner (at the discretion of the Site Manager with approval by the Board of Directors).

### **Remodeling**

Owners are encouraged to upgrade their units, however there are specific written guidelines that must be followed:

- 1) When construction work is planned, owners must notify the office of what is to be done.
- 2) Contractors coming on property must notify the office which unit they will be working in and the approximate length of time needed for their project.
- 3) If construction work requires approval, it must be obtained before contractor begins work. If approval is not obtained, contractor cannot begin work until approval is issued to the owner.
- 4) Debris and discarded appliances must not be placed in the Association's dumpsters or common areas. Owners will be charged for removal if this rule is disregarded.

- 5) To temporarily place items/debris in a common area, a written approval must be attained from the Site Manager.
- 6) No noisy renovation work may take place on Sundays, Thanksgiving Eve and Day, Christmas Eve and Day, New Year's Eve and Day and all other holidays in which the KKN office is closed. This includes Memorial Day, Independence Day, Labor Day, Kamehameha Day, and Veteran's Day.
- 7) Tile cutting, sawing and other loud renovation work must be done WITHIN the condo being worked on. It may not be done on the lanai or on the grass outside the unit without the Site Manager's permission.

### **Homeowner Agents**

Owners must designate a local agent or representative who resides on Maui. This agent serves as a contact person when the homeowner is away or off island.

- 1) A designated agent must satisfy legal requirements as established in the Landlord Tenant Code Section 521-43(f) and Section 467 Hawaii Revised Statute.
- 2) Owners must provide the Site Manager with contact information for their agent.
- 3) An agent must be available to represent the owner's interest in emergencies when the owner is not available.
- 4) Off property owners must provide the Site Manager with their off island address, including email address and telephone number.
- 5) Owners must provide an apartment key to be kept in the Site Manager's lock box for emergency access.

### **Non-Owner Occupancy**

All persons who lease or rent an apartment must abide by the Association's House Rules.

- 1) Owners and/or the Site Manager have the right to remove individuals who do not abide by the House Rules. Removals are without compensation to owner.
- 2) Owners or agents who rent for short term or as a vacation rental must notify the office within 24 hours of arrival: the name, date, and length of stay of each renter.
  - a) KKN staff does not hand out keys.

- b) Owners must provide keys to their unit in a lock box on their door or provide a door code to incoming visitors.
  - c) After hour arrivals that have no paperwork will be sent to a hotel until verification of their arrival can be made.
- 3) All rental agreements that exceed 60 days must contain an escape rental clause, and a signed rental agreement must be provided to the Site Manager within two weeks of occupancy of the unit.

### **Common Areas**

- 1) A Homeowners' Bulletin Board is located next to the Laundry Room. The Office Manager continually monitors it. Each homeowner/resident can put one dated sign, no larger than 5" x 7" on the bulletin board. The item will be removed after 30 days.
- 2) Walkways and the roadway are for exclusive use by pedestrians and appropriate vehicles. Use of recreational equipment (e.g. roller blades, skates, scooters, skateboards, remote controlled toys, or ball tossing) is not permitted on KKN property.
- 3) Owners or occupants shall not change or work on any common area landscaping, without Landscape Committee and Site Manager permission.
- 4) All refuse, garbage and trash shall be placed in the appropriate containers provided on the premises. Recycle bins are provided for refundable aluminum cans, plastic and glass bottles. No remodeling debris, paint, oil, electronics, or broken ceramics shall be placed in any of the recycling or trash containers, or left in the surrounding area. These items should be disposed of at the local dump or chemical waste disposal site.
- 5) Nothing, including cigarettes and fireworks, shall be thrown from unit windows, lanais or entrances. Fireworks are not permitted anywhere on the premises.
- 6) Objects such as rugs, screens, etc. shall not be cleaned in any common area except where management allows.
- 7) Visible uniform appearance of all window coverings and/or visible light shades shall require a white or off-white covering which faces the outside.
- 8) Only screen/security doors and windows that are selected and approved by the Board of Directors may be installed in individual units after the Site Manager approves an upgrade permit form. They will be installed so that they do not impinge into or damage the common element frame. Only "treated" wood may be used during an

approved installation. The screen/security doors shall be bronze or black and shall be installed with the door opening towards the bedroom wall.

- 9) Bicycles parked in designated bike racks must be registered in the office and licensed by the County of Maui. If rusted or abandoned, bikes will be removed from the property after a 48-hour notice is given to the owners. If no owner claims the bike, it will be removed.
- 10) Windows and sliding glass doors must maintain a uniform appearance. Any change or replacement requires approval of the Board of Directors after submitting a unit upgrade form to the Site Manager.
- 11) All windows must be cleaned annually.
- 12) No occupant may adjust or change anything electrical or mechanical on the premises (e.g. electrical boxes, utility lines, T.V. cables, valves, wiring, etc.)
- 13) Barbecuing is only permitted at the permanent barbecue locations. Charcoal or electric BBQ's cannot be used.

### **Entrances to Apartment Units**

- 1) Uniform Fire Codes and Hawaii Laws require that transit areas in common elements (e.g. stairwells, stairways, doorways) not be blocked by furniture, bicycles, or other objects. Objects cannot be stored in such areas with the exception of wheelchairs, walkers, baby carriages, and temporary remodeling items (e.g. cabinets, appliances) during the remodeling. At no time should these objects interfere with the access or exit from a neighboring unit.
- 2) Screen/Security Doors must be mounted so that they open towards the bedroom wall. The bronze or black door must match the requirements described by the Association.
- 3) Lock boxes must not be attached to common elements such as walls. They can be attached to the door, security screen, or hung on the doorknob.
- 4) A maximum of two (2) pairs of shoes will be allowed by a unit's entry as long as they do not obstruct access or egress for anyone. No shoe baskets or large obstructions are allowed.

### **Lanais**

All lanais must maintain a consistent appearance throughout the complex.

- 1) Owners are responsible for the care and maintenance of their lanai, but must not paint or alter the floors, walls, or ceilings without prior written approval of the Board of Directors.
- 2) To personalize a lanai (e.g. hang pictures, mirrors, etc.), owners must submit a plan to the Site Manager for approval. The plan must demonstrate that each item can be secure in high winds and that pictures are not offensive.
- 3) Cleaning lanais must not allow dust, dirt, or water to fall onto the fascia of the building or onto another lanai.
- 4) Objects may not be hung from windows or lanai railings. Wet swimwear and towels can be dried on a standing rack or lanai chairs.
- 5) Only outdoor patio furniture may be placed on lanais. A cluttered appearance should be avoided and dirty/worn furniture should be replaced as soon as possible.
- 6) Non-furniture objects (e.g. surfboards, bicycles, sporting goods, etc.) must be stored inside the unit when the unit is not occupied.
- 7) A storage locker built in conformance with the Board of Director's approved design may be installed on a lanai in the appropriate location.
- 8) Lanai floors can be bare cement, covered by indoor/outdoor carpet, or outdoor tile that is a neutral color. Soundboards must be installed under tiles on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. A mid-to-higher-range rated sound transmission class of STC 20 II C is recommended because of concrete surroundings.
- 9) One or two 8' x 6' beige colored roll-up shades can be added to a lanai for sun protection. The Site Manager must approve the selection and mounting of the shades. Attachment must be from the ceiling edge and on one side or the other of the lanai. A shade cannot be installed in the middle of a lanai.
- 10) Any change or addition to light fixtures must be presented to and approved by the Resident Manager.
- 11) Lamps can be placed on lanais providing they are secure and do not pose any danger in a strong wind. Light cords and extension cords must be secured (e.g., tacked, taped) to prevent tripping.
- 12) Owners are responsible for the care and upkeep of lanai plants. Plants must be placed away from lanai walls and not allowed to grow closer than 12" from

the ceiling of the lanai. Plants must remain inside the boundary of the lanai. Owners will be held responsible for paying for any damage to the building caused by the plants.

## **Sun Decks**

There are 8 rooftop sundecks entrusted to the units adjacent to them in buildings 4, 6, 8, 9, 10, 11, and 12 (Building 12 has 2 decks).

- 1) Furniture on sundecks must have footings capped to prevent punctures in the roofing. Furniture should never be dragged across the sundeck.
- 2) Carpeting with padding or any material that may damage the deck surface cannot be used on the deck.
- 3) No material may be attached to the flashing caps that surround the deck edge. (e.g. lights, clotheslines, hooks, etc.)
- 4) Owners of units with direct access to the sundecks are responsible for repairing any damage they have caused to the deck surface and surrounding area.
- 5) Any subsequent damage to units located below the sundeck, caused by surface damage to the deck, is also the responsibility of the owner of the unit with direct access to the sundeck.
- 6) There may be no more than 30 people at any one time on the deck.
- 7) All items on sundecks must be secured.
- 8) All items, including storage lockers, on the sundeck must be well maintained.
- 9) All large or heavy items on the sundeck must be raised from the deck surface to allow the deck surface to dry.
- 10) All large and/or heavy items to be placed on the sundeck must be approved by the Site Manager to ensure that the deck surface and structure is not compromised. The Site Manager will periodically inspect the sun decks to check for potential leaks.

## **Emergency Access**

1. The Site Manager may enter any unit, at any time, if there is an emergency, such as a water leak or any possible electrical damage which is hazardous to residents and property.

## **Pavilion**

The Kihei Kai Nani Pavilion is available for the use and enjoyment of all apartment owners and guests. Requests to reserve the Pavilion can be made at the office. The following House Rules ensure proper and harmonious use of the Pavilion.

- 1) The Pavilion is available from 9:00 a.m. to 9:00 p.m.
- 2) Occupants using the Pavilion are responsible for leaving the facility clean.
- 3) Occupants are responsible for any damages incurred during their use.
- 4) Reservations must be made in writing to the office and will be granted on a first come, first serve basis.
- 5) Reservations take priority over informal gatherings.
- 6) If large parties intend to use the Pavilion, a representative of the party must meet with the Site Manager to coordinate the event.

## **Pool Use**

The Pool is for the exclusive use of apartment owners, tenants, and their guests. There is **NO LIFEGUARD ON DUTY.**

- 1) Persons using the pool facilities do so at their own risk and liability.
- 2) Management is not responsible for articles which are lost, damaged, or stolen. If an article is lost, guests may check with the office to see if it's in the Lost-and-Found bin.
- 3) **Pool Hours: 9:00 a.m. to 9:00 p.m.** Occupants using the pool after 7:00 p.m. shall refrain from making any loud noise.
- 4) Parents and/or guardians are responsible for the safety and conduct of their children. No child under the age of 13 may utilize the pool without adult supervision.
- 5) Before entering the pool, showers must be taken to remove sand, dirt, and body oil.
- 6) Individuals suffering from a disease, generally accepted by the medical community as communicable through casual contact, may not use the pool.



- 7) Radios, scuba equipment, Styrofoam items, and solid floats, boards, or similar items are not allowed in the pool area.
- 8) Small diving toys may not be used in the pool as they can become stuck in our pool pump.
- 9) Fins are not allowed in the pool at any time. They damage the pool's finish by scraping the plaster and leaving black marks.

***Allowed:***

- a) Plastic inflatable flotation safety devices (not mats) and exercise belts or vests in good condition **are** permitted in the pool.
  - b) Snorkel equipment (excluding fins), floats, noodles, and balls **are** allowed in the pool at the discretion of the Site Manager.
- 10) Only drinks in plastic containers or cans are allowed in the pool area. No glass, Styrofoam, food, or gum is allowed.
  - 11) Running, diving, and loud pool games such as Marco Polo are not allowed. Violators will be asked to leave the pool area.
  - 12) Nude bathing is not permitted.
  - 13) Non-toilet trained children or people with an incontinent condition must wear rubber pants or swim diapers when using the pool. Violators may lose pool privileges.
  - 14) Lounge chairs and chaises are available on a first-come first-serve basis and may not be reserved with a towel or other object if left unattended for over 30 minutes.
  - 15) Pool furniture shall remain in the pool area. If furniture is rearranged, please lift rather than drag items so as to not damage the furniture or the pool deck.
  - 16) Management reserves the right to exclude any and all persons from the use of the pool.
  - 17) Non-registered guests must be accompanied by owners, tenants, or registered guests when using the pool. More than 2 non-registered guests per apartment must have the approval of the Site Manager before entering the pool area.

## **Noise**

All sounds, especially those at night and early mornings, carry easily throughout the complex and will disturb neighbors.

- 1) Quiet time is between 10:00 p.m. and 8:00 a.m.
- 2) No occupants shall make or permit any loud noises in their apartment or anywhere on the premises, nor do anything to interfere with the rights and comfort of other persons.
- 3) Radios, T.V.'s, stereos, amplifiers, and musical instruments shall be played at levels so as to avoid disturbing neighbors.
- 4) Doors should be spring loaded to prevent slamming.
- 5) Excessive noise of any kind is strictly prohibited and should be reported to the Site Manager immediately. After 10 p.m., contact staff at 808-870-4241.
- 6) Unreasonably noisy vehicles including cars, trucks, motorcycles, and mopeds are prohibited.
- 7) All construction noise shall be limited to the hours between 9:00 a.m. and 6:00 p.m. Monday – Saturday and shall not include loud music. Construction crews working in units will be informed of this rule upon registering with the office.
- 8) Owners are ultimately responsible for advising their hired contractors of the construction rules.
- 9) No occupant or contractor shall perform any construction work on Sundays. Sundays are a “quiet day” on property.

## **Driveway and Parking Areas**

- 1) The speed limit on the property is 5 miles per hour at all times.
- 2) Only one parking space is allowed per unit.
- 3) Owner and tenant parked vehicles may NOT use car covers at any time.
- 4) Owners who rent or lease their unit may not park their car on property during their absence.

- 5) Owners who do not rent or lease their unit may leave their car on property while they are away.
- 6) No commercial truck, boat, camper, trailer, or unsightly or dilapidated vehicle is permitted to be parked anywhere on the Kihei Kai Nani property.
- 7) All parked vehicles must have current license and safety sticker and be in drivable condition, or they shall be tagged and given 48 hours notice to comply. Failure to comply can lead to daily fines of \$50 to the owner.
- 8) No vehicle longer than a normal passenger car may be parked on the property.
- 9) Bicycles, mopeds, and motorbikes may only be parked in specified areas.
- 10) All vehicle maintenance and repairs on the premises is prohibited.
- 11) No vehicles may be parked or left unattended in the driveway, but must be in a legal parking space.
- 12) Motorized vehicles may not be driven on the sidewalks.
- 13) Vehicles may only be washed in the designated carwash area.

### **Laundry**

The laundry room facilities are for the exclusive use of Kihei Kai Nani owners and occupants. Kihei Kai Nani is not responsible for stolen or damaged articles.

- 1) A maximum of two machines per apartment may be used at one time.
- 2) Users of washing machines or dryers who don't remove articles from the machines in a timely manner may have them removed by other guests who need to use the machines.
- 3) Malfunctioning machines and uncleanliness should be reported to the office. Users of the facilities should do their part in keeping the room clean and neat.
- 4) The laundry room is open from 9 a.m. to 9 p.m. \*Note: The last load should be started at 8 p.m. so that it will finish on time.

### **Laundry/Pool Bathroom**

The laundry/Pool bathroom facilities are to be used only by KKN owners, guests,

occupants, and contractors working at KKN.

- 1) Unclean bathroom facilities, supply shortages, and/or malfunctioning plumbing should be reported to the office immediately. Users of the facilities should do their part to keep the area clean and neat.

### **Firearms**

- 1) All firearms, air guns, cross bows and similar destructive devices must be cased or disarmed when in common areas; nor may any cleaning and repairs of said items be done in common areas.

### **Air Conditioners**

- 1) Only 1 exterior air conditioner per unit will be approved. Instructions for purchasing and installing an air conditioner must follow the KKN checklist, available from the Site Manager.
- 2) Air conditioners may be located in windows on the ends of buildings. Building 2 may have a bedroom air conditioner.
- 3) Owners must comply with office guidelines regarding installation of all window AC's including portable window AC's.
- 4) Rusty, leaky and noisy window AC's must be replaced.

### **General**

No canvassing or solicitation is permitted on the premises at any time.

### **Violations and Enforcement of Violations**

Violations of House Rules shall give the Board of Directors, the Managing Agent, or the Site Manager the right to:

- a) Enter the apartment during reasonable daylight hours in which such violations exist and to remove, at the expense of the apartment owner or tenant, any structure, object, or condition that may exist that is contrary to the intent and meaning of these House Rules. The Board of Directors, the Managing Agent, or the Site Manager shall not thereby be deemed guilty in any manner of trespass.
- b) Enjoin, abate, or remedy by appropriate legal proceedings, either at

law or in equity, any continuance of such breach, and all costs thereof, including attorney fees, shall be borne by the defaulting apartment owner on demand.

- 1) **Noncompliance with the House Rules shall give the Board of Directors or Management the authority to fine owners immediately for a violation – the violator will be given a written notice and a fine of up to \$50.00 per incident per day will be assessed.** The notice will specify the violation, the time limit allowed for its correction and the fine amount if the violation continues beyond the time limit, usually 48 hours (e.g., if a violation continues for five days, the fine could amount to \$250.00.)
- 2) All corrective actions regarding violations of the House Rules and damages to the common elements or areas should be reported promptly to the Site Manager. Actions will be enforced by the Board of Directors.
- 3) Damages to common elements or areas shall be surveyed by the Site Manager by direction of the Board. All costs and expenses incurred in repairing or replacing common elements, including any legal fees, may be assessed by the Board against the person or persons responsible for the damages, including but not limited to, owners occupants who directly or indirectly caused the damage.
- 4) If the violator(s) is in disagreement with the written notice of violation to the House Rules, the following appeal procedure is available:
  - a. After the violation fine has been paid, the violator has up to ten (10) days to appeal his/her case in writing, addressed to the Board of Directors with a copy sent to the Association’s Managing Agent.
  - b. The appeal should provide to the Board of Directors sufficient factual information (e.g. statements by witnesses, including their names and addresses, copies of relevant documents, etc.). The Board will consider the appeal at its next regularly scheduled Board Meeting, and the Board might require the violator to appear at the Board Meeting.
  - c. The Board may uphold, reduce, cancel and/or refund any fine after consideration of the appeal. After a decision of the Board, the Managing Agent will notify the violator of the Board’s decision within seven (7) days. The decision of the Board shall be final.