



# **AOAO Lanikea at Waikiki**

## **House Rules November 2014**



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## HOUSE RULES FOR OWNERS, TENANTS AND GUESTS

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## **INTRODUCTION**

Your Board of Directors is dedicated to creating an enjoyable and comfortable living environment at Lanikea while maintaining the property in the finest condition possible. In order to achieve this, House Rules for Owners, Tenants and Guests have been adopted and are outlined herein.

The Board of Directors of the Association of Apartment Owners is responsible for enforcing these House Rules, but the responsibility may be delegated to the general manager, managing agent, or security staff. All Owners, Tenants and Guests are bound by these House Rules.

Each Owner, Tenant, or Guest shall at all times observe and comply with all laws, ordinances, rules and regulations now and hereafter made by any governmental authority or the Association applicable to the use of Lanikea.

These House Rules may be amended by the vote of a majority of those Directors present at a duly called meeting at which a quorum of Directors is present, and shall become effective November 1, 2014.

These House Rules supplement the obligations of the Owners and their tenants and guests as set forth in the Declaration of Condominium Property Regime and Bylaws of the Association of Apartment Owners of Lanikea. In the event there is any inconsistency between these House Rules and the Declaration and/or the Bylaws, the Declaration and/or Bylaws will prevail.

These Rules and Regulations contain information that should make your daily living at Lanikea more meaningful and enjoyable. It must be realized that condominium living requires each resident to have appropriate respect for the needs and rights of others. The primary purpose of these House Rules is to help protect the apartment owners and other occupants, including tenants and guests, from excessive annoyance, and to help enhance the enjoyment and comfort of all residents and the reputation and desirability of Lanikea.

These Rules and Regulations, adopted by the Board of Directors of Lanikea at Waikiki in November 2014, replace any previously published Rules and Regulations.

Updates to the previous December 2011 edition of the House Rules were made in the following sections:

- (a) Keys (Unit Keys/FOBs/Keycards) - pg 3
- (b) Noise and Nuisances – pg 6
- (c) Pool Rules – pg 13
- (d) Rules for Contractors - pg 15

## **GENERAL INFORMATION**

The General Manager’s office is located in the Lanikea lobby behind the Front Desk. The office is open Monday through Friday from 8:00 a.m. to 5:00 p.m., except Holidays. Lanikea Holiday schedule is: New Year’s Day, Martin Luther King, Jr. Day, President’s Day, Prince Kuhio Day, Memorial Day, King Kamehameha Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving Day, Employee Appreciation Day and Christmas Day.

### **Phone Numbers:**

General Manager’s Office ..... 942-4999

Office Fax Number ..... 942-4990

Police - Fire - Ambulance (Emergency Only) .....911

**24 Hour Security ..... 489-6577**

Lanikea at Waikiki maintains Security Officers 24 hours a day. In an emergency contact Security at 489-6577 and provide your name, your unit number and the nature of the emergency. Any emergency, accident or violation of the House Rules should be reported immediately to Security.

### **Entry Phone**

When Guests call you from the Entry Phone, your phone will ring. Only numbers with an “808” area code are accepted, either cell phone or land line. Press “9” on your phone to allow your Guest entry to the building from your Unit. If you are on the phone when your Guests call from the Entry Phone, you will hear two short beeps. In this case, press “3” to speak to your Guest, then press “9” to allow your Guest entry; you will then be returned to the person you were originally speaking with on the phone.

A guest using the main lobby door Entry Phone has four (4) minutes time to enter the lobby elevator and press the desired floor to visit a resident without using a Security Fob or Keycard.

### **Elevator Emergency Call Button**

There is a **RED** Emergency Phone Button marked “Push for Help” located in the lower panel inside each elevator cab. Pushing and releasing this button will activate the phone connection to Security. If you are disconnected, push the button again to reestablish connection.

## **REMAIN CALM**

In the event of a fire requiring the evacuation of the building, do NOT use the elevators but proceed immediately down the stairwell exits. The guest parking area is the designated location where all residents are to meet and be accounted for. Inform the office of anyone with special needs.

## **OCCUPANCY**

1. Use of Apartments. Apartments shall only be used for residential purposes and/or such other purposes as are permitted by the Declaration, the Bylaws, the deed conveying an apartment to an Owner, and applicable zoning. Apartments shall not be used for business or any other purposes; provided however, this provision shall not prohibit any apartment from being rented or leased for residential purposes.

An Owner shall have the right to lease or rent his/her Unit for periods of

### **NOT LESS THAN THIRTY (30) CONSECUTIVE DAYS.**

An Owner, or the Owner's authorized agent, shall notify the general manager in writing of the names and telephone number(s) and length of anticipated occupancy of lessees. Owners shall designate a local agent to represent them if their unit is rented, if their residence is outside of the State of Hawaii or if they will be absent from Lanikea for more than thirty (30) days. The Owners shall file and keep current their out-of-town address and telephone number, and the address and telephone number of their local agent, with the general manager.

### **“Time-sharing” as defined in H.R.S. Chapter 514E is prohibited.**

2. Registration of Owners, Tenants, Pets and Guests. All Owners, Tenants, Pet Owners and Guests of Lanikea must register with the office and complete a Registration Form. Where appropriate, individuals are also required to register their vehicles.

3. Conduct of Tenants, Guests and Other Persons. An Owner is responsible for the conduct of the Owner's guests. An Owner may be fined if the Owner or his/her tenant(s), following a written warning, continues to violate House Rules. If an Owner is unable to control the conduct of the Owner's tenants, family members, or guests, the Owner shall, upon request of the Board, immediately remove such person or persons from Lanikea, and the Board and the Association will not be liable for any lost rental income or other damage suffered by the Owner.

4. Keys (Unit Keys/FOBs/Keycards). All Security Keys must be registered with Security Officers at the Front Desk. Additional Fobs/Keycards may be obtained from the General Manager's office at a cost of \$50.00. Guests of an Owner or Resident who will be allowed use of the building must be registered with Security prior to use. **Security Fobs/Keycards may not be given to non-registered residents.** Security Keys found in the possession of an unregistered individual are subject to confiscation. Security Keys are not to be in off-site possession of contractors including cleaners, However, Security Keys may be stored in a lockbox in the lobby closet (monitored by Security) to allow access by contractors and cleaners.

5. Building Entry. Common element entry doors shall remain locked at all times. No Owner or Resident shall allow any person entry into the building who cannot be personally identified as an Owner, Resident or Lanikea staff and instead should refer such persons to Security immediately.

6. Strangers. Residents shall not admit strangers into Lanikea. All residents should be responsible and ensure that no unknown individual “tailgates” or “walk-in” into Lanikea. Process servers must report to the general manager and provide identification and copies of the documents to be served prior to entering the building.

## ANIMALS

1. No livestock, poultry, rabbits, or other animals whatsoever shall be allowed or kept in any apartment or any other part of Lanikea except that two dogs, cats or other generally recognized household pets may be kept by the Owners and tenants in their respective units, provided they do not interfere with the safety and security of residents, and are kept controlled and prevented from being a nuisance to other residents (e.g., physical contact initiated by the pet, out of control noise, etc.). Dobermans, Pit Bulls, and other animals considered dangerous or which exhibit an aggressive behavior are not allowed at Lanikea. All household pets shall be registered with the Association's general manager. Household pets, however, shall not be kept, bred or used in any apartment for any commercial purpose, nor allowed in any common areas unless carried or on a **short leash or harness**. Household pet owners shall be responsible for the immediate clean up and disposal of their pet's waste in their own refuse container. Pets are not to be left unattended on lanais or elsewhere within Lanikea. Any pet, which in the sole judgment of the Board, causes a nuisance, unreasonable disturbance or threat to the health or safety of any Owner, tenant or guest may be expelled from Lanikea on the demand of the general manager or managing agent; provided, however, that upon assessment of the frequency of the nuisance, severity of the nuisance, disturbance or threat caused by such pet, the Board may give the pet's owner an opportunity to remedy the situation short of expulsion. A pet found loose anywhere in Lanikea other than in the Owner's apartment may be detained by any person and delivered to the general manager or managing agent. Pets are not permitted in the pool area or the barbeque lawn area of Lanikea. Guest pets are not permitted anywhere within Lanikea, except that disabled guests of residents may bring service animals. For health and sanitary reasons, feeding birds on lanais or anywhere else at Lanikea is prohibited.

2. Service Animals. Guide dogs, signal dogs, or other animals upon which disabled Owners, tenants or guests depend for assistance (together, "service animals") shall be permitted to be kept by such Owners, tenants and guests in their apartments and shall be allowed while on a short leash or harness, provided that such service animals shall at all times be accompanied by their owners while present in the common elements. If a service animal causes a nuisance or unreasonable disturbance or poses a threat to the health or safety of any Owner, tenant or guest, the owner thereof will be given an opportunity to rectify the problem by measures which fall short of expulsion of the animal from Lanikea. Expulsion will be required only if the Board reasonably determines that less drastic alternatives have been unsuccessful. If such an animal is expelled, it will nonetheless be allowed to remain at Lanikea for a reasonable period of time while its owner attempts to find a suitable replacement animal, provided that the problem is controlled to a sufficient degree, and that the continued presence of the animal during that time does not constitute an unreasonable imposition upon, or threat to the safety or health of Owners, Tenants or Guests.

3. Board of Directors/A.O.A.O. Managing Agent/General Manager Indemnifications. In no event shall the Board, the Association, the Managing Agent or the General Manager be or be deemed to be liable for any loss, damage or injury to persons or property caused by or arising in connection with any Owner's, tenant's or guest's pet, guide dog, signal dog or other animal.

## **USE OF COMMON & LIMITED COMMON ELEMENTS**

1. Parking and Automobiles. All vehicles kept at Lanikea belonging to Owners and their tenants must be licensed, in operable condition, registered with the general manager and parked in their respective assigned parking stalls. Guests, invitees or employees of Owners or tenants may park their vehicles in the uncovered parking stalls designated for guest parking, subject to availability. Other than while being washed, no vehicle owned by an Owner or tenant shall at any time be parked in the designated guest stalls. No vehicle may be parked in a guest stall for more than twenty-four (24) consecutive hours. Bicycles, boats, surfboards, canoes, kayaks, Segways, mopeds and other similar items of personal property may be stored within the assigned stalls with the prior approval of the Board's designated representative. Unlicensed motorized vehicles are not to be parked or stored anywhere in Lanikea without prior approval of the Board or its designated representative. Personal items may be stored in the parking stalls provided they are covered by a clean and serviceable tarp.

2. Parking Decks Height Restrictions. The height limit for entry into the parking decks is 6 feet 6 inches. Residents with trucks/vans exceeding the height limit must park off property and not use the guest parking.

3. Car Wash. Residents may only wash automobiles or motorcycles in the area specifically designated for such use in the guest parking area.

4. Repairing Cars. No car repairs of any kind that may cause a nuisance or present a health hazard shall be performed anywhere in Lanikea, including in the assigned parking stalls. Oil changes or the draining of any fluids from a vehicle is prohibited.

5. Cleaning of Stalls. Owners shall be primarily responsible for basic cleaning and maintenance of their assigned parking stalls. In particular, Owners shall be responsible for removing from the surface of their parking stalls any residue, dirt or debris in the stalls that results directly from their use of the stalls. If, after reasonable notice from the Board, Owners fail to clean or maintain their stalls properly with the result that, in the sole judgment of the Board, the condition of a stall presents a health or safety hazard, or is otherwise a nuisance to other Owners, the Association may cause the stall(s) to be properly cleaned, and shall charge all costs incurred in connection therewith directly to the Owner of the apartment to which the stall is assigned. An Owner's repeated failure to clean or maintain an assigned parking stall may result in the Board's imposition of a monetary fine which will be charged in addition to the cost of cleaning the stall.

6. Responsibility for Damage. Damage to cars and other objects or to the common elements shall be the responsibility of the person causing the damage. Each Owner shall use care in parking, entering and exiting his assigned parking stall(s) so as not to damage vehicles in adjacent or nearby stalls or any part of the parking structure.

7. WAIKIKI SPECIAL DISTRICT. All parking stalls are for the exclusive use of Lanikea residents only. Any person who is not a registered resident may not rent a parking stall; but a resident may rent to another registered resident of Lanikea.

## **NOISE AND NUISANCES**

Noise and Nuisances Prohibited. No nuisance shall be allowed in Lanikea, nor shall any use or practice be allowed that is unsafe, improper or offensive in the opinion of the Board or that is in violation of the Bylaws or these House Rules, or that interferes with, or is an annoyance, as determined by and in the sole discretion of the Board, Managing Agent, and/or general manager, to the peaceful possession or proper use of Lanikea by other Owners or tenants.

1. Excessive Noise and Objectionable Odors Prohibited. Residents and other occupants of the apartments shall avoid excessive noise of any kind at all times, and shall not cause or permit any disturbing noise or objectionable odors to emanate from their apartments, including lanais. In accordance with Hawaii State law, smoking is strictly prohibited in the lobby, elevators, hallways, stairwells, parking structure, and 20 feet from any entry/exit of these areas. In addition, smoking is prohibited from the swimming pool/spa area and the barbeque grill area.

2. Camping. No pitching of tents or overnight camping on the common elements of Lanikea is allowed at anytime.

3. Barbecuing. Outdoor cooking shall be permitted only in the designated area and facilities specifically provided for that purpose. Users of the barbecue grill, and other common food preparation and storage facilities, shall clean the facilities after use. Open fires, including charcoal briquette fires, are not permitted at Lanikea. No type of open fire, whether propane or briquette fueled and regardless of the type of equipment, shall be permitted on the lanais of the apartments.

4. Hours for Reduced Volume for Radios, Stereos, Etc. Radios, TVs, stereos, etc., in the apartments may be played only at reduced volume after 10:00 p.m. and before 8:00 a.m.

5. Arrival and Departure of Guests; Minimizing Noise. When guests of any apartment are arriving or leaving at night, noise must be kept at a minimum.

6. Throwing Objects From the Building. Nothing shall be thrown from lanais, windows, or parking floors. Cigarettes and matches, specifically, are a fire hazard. Use of fireworks of any kind anywhere in Lanikea is strictly prohibited at all times. An immediate fine may be imposed for each violation of this rule and the Board may seek the eviction of the persons responsible if they are tenants.

7. Plants. Plants may be grown in containers on lanais. Owners and tenants shall ensure that when watering such plants, water does not overflow the containers and flow into the lanai drainage.

8. Soliciting Prohibited. No solicitation of any kind (including but not limited to commercial, political or religious soliciting) is allowed at Lanikea without prior written authorization of the Board, with the exception of the solicitation of proxies or distribution of materials relating to Association matters. Report all prohibited solicitations to the general manager or the security officer on duty.



## **SAFETY CONSIDERATIONS**

1. Supervision of Children. Children play at their own risk at Lanikea and their parents or guardians are responsible for their safety. Parents are also responsible for the actions of, and shall exercise control over, their children.

2. Flammable or Dangerous Liquids. Flammable fluids such as gasoline, kerosene or explosive materials or articles deemed hazardous to life, limb or property, or the presence of which may increase Lanikea's hazard or liability insurance premiums, shall not be stored or kept anywhere within Lanikea.

3. Cleanliness; Attractive Appearance of Apartments, Lanais and Parking Areas. Notwithstanding the Association's obligation to maintain and repair certain limited common elements, all Owners and tenants are responsible for the cleanliness and day-to-day maintenance of their apartments to include lanai areas and assigned parking stalls. Such areas shall be kept in a neat, attractive and sanitary condition. No objects, other than appropriate lanai furniture and potted plants in appropriate containers, shall be permitted on lanais. Except as provided herein, the storage of personal property and similar objects on a lanai or in a parking stall is strictly prohibited.

4. Window Cleaning & Coverings. Owners shall be responsible for cleaning all windows of their apartment. All window coverings and/or backings visible from the outside should be white/off-white to reflect a uniform external appearance for the entire building. The board has approved Huper Optik energy saving film for window tinting at Lanikea. This energy saving film, when applied, may present an outward darker appearance which is acceptable but does not relieve the owner of complying with the white/off-white covering guidance above.

5. No Objects to be Hung from Windows or Railings. No clothes, bedding, carpeting, laundry or anything else shall be hung on or from windows or lanais for any purpose. Holiday lights and decorations may be displayed three weeks prior to the holiday, and must be removed not later than two weeks following the holiday.

6. Trash Disposal.

a. Bulky Trash Disposal. Bulky trash may be placed outside no earlier than the evening before the scheduled bulky pickup in accordance with City and County Ordinance. Current bulky pickup schedule for Lanikea is Saturdays. As the City and County Ordinance states, the Association will be subject to substantial fines (up to \$250 per occurrence). Owners and/or residents who place bulky items prior to the evening before pickup will be subject to an immediate fine of \$250 for each occurrence. The times for moving bulky items will be either during Friday move in/move out hours (with interim storage at the loading dock until evening) or between 6:00 p.m. and 10:00 p.m. the evening before pickup (currently Friday evening). In either case, residents shall schedule elevator use with the General Manager or Security.

b. Disposal of Household Trash. All household trash to be placed in the trash chute shall be secured in plastic trash bags, and shall be of a size that fits easily within the trash

chute opening. Trash that will be placed directly in a trash receptacle on the ground level of Lanikea shall also be secured in plastic trash bags (except for dry paper, boxes, or other bulky items, which need not be bagged), and placed only in a designated trash container or other designated receptacles. Refuse, garbage or trash of any kind shall not be placed or thrown in any common area of Lanikea.

**The trash chute hours are between 7:00 a.m. and 10:00 p.m. daily.**

7. No Objects to be Placed Outside Apartments. No items shall be left in Lanikea's hallways or outside any apartment.

## **REPAIRS, MAINTENANCE, AND MODIFICATIONS**

### 1. Repairs and Maintenance.

a. Apartment Owner's Duty to Repair and Maintain. Every Owner, from time to time and at all times, shall promptly perform all repair and maintenance work within his or her apartment for which the Owner is responsible, and the omission of which would adversely affect Lanikea or any common element or any other apartment. Every Owner shall be responsible for any loss and damage caused by his failure to do so. Contractors used for repairs or maintenance must comply with the Association's Rules for Contractors.

b. Repairs Inside of Apartments to be at Owner's Expense. All repairs of internal installations within each apartment, such as plumbing and electrical fixtures, appliances, telephones, doors, lamps, and other fixtures and accessories belonging solely to such apartment, including the walls and floor coverings of such apartment, shall be at the apartment Owner's expense.

c. Repairs Affecting Common Elements. Any repair or maintenance requiring the services of a licensed electrician, plumber, contractor, or other licensed personnel shall only be performed by licensed personnel.

2. Modifications and Additions. Any structural modifications or additions to or of an apartment or common element (including limited common elements) must receive the prior written permission of the Board, and be in compliance with the Association's Policy Guidelines for Permitting Construction or Renovation Work in the Individual Apartments. Contractors used for construction or renovation work must comply with the Association's Rules for Contractors.

a. Board May Require Plans and Specifications. Before approving any proposed modifications or additions, the Board may require the presentation of plans and specifications prepared by a registered architect or engineer, and approval of the proposed modifications or additions may be conditioned upon the Board's approval of the plans.

b. No Attachment of Objects to the Exterior Without Board Approval. No Owner or tenant, except with the prior written consent of the Board, shall permit the attachment, hanging, projection or protrusion of any object, including garments, wiring or other device for electrical or telephone installations, television, machines, or other equipment or appurtenances on the exterior of the building or protruding through the walls, windows or roof thereof.

c. Signs. Except as permitted by the Board, Owners or tenants shall not place any signs in or on the building, in the lobbies or elevators, in the recreational area, or in or upon other common elements.

3. Board May Require Removal of Unauthorized Work. The Board may inspect any work and may order the removal of any work that has not been approved or that may adversely affect the common elements or the exterior appearance of Lanikea.

4. No Roof Access. No person whatsoever (other than the general manager or managing agent and authorized tradesmen and technicians) shall be allowed on any roof anywhere at Lanikea for any purpose.

5. Move In/Move Out **MONDAY TO SATURDAY 8:00 A.M.-5:00 P.M.**

a. Residents must sign up for an elevator reservation time with Security at the Front Desk at least 24 hours in advance for the move-in or move-out, or for items larger than can be carried by one person to enter or exit the elevator, such as large furniture or appliances, so that an elevator may be reserved and properly padded.

b. Move-in and move-out of such items may only be done Monday through Saturday between the hours of 8:00 a.m. - 5:00 p.m. (No Sundays or Holidays.) Lanikea Holidays are New Year's Day, Martin Luther King, Jr. Day, President's Day, Prince Kuhio Day, Memorial Day, King Kamehameha Day, Independence Day, Labor Day, Discoverer's Day, Veteran's Day, Thanksgiving Day, Employee Appreciation Day and Christmas Day.

c. Residents are responsible for any damage to the elevator pads, to the elevator, to the building and to any walls or furnishings in the common areas. Security will inspect all areas before and after the move. Security will explain the proper route in/out of the building. NO hand trucks or moving of items shall be done through the front lobby glass doors.

6. Right of Entry in Favor of Association. The Board and its agents have the right to access each Apartment from time to time during reasonable hours as may be necessary for the operation of Lanikea or at any time for emergency repair of any Apartment or the limited common elements appurtenant thereto necessary to prevent damage to the common elements or to another Apartment. Keys to the apartments may be furnished to the general manager's office if an owner wishes or someone else as designated on the Owner's Registration form.

7. Operation of Vehicle-Speed Limit. No vehicle shall exceed a Speed Limit of **FIVE (5)** miles per hour while on Lanikea at Waikiki property. Speeding violations will be issued. It is highly recommended that drivers use headlights while driving through parking decks.

## **VIOLATIONS OF THESE RULES**

### 1. Reporting Violations and Damages

a. Reporting of Violations. All corrective actions regarding violations of the House Rules and damages to the common elements will be enforced by the Board and should be reported in writing promptly to Security, the general manager or the Board.

b. Damage to Common Elements. Any damage to the common elements shall be surveyed by the Board or other authorized personnel at the direction of the Board, and the cost of repair or replacement and any legal fees incurred may be assessed by the Board against the person or persons responsible, including, but not limited to, any Owner, for damages caused directly or indirectly by his or her tenants or Owner's or tenant's family members, domestic servants, or guests.

2. Remedies. The violation of any of these House Rules shall give the Board or Agent, the right to:

a. Enter Apartments. Enter the apartment and/or limited common elements in which, or as to which, such violation or breach exists and to summarily abate and remove, at the expense of the defaulting Owner (whether or not caused by the Owner or any person for whose conduct the Owner may be responsible), any structure, thing or condition that may exist therein contrary to the provisions of these rules, and the Board or the authorized agents shall not thereby be deemed guilty in any manner of trespass.

b. Institute Legal Proceedings. Institute legal proceedings to enjoin, abate or remedy the continuance of any such violation, and all costs thereof, including attorneys' fees, shall be borne by the defaulting Owner (whether caused by the Owner or by any person for whose conduct the Owner may be responsible).

Nothing contained herein shall be interpreted to prevent or delay the Board and/or Managing Agent from immediately enjoining, abating, removing, or remedying - through automatic fines, legal action, or any other means - any violation or breach that may impair or in any way affect the value or safety of Lanikea or the use, enjoyment, safety, or health of any Owner or resident.

An immediate fine may be imposed for a serious violation, which affects the value or safety of the project or the use, enjoyment, safety or health of any resident, or if the House Rules provide an immediate fine for this particular violation. If the violation does not warrant an immediate fine, the schedule of fines shall be as follows:

First violation: Written notification given, violation to be corrected within ten (10) days.

Second Violation: If the violation is not corrected, a written twenty (20) day notice should be given with a \$50.00 fine.

Third Violation: If the violation is not corrected, a written thirty (30) day notice should be given with a \$100.00 fine and the violation to be sent to the Association's attorney for legal action.

Right of Appeal: Any Owner who is subject to a sanction as provided in these rules who believes that such sanction is improper or based on false information may appeal in writing for dismissal of the sanction by the Board. Any appeal must be filed within thirty (30) days of the date of the notice of violation.

## **NON-DISCRIMINATION POLICY**

Pursuant to Hawaii Revised Statutes Chapter 515, Title VIII of the Civil Rights Acts of 1968 as amended by the Fair Housing Amendments of 1988, and our non-discrimination policy, the Association does not discriminate on the basis of race, sex (including gender identity or expression and sexual orientation), color, religion, marital status, familial status, ancestry, disability, age or HIV (human immunodeficiency virus infection) in housing or real estate transactions. It is our policy to extend to all individuals the full and equal enjoyment of the advantages facilities, privileges and services consistent with Hawaii Revised Statutes Chapter 515 and the Federal Fair Housing Laws. When providing services and facilities or enforcing the rules at Lanikea, the Association will not allow discrimination, except as permitted by law. In particular, the Association will not treat any person unequally:

- In granting or withholding any approval or consent required under the Association's rules.
- In enforcing requirements of the Association rules about occupancy restrictions or use of the recreational facilities which might unlawfully restrict families with children.
- In connection with requests of disabled occupants or visitors of Lanikea to have guide dogs, signal dogs, or other animals required because of the occupant's or visitor's disability; except that if the animals become a nuisance to others they will not be permitted at Lanikea and will have to be removed.
- In processing requests of disabled occupants to: (1) make reasonable modifications to an apartment or the common areas at their own expense; and (2) have reasonable exemptions from requirements of the Association rules, to enable those occupants to have full use and enjoyment of Lanikea.

The Board will suspend any requirement of the Association rules which, if enforced, could result in unlawful discrimination. If, however, a resident of Lanikea or a visitor is requesting: an animal; modifications to an apartment of Lanikea; or an exemption from the rules because of a disability, the Association will require written confirmation of the disability from a qualified physician, including a statement from the physician as to the reasonable accommodation which is being requested. Please contact the managing agent or general manager if you have any questions.

## **POOL/SPA RULES**

### **\*NO LIFEGUARD IS ON DUTY\***

**Pool/Spa and BBQ/Garden Hours are daily from 8:00 a.m. to 10:00 p.m.**

**Recreational Facility.** The pool, the recreational facilities and the surrounding areas are for the exclusive use of residents of Lanikea and their guests during hours to be determined by the Board and in accordance with the rules to be promulgated by the Board. Residents and guests shall use the pool and other recreational facilities at their own risk in accordance with the posted rules. **All users of the pool shall dry off completely before re-entering the Lanikea lobby. Appropriate cover-up attire and footwear are to be worn within the building's public areas.**

**Reservations.** Residents planning to have more than six (6) Guests in the Recreation Area must inform the General Manager at least 48 hours in advance. Residents who will have in excess of ten (10) Guests must inform and obtain the permission of the General Manager three (3) business days prior to the event. If more than one Resident is planning to have a function on the same day, the General Manager may deny approval to reservation requests received after the initial request.

**Department of Health Public** imposes the following swimming pool rules. The operator of a public swimming pool shall enforce the following rules and list them on a placard posted either at the public swimming pool or in the dressing rooms:

- 1) All persons using the public swimming pool shall take a cleansing shower bath before entering the public swimming pool. A bather leaving the public swimming pool to use the toilet shall take a second cleansing shower bath before returning to the public swimming pool;
- 2) Any person having an infectious or communicable disease shall be excluded from the public swimming pool. Persons having any open blisters, cuts, etc., is warned that these are likely to become infected and advised not to use the pool;
- 3) Spitting, spouting of water, and blowing the nose in the public swimming pool is strictly prohibited;
- 4) To prevent contamination of the public swimming pool, infants and toddlers shall use swim diapers;
- 5) The public swimming pool shall be immediately closed for cleaning in the event of an accidental fecal or vomitus discharge. All bathers shall be ordered to leave the public swimming pool until such substances are removed. A closed system public swimming pool shall be disinfected before the pool is reopened for use. An open system public swimming pool shall be kept closed until it is determined that the water quality meets the standards set by the Hawaii Department of Health; and
- 6) Pets are not allowed in a public swimming pool.

**Tiki Torches.** Requests for lighting of Tiki Torches will be on an individual request basis for Friday only from sunset - 10:00 p.m. Security may deny such request due to inclement weather. Pool gate **MUST** remain locked at all times.

**Glassware and China** are strictly prohibited in the pool area.

# **Association of Apartment Owners of Lanikea at Waikiki**

## **RULES FOR CONTRACTORS**

1. All owners, contractors, sub-contractors, workers, and cleaning personnel must conform to these contractor rules. Failure to follow the rules may result in the job being shut down. Contractors (including sub-contractors) with a record of violations of these Rules for Contractors may be denied permission to do further work in this building at the sole discretion of the Board.
2. Permitted work hours are from 8:00 a.m. to 5:00 p.m. Monday to Friday. Cleaning personnel are permitted to work from 8:00 a.m. to 6:00 p.m. Monday to Saturday. No work will be permitted on the following Holidays: New Year's Day, Martin Luther King, Jr. Day, President's Day, Prince Kuhio Day, Memorial Day, King Kamehameha Day, Independence Day, Labor Day, Discoverer's Day, Veteran's Day, Thanksgiving Day, Employee Appreciation Day or Christmas Day.
3. Access by Contractors. For security reasons, each worker must sign in/out with Security at the Front Desk. All workers must enter and leave the building through an established pathway that will be explained by Security upon arrival. No deliveries or hand trucks are allowed through the front glass lobby doors. Contractors (including cleaners) are not to be provided apartment keys or security fobs. Owners/ residents may use lockboxes for convenience in granting access. Such lockboxes are allowed to be placed only in the lobby lockbox closet where they may be monitored by Security.
4. Parking for contractor vehicles is limited. Guest parking or the unit's parking stall is the primary parking area for contractors; additional parking in the loading dock area may be available by prior arrangement with Security. The user is responsible for cleanliness of the parking stall. Oil or other leakage from the parked vehicle onto the floor must be cleaned up immediately. If the Association finds it necessary to clean a stall sullied by the contractor's vehicles, the Owner hosting the work will be charged a minimum of \$50.00 and the offending vehicle may be banned from the building.
5. Contractor workers are to confine their presence to work areas and routes of access. All other areas are OFF LIMITS, including the swimming pool and deck, the lawn and lounge chairs, lobby sofas and chairs, and residential floors other than that floor where the job is located.
6. Do not overload the elevator capacity. Only the padded elevator may be used by workers.
7. All forms, cabinets, doors, and such are to be made at a shop. Use of our building or parking areas, as a manufacturing facility is not permitted.
8. Protective mesh must be installed on lanais to prevent debris from falling from the lanai to the ground below. Ventilation grills in apartment bathrooms and kitchen must be covered to block dust from migrating to other apartments.
9. Work is to be performed under noise levels acceptable to a residential area.
9. All plumbing and electrical work must be authorized by Lanikea at Waikiki before disconnects or turn-offs can be performed. Plumbing turn-offs and electrical disconnects must be coordinated with the general manager at least 48 hours in advance so that affected residents may be notified. Only properly licensed workers are to perform such services. The Association reserves the right to inspect all open walls or ceilings when plumbing work is required.
10. Contractors and sub-contractors must clean the elevator and common areas impacted by the construction on a daily basis. Contractors must lay protective covering on the deck coating. No duct tape is permitted.



## **Association of Apartment Owners of Lanikea at Waikiki**

### **POLICY GUIDELINES FOR PERMITTING CONSTRUCTION OR RENOVATION WORK IN THE INDIVIDUAL APARTMENTS**

This information is provided by the Board of Directors of the Association of Apartment Owners of Lanikea at Waikiki (Association) to assist owners in understanding the process by which renovation work is conducted in a building such as ours. References are included to pertinent laws and regulations, including the Hawaii Revised Statutes (HRS) and the Building Code of the City & County of Honolulu (the Code). These guidelines are not intended to be all-inclusive. Your interests will be best served and protected by partnering your preparations with a licensed professional architect, engineer, or general contractor.

1. Work that requires permission.

Pursuant to Sections 8.3 and 8.4 of the Bylaws, owners need to obtain the Board's prior written approval for structural alterations and additions to their apartments, and also changes to the exterior of their apartments (such as painting, altering or installing awnings, jalousies or screens), or before making any alteration that affects the common elements. In addition, the approval of a percentage of owners may be required if the alteration is material. Owners shall obtain a building permit whenever required by the City and County Ordinance (in particular, a building permit is required for plumbing and electrical work). Owners shall use a licensed and insured contractor whenever required by law.

Regardless of anything to the contrary in the Declaration, the Bylaws, or these House Rules, and as stated in Section 8.5 of the Bylaws, disabled occupants shall be permitted to make reasonable modifications to their units and/or the common elements, at their expense, if the modifications are necessary to enable them to use and enjoy their units and/or the common elements; provided that any disabled occupant wishing to make modifications or to obtain an exemption first submits a written request to the Board, and the Board consents in writing to the request. The request must state in detail the nature of the request and the reason that the disabled occupant needs to make modifications or to be granted an exemption. The Board shall not unreasonably withhold or delay its consent to the request, and any request shall be deemed to be granted if the Board does not respond in writing, within forty-five (45) days of the Board's receipt of the request. The Board may condition its consent upon the disabled occupant complying with the following conditions:

- (1) The disabled occupant must provide plans and specifications, including detailed plot plans, if requested, at the disabled occupant's expense;
- (2) The disabled occupant must agree to, if necessary, submit the plans and specifications to an engineer or other expert selected by the Board for review and

- approval, at the disabled occupant's expense;
- (3) The disabled occupant must agree to, if necessary, an inspection of the proposed additions or alterations during the course of construction and/or following completion of construction, by an engineer or other expert selected by the Board at the disabled occupant's expense;
  - (4) The disabled occupant must strictly comply with all applicable laws, ordinances, and regulations of any governmental entity; and
  - (5) The disabled occupant must obtain any necessary building permits, at the disabled occupant's expense.

Whereas:

Article II, Section 2.3 of the Bylaws; Article VIII, Section 8.3 of the Bylaws; Article VIII, Section 8.6 of the Bylaws;

On the basis of the above provisions of the Bylaws of the Association, the board has decided to adopt a resolution defining "Policy Guidelines for Permitting Construction or Renovation Work in the Individual Apartments".

I. RESOLVED:

The BOARD OF DIRECTORS OF THE ASSOCIATION OF APARTMENT OWNERS OF LANIKEA AT WAIKIKI adopts the following resolution providing guidelines for permitting construction or renovation work in the individual apartments:

1 Work to which these guidelines apply

1.1 These policy guidelines cover all construction or renovation work for which a building permit is required.

Section 18-3.1 Permits - Required (Building Code City & County of Honolulu).

(a) No person shall perform any of the following or cause any of the following to be performed without first obtaining a building permit therefore as prescribed in this section:

- (1) Erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure;
- (2) Any electrical work;
- (3) Install, remove, alter, repair, or replace any plumbing, fire sprinkler, gas or drainage piping work or any fixture, gas appliance, or water heating or treating equipment.

An Owner claiming that a building permit is not necessary for the work being performed in the Owner's apartment shall have the burden to produce evidence that proves why such a permit is not needed.

2. Obtaining permission from the Association.

2.1 Association needs to know what construction or renovation work is taking place on the property. Among the reasons for this are Association's fiduciary obligations to:

1. Protect the structural integrity of the building and the serviceability of its mechanical systems.
2. Protect Association, its officers, and its Owners from the potential liability (financial or criminal) of allowing or acquiescing to un-permitted construction activity on its property.
3. Protect the market valuation of the building and its residential units by maintaining a visually appealing building exterior and a reputation for effective management.
4. Protect the safety and comfort of Association residents by overseeing the tempo and professionalism of construction activity on the property.

a. An Owner wishing to order work in his apartment, for which a permit is required under Section 18-3.1 of the Code, must petition Association via its Board of Directors for authority to do so. Such petition should consist of a cover letter summarizing the scope of the work and a copy of the architect- or engineer-supervised drawings and specifications, if required by the Board.

b. Processing such requests works best when the request and plans are received at least a week before a scheduled monthly Board meeting, and can be circulated among the Directors for review prior to the meeting. The Owner or his representative should then plan to be available at the meeting to respond to any questions from Board members.

c. If the Owner wishes expedited consideration of his petition, he may request the Board be called into special session to consider his request, for which an administrative fee of \$150 will be assessed to the Owner. The Board will honor such a request at its discretion, depending in part upon the availability of a quorum.

d. The Board, at its sole prerogative, may elect to submit complex or unusual renovation plans to a professional architect or engineer of its choosing for independent review. The invoiced cost of such review will be assessed to the Owner.

e. When the Board's deliberation is completed, the Owner will be notified in writing by the general manager of the Board's decision. If the plans are approved or conditionally approved, the letter of approval will grant authority to the Owner (subject to any stated conditions) to commence the permitting process, acting for this purpose as an agent of Association as the property owner. A copy of the approval letter should be attached to the building permit application to substantiate this grant of agency authority.

f. If the Board withholds such approval, the letter will describe what needs to

be done to make the plans acceptable to Association. It is not the intent of these policies and procedures to unreasonably deny to any Owner the right to enhance his living situation or the market value of his apartment.

3 Obtaining a building permit

3.1 For any construction or renovation job not fully exempt under the provisions of Building Code Section 18-3.1 (b), a building permit must be issued before work can proceed.

3.2 Only a contractor licensed under HRS Chapter 444 or 448E can be issued a building permit. The only residential exception is for an unlicensed individual acting as his own general contractor working on a single- or two-family detached dwelling occupied solely by family members and not offered for sale. This exception is not applicable to our building. (See HRS Section 444-9.1.)

3.3 A specialty contractor (electrical or plumbing) can be issued a building permit only for work within his specialty, including activities that are incidental to the primary purpose for which the contractor holds a license, such as removal and replacement of drywall to access a task site. Any other applicant must be licensed as a general contractor. The burden of ensuring that all work performed under his permit complies fully with the Code and with other pertinent laws, rules or regulations fall squarely on the shoulders of the Permittee. Penalties for failure to do so can be substantial.

3.4 The Code (at Section 18-4.2) requires that three sets of plans, specifications and other required data be submitted with each application for a building permit. Since Association is a structure in which public health and safety concerns are implicit, such plans and specifications must be prepared by or under the supervision of an architect or engineer licensed under HRS Chapter 464, who must place his signed stamp of approval on them.

3.5 Upon issue of a permit, one set of the approved plans and specifications is returned to the applicant and must be kept on the site of the building or work at all times during which the work authorized thereby is in progress. When the building official issues the permit, he must affix a stamp of approval to each sheet of the job-site copy of the plans and specifications. Such approved plans and specifications may not be changed, modified or altered without authorization from the building official, and all work regulated by the Code must be done in accordance with the approval plans. (See Code Sections 18-5.1 and 18-5.2.)

4 Authority to commence permitted work.

a. If a building permit is required, the owner shall first secure the building permit and provide one copy of the building permit and the stamp-approved plans and specifications to Association before work on the project may proceed. These documents will be retained in the permanent file in the office of the general manager, where they will be available for review by interested parties. (If an additional job site copy of the stamped plans and specs is needed, these should be prepared separately.)

b. In addition to the above, the Board may require that the owner provide the following items to the Association general manager before work under the permit may commence:

- (1) A Certificate of Insurance naming Association as an additional named

insured on the owner's liability coverage.

- (2) A copy of the owner's contractor's license and insurance certificate for each contractor and sub-contractor working in the building.
- (3) A security/cleaning deposit of \$500 by check payable to Lanikea at Waikiki. Charges may be made from this deposit by the general manager for cleaning by Association staff of dirt and debris found in common areas and not promptly removed by action of the owner, its contractors and/or employees, and for the invoiced amount of any repairs necessitated by damage to common areas or to other living units caused by the work in the owner's apartment. The owner may appeal any such charges in writing to the Association Board within thirty (30) days of the notice of these charges. If at any time the balance in such deposit account shall be reduced below \$100, the general manager will request the owner to immediately restore the original \$500 balance after any pending charges have been debited. The balance in this deposit account will be retained by Association until work under the permit is completed and outstanding claims against the account have been settled.

c. Should cleaning or damage repair claims attributable to work under the permit exceed deposited funds, and the balance remain unpaid by the owner when work under the permit is completed, Association will assess this debt to the responsible Owner.

d. The Owner may wish or need to modify the Board approved plans or specifications after such work has commenced. The Association Board must be petitioned for approval of the modified plans. Such request will receive expedited processing, and will not be unreasonably denied. Work in response to the modified plans may not proceed until written approvals by both the Association Board and City and County, if required, are received by the general manager.

e. Representatives of Association (officers, staff, general manager or professional consultants) may visit the job site at any reasonable time to assess compliance with the approved plans. If discrepancies or deviations are not promptly resolved after being brought to the owner's attention in writing, Association, by resolution of its Board, may order that some or all work at the job-site cease until errant work is either corrected or approved post-facto by the Association Board.

**OWNERS WILL BE SUBJECT TO THE FOLLOWING CLEANING CHARGES:**

Cleaning of hallways - \$50.00 per hour or any fraction thereof. Cleaning of parking stalls/cement floors - \$50.00 per hour or any fraction thereof.

Repair costs for any damage to elevators or other common areas of the building will be billed to the unit Owner employing the contractor at fault. Damage must be repaired immediately and not delayed until construction is completed.

Contractors are to haul away all trash daily. The Association dumpster is for the use of residents

only. If a contractor-provided dumpster is needed onsite, contact the general manager to determine a permitted location.

**SOUND TRANSFER CO-EFFICIENT; REPLACEMENT OF FLOORING SURFACES**

For all residential apartments located above the first residential floor, Owners replacing their flooring surfaces shall use either continuous carpet and pad or other materials and systems which will meet, at a minimum, an Acoustic Impact Insulation Class of IIC 65.

Received by Owner or Responsible Party:

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Deposit check received: \_\_\_\_\_ Check #: \_\_\_\_\_

Certificate of Liability Insurance received: \_\_\_\_\_

Contractor's License Certificate received: \_\_\_\_\_