

House Rules for Leinaala 2010

1. **Purpose:** These House Rules are designed to safeguard the life, enjoyment, and property of each owner, occupant, and guest, and the cooperation of all is required. They are supplementary to the Bylaws and do not replace or modify the Bylaws.
2. **Compliance:** In the common and limited common elements, and in all undivided interests, full compliance by all is anticipated and every owner is urged to require strict observance by all, including children, guests, and visitors. Ultimately, the responsibility for compliance falls to the unit owners. See Sections 25 and 26.
3. **Extensions and Changes:** The Board of Directors from time to time may post special safety or other rules concerning the use of the swimming pool, driveways, parking area, etc. The Board's posted rules shall be considered extensions of these House Rules. The House Rules are subject to change by action of the Board; suggested changes should be delivered in writing to the Board.
4. **Premises - General:**
 - a. No unsightliness within the public view is permitted within the condominium project. For this purpose "unsightliness" includes but is not limited to the following: laundry on lines, reels, lanai railings or grass; litter and trash containers, except as specifically provided; inappropriate, broken, scarred, or offensively ugly furniture or plants on lanais or lawns; non-decorative gear, equipment, cans or bottles, ladders, trash, boxes, barrels, etc., stored on lanais, walks, etc.
 - b. No signs, name plates, shades, window guards, awnings, screens, blinds, television or other projections shall be attached to the outside of the walls of the buildings or to the exterior of any door or on the lanais without the prior written approval of the Board of Directors.
 - c. No owner shall post any advertisement, bill, poster or other sign on or about the project except as authorized by the Board of Directors.
 - d. All drapes, lanai, window or door decorations clearly visible from the outside of the building shall conform in color and appearance with standards set by the Board.
 - e. No outdoor light may be installed on a lanai. Portable lamps are permitted.
 - f. The maintenance employees will use every effort to keep the grounds attractive and clean. Nonetheless, every owner is to do

his or her part and to use his influence on all members of his household to do theirs toward abating unsightliness within the condominium project to the fullest practicable extent.

- g. The kitchen garbage disposal should be used for all garbage that can safely be disposed of in this manner. Any garbage that cannot be put in the disposal shall be wrapped or put in a plastic bag and then placed in the dumpster. No grease, eggshells, coffee grinds or any other substance that may cause a stoppage is to be put in a drain or kitchen disposal. Trash shall be placed in the dumpster or, according to the current practice, segregated for recycling.
 - h. The bathrooms and other plumbing shall not be used for any purpose other than that for which they were constructed, and no sweepings, rubbish, rags, napkins, ashes or other foreign substances shall be thrown therein. The owner or occupant who shall cause or permit it shall pay for any damage and/or plugging resulting from misuse.
 - i. No gun, pellet gun, slingshot or other similar contrivances shall be used in any manner, on or from the premises.
- 5. Common Elements: Nothing shall be altered, removed from or stored in the common elements without proper written approval of the Board.
- 6. Damages:
 - a. The Board members shall survey damages to common elements, and the cost of repair or replacement may be assessed by the Board against the person or persons responsible.
 - b. Owners are responsible for any damage to other units caused by their activity, negligence, or failure of utilities or appliances in their own units.
- 7. Maintenance:
 - a. Under the supervision of the Board the maintenance of common elements is a responsibility of the Manager; defects and deficiencies should be reported when and as observed.
 - b. Maintenance of individually owned apartments, including lanais and all windows, is the responsibility of their respective owners and/or occupants.
- 8. Nuisance:

- a. No noxious, offensive, or annoying activity, noise or nuisance by an occupant or owner, his family, friends, or children, which may transgress the rights, comfort or convenience of others shall be created or permitted within the apartments or common elements. This rule shall especially apply to social gatherings, T.V. sets, radios, stereos, musical instruments, singing, shouting, and loud talk, and shall be strictly enforced after 10:00 p.m. Quiet time is from 10:00 p.m. to 8:00 a.m.
- b. No rugs or other objects shall be dusted or shaken from the lanais, or hallways on any exterior part of the project, nor shall anything be swept, thrown or emptied from the doorways, windows, or lanais nor shall anything be hung from any lanais, windows, walkways or exterior walls. The sweeping of the lanais and adjacent areas shall be accomplished in a manner that will not create a nuisance to persons residing in lower or adjacent apartments or to persons on the ground.
- c. Smoking is not permitted on lanais and in common areas. Smokers must be at least 20 feet from common areas.

9. Hazards:

- a. No activity shall be engaged in and no substance introduced into or manufactured within the building, which might result in a violation of the law or in the cancellation of the insurance or increase the insurance rate on the building within the project.
- b. Unless the Board gives advance written consent in each and every instance, occupants shall not use or permit to be brought onto the premises or building any inflammable oils or fluids such as gasoline, kerosene, naphtha, benzene, explosives or articles deemed hazardous to life, limb, or property.
- c. No barbeques shall be permitted.
- d. The board, after notice to all unit owners and an opportunity for owner comment, may determine that certain portions of the units, or certain objects or appliances within the units pose a particular risk of damage to other units or the common elements if they are not properly inspected, maintained, repaired or replaced by owners. Those items determined by the board to pose a particular risk are "high-risk components."

For high-risk components the board may require:

- Inspection at regular specified intervals
- Inspection following replacement or repair
- Replacement or repair at specified intervals
- Replacement, repair or removal to meet standards specified by the board.
- Installation by contractors with specific licensing, training, or certification approved by the board.

10. Security Measures:

- a. The Resident Manager shall be provided with a passkey to every apartment in the project. The Manager has a right of access to any apartment for the purpose of making an inspection, taking action in an emergency, correcting a condition, making needed repairs, facilitating the delivery of furniture, etc., or resolving a problem or complaint from an occupant. The master key may be used to admit occupants who have misplaced keys.
- b. Every party moving into Leinaala, whether owner, guest, or tenant, shall register with the Resident Manager, giving all pertinent and necessary information. Occupants shall notify the management of the name, address and telephone number of the persons and/or physician who should be notified in case of an emergency. Occupants shall notify management of their respective forwarding addresses prior to leaving on extended trips and shall also provide information regarding the use of their apartments while away on such trips.
- c. Occupants shall read and sign house rules.
- d. All parties shall notify the Manager when vacating a unit.

11. Fire Prevention:

- a. Owners are responsible for installing smoke alarms in the bedroom or hallway. Two smoke alarms are required in the two-bedroom units. Batteries are to be changed annually.
- b. A properly charged fire extinguisher is to be placed in each kitchen.
- c. The fire alarm system and equipment shall be used only for the intended purpose. Tampering with this equipment could be a criminal action, and violators will be prosecuted accordingly.

12. Temporary Guests: An apartment owner or occupant may invite an individual or individuals to use the common elements as his sponsored guest(s) only if the owner or occupant is in residence.

13. Animals:

- a. Household pets of any kind are prohibited, and no owners, occupants, tenants, guests or visitors are permitted to retain pets at Leinaala. The Board of Directors will order the offending owner to pay for any damages caused by an animal on the premises.
- b. Seeing-eye dogs and working dogs, which assist handicapped persons, are excepted from the above restriction.

14. Swimming Pool and Deck Area:

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- a. The pool is open daily during posted hours. It is for the use of residents and owners. Bathing suits must be worn. No nude or semi-nude bathing is allowed. Children who are not toilet trained are required to wear leak-proof suits.
 - b. The pool may be reserved for special occasions by making reservations with the Manager at least one week in advance.
 - c. Owners may not invite guests to use the pool unless the owner or guest is in residence, except by special permission of the Manager.
 - d. Owners shall restrict the number of guests using the pool to three, except by special reservation.
 - e. No person under the age 15 shall be allowed in pool area without adult supervision.
 - f. Bathers shall dry off before entering any carpeted common area.
 - g. Persons entering the pool area from the beach shall wash off sand prior to entering the pool area.
 - h. There shall be no running nor loud and boisterous play inside the pool area. Music must be on a personal headset.
 - i. Food and beverages are allowed in the pool area, but no glassware items are allowed.
 - j. Beach balls, boogie boards, air mattresses, noodles and similar items are not allowed. Snorkel gear and children's flotation gear are permitted.
15. Children: Children shall not be permitted to wander unattended or play or loiter in parking areas, roads, elevators, and walkways.
16. Elevator: The elevator shall be used with consideration for others and only for the designed purpose. Play in any form is prohibited. When used to transport furniture, boxes, supplies, etc. it shall be done as expeditiously as possible, and left in a clean condition. No smoking is allowed in the elevator. No animals are allowed in the elevator except for seeing-eye dogs and dogs assisting handicapped persons.
17. Parking Area:
- a. Neither occupants nor guests shall leave their vehicles unattended in the parking area (other than in their assigned stall) when loading or unloading material and shall promptly remove their vehicles when the loading or unloading is completed. Other than loading or unloading, commercial vehicles are not permitted in the parking area unless given specific permission by the Resident Manager.
 - b. Cars may not be washed in the parking area.
 - c. Entrance to and exit from the parking area should be affected with utmost caution. The speed limit is 5 mph.
 - d. All occupants are required to use only the designated parking space assigned to the unit. An owner may make a temporary

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- parking arrangement on the use of his or her assigned parking space with the agreement of other owners affected and by submitting the change in writing to the Resident Manager.
- e. No auto repairs except for emergency purposes shall be made in parking area.
 - f. No trucks over three-quarter ton capacity or construction machinery shall make use of the parking area, except for limited time necessary to perform project delivery, maintenance and/or repairs, unless otherwise approved by the Board of Directors.
18. Soliciting: No soliciting of any type shall be permitted without advance appointments.
19. New Owners: The Manager is responsible for having all new owners read and sign a copy of the House Rules.
20. Beach: Upon or before returning from the beach, all owners, occupants, and guests shall wash sand from their feet and person before entering halls, sidewalks, stairways and the elevator.
- 21: Occupancy Limits: Occupancy of any apartment shall not be in excess of limits stated in State of Hawaii Board of Health Rules.
22. Drug Free: Leinaala, building and premises are a drug free area. Any person found bringing or using illegal drugs at Leinaala will be reported to the appropriate authorities and subject to disciplinary action by the Board of Directors.
23. Major Appliances:
- a. Dishwashers up to a size of 18", microwave ovens, refrigerators and stoves may be installed in the apartments.*
 - b. Room air conditioners may be installed on the lanai side of the unit. Bedroom air conditioners may be installed subject to Board approval.
 - c. No appliances may be installed that affect the use of the common elements or do not comply with the contractual obligations of Leinaala.
 - d. No appliances may be installed that jeopardize the soundness of the building or the systems within it.
 - e. There is no restriction on plug-in appliances such as toasters.

* A motion was passed at the general meeting held on October 12, 2002 to limit the size of dishwashers to 18 inches. The owners intended this limit to apply only to future installations. There is no requirement to replace currently installed dishwashers that are larger than 18 inches.

24. Apartment Remodeling:

- a. Prior to making any additions or alternations to a unit involving electricity, plumbing or hard floor covering such as tile, the owner is required to submit to the Resident Manager the forms: Rules for Remodeling – Owner’s Responsibility and Rules for Remodeling – Contractor’s Responsibility.
 - b. For the above modifications, the Resident Manager will send copies of afore mentioned remodeling forms to all Directors. Directors will review the forms, approve or disapprove the remodeling, and respond individually to the Resident Manager by email with copies to other Directors. Approval of at least three Directors is required prior to beginning work.
Owners who remodel without Board approval may be required to restore their units to the condition prior to remodeling.
 - c. Modifications to concrete floor and ceilings are not permitted.
 - d. Owners are required to notify the Resident Managers in advance of all other remodeling such as painting, changes to cabinets, etc. that is done by outside workmen.
 - e. All remodeling or maintenance must be done between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday. No remodeling is allowed on Sunday.
 - f. Vehicles of maintenance workers and contractors must be parked as directed by the Manager and, depending on circumstances, may not be allowed to park in the Leinaala parking area.
 - g. When remodeling produces large amounts of trash and debris the owner should provide a separate dumpster. Its location and arrangements for its delivery should be made with the assistance and approval of the Resident Manager.
25. Violations: Violations of the House Rules may come to the attention of the Resident Managers by direct observation or by reports of occupants. If an oral warning by the Resident Manager corrects the violation, and it is not repeated, no further action is necessary. At the manager’s discretion a written warning may be given to the violator. If the warning is ignored or the violation is repeated, the Resident Manager shall report, in writing, the violation(s) and the violator to the Board of Directors and to the owner(s) of the unit. The Board of Directors will initiate corrective action with the owner as and when appropriate.

26. Enforcement:

- a. To ensure compliance with these House Rules and the Bylaws of Leinaala Association of Apartment Owners the Board of Directors has the right to assess fines on owners for their violations or those of their guests and the occupants of their units.* In every reported case, a member of the Board of Directors will investigate alleged or observed violations to include contacting the owner. If there is a violation, the Board will first attempt to resolve the problem to its and the owner's satisfaction. The owner shall have the right to present his case in writing or orally at a Board meeting.
- b. If there is no resolution, by vote of the majority of the Board, the owner will receive a written notice from the Board, or from the Manager at the direction of the Board, stating the violation and levying a fine of \$100 to be paid within 14 days, or in the case of an on-going violation, directing the owner to rectify the violation within 14 calendar days of the notice.
- c. If the violation is not corrected or the fine not paid within the 14-day period, a second notice will be given imposing a \$100 fine and an additional 14 days from the date of the prior notice will be given.
- d. If the violation is not corrected or the fine not paid within the second 14-day period, a third notice will grant an additional 14 days and will impose an additional \$100 fine.
- e. If the violation is not corrected within the 14-day period granted by the third notice, an additional fine of \$500 will be imposed.
- f. Within 90 days of the violation, the Board may give final notice of the violation and a demand for payment in accordance with Article VI, Section 4(b) of the Bylaws. If the fines are not paid with 10 days after delivery of such notice, the Board may file a claim of lien against the unit of the delinquent owner. Additionally, the Board may take legal action to collect fines and all attendant expenses including attorney's fees and may obtain a court order requiring the violating Owner to correct the violation and bring the unit into compliance.

*The Board of Directors has no authority to fine guests. Owners who are fined for the behavior of a guest are encouraged to bill the guest for the amount of the fine.

- g. The failure of the Board or Manager to enforce a Bylaw or House Rule does not constitute a waiver of the violated law or rule.
- 27. Amendments: These House Rules may be amended from time to time by the Board of Directors.

Adopted, October 1974
Amended, July 14, 2010
By majority vote of the Board of Directors