

Wailea Ekahi AOA House Rules

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WAILEA EKAHI AOA HOUSE RULES

Table of Contents

- A INTRODUCTION2
- B TEMPORARY OCCUPANCY/RENTALS.....2
 - 1. Appointment of Agent 2
 - 2. Notification of Occupancy 2
 - 3. Conduct of Renters and Guests 2
 - 4. Key Service 2
 - 5. Ekahi Office is not a rental agent 3
 - 6. Telephones 3
- C RULES GOVERNING MOTOR VEHICLES AND PARKING AREAS3
- D FEEDING THE BIRDS4
- E POOL AREAS INCLUDING POOLS, DECKS AND LOUNGE AREAS.....4
- F COMMON AREAS, EXTERIOR AREAS AND WINDOWS.....5
- G BEACH PAVILION.....7
- H OCCUPANCY.....10
- I MAINTENANCE.....12
- J APARTMENT ALTERATIONS.....12

WAILEA EKAHI AOA HOUSE RULES

A INTRODUCTION

- 1 The primary purpose of these House Rules is to provide for a safe, peaceful, and enjoyable living environment for all Owners, guests, and renters. Your understanding and compliance with these Rules is appreciated.
- 2 These Rules have been adopted by the Board of Directors of the Association as provided in the Bylaws.
- 3 The Board of Directors has delegated to the General Manager full authority and responsibility for enforcing these Rules.
- 4 All Owners, guests, and renters shall be bound by these Rules and by standards of reasonable conduct, whether covered by these Rules or not.

B TEMPORARY OCCUPANCY/RENTALS

1 Appointment of Agent

All Owners must appoint an agent or representative to be contacted relative to emergency situations or issues such as lockouts related to those who occupy the Owner's apartment.

2 Notification of Occupancy

All Owners and/or their Rental Agent shall update the [Wailea Ekahi AOA](#) website, prior to arrival, of the names, number in party, and the dates of occupancy for each apartment. See Section C, item No. 6 regarding vehicle' parking permits.

3 Conduct of Renters and Guests

Owners and Rental Agents shall provide a copy of these rules to all guests and renters who shall be instructed to abide by these Rules. An apartment Owner shall be responsible for the conduct of his/her guests and/or renters and shall, upon request of the Board or the General Manager, immediately correct, at his/her expense any condition that may exist, which is contrary to the intent and meaning of these Rules. If the Owner is unable or does not seek to control the conduct of his/her guests and/or renters in conformance with these Rules, the General Manager may order the guests and/or renters from the premises, without compensation for any lost rentals or any other damage or liability arising therefrom.

4 Key Service

- a. The Ekahi Office cannot provide key service for guests and/or renters. In the event of a lockout, guests and/or renters shall seek assistance from their Rental Agent or Owner. Before any person changes any exterior door lock, he/she shall contact the General Manager and provide the Ekahi Office with a duplicate copy of the new key (both entry locks and deadbolts where appropriate). For emergency purposes, the General Manager shall have unimpeded access to all apartments always.

WAILEA EKAHI AOA HOUSE RULES

b. Any Owner who wishes to have the Ekahi Office issue a key to repairmen, contractors or service people must:

- 1) Provide the Ekahi Office with a signed hold harmless indemnity agreement. Forms are available in the Ekahi Office or on the Ekahi website.
- 2) Provide the Ekahi Office, during its normal office hours, with either a written or faxed authorization for each occasion when key service is desired. Authorization forms are available at the Ekahi Office or on the Ekahi website.
- 3) Complete and return the Wailea Ekahi Apartment Information form.
- 4) Assume responsibility for the return of the key to the Ekahi Office, and for any cost to replace a lost key and/or lock replacement.

5 Ekahi Office is not a rental agent

Renters and guests shall contact their Rental Agent or their apartment Owner in the event of any routine difficulties in connection with their stay in any apartment. The Ekahi Office is not a rental agent and has been directed by the Board of Directors not to become involved in these matters. In the event of a medical emergency or fire please call 911.

Telephones

Local dial telephones are located at the Beach Pavilion kitchen and the outer door of the Ekahi Office at Unit 18B. All apartments must have operational telephone service with the telephone number provided to the Ekahi Office. All relevant emergency telephone numbers shall be prominently displayed near the apartment telephone.

C RULES GOVERNING MOTOR VEHICLES AND PARKING AREAS

- 1** Vehicles shall not be driven more than ten (10) miles per hour in Wailea Ekahi.
- 2** Parking is unassigned. Each apartment shall have the use of one parking space. If requested, the General Manager will assist in finding an appropriate space to store a vehicle.
- 3** If a vehicle will remain in a parking space for more than five consecutive days, the owner shall provide the Ekahi Office with the key(s) or access code(s) to the vehicle and any cable/steering wheel locking device to allow the Association to move the vehicle when required for maintenance or in the case of an emergency. If an owner covers a vehicle in a parking space, the cover must be fitted, in good condition, and have legible license number and unit building number (e.g., MAU 123 – 18) stenciled on the cover in a visible location. If the vehicle cover is in disrepair or is not covering the vehicle, the Ekahi Office shall give notice, by electronic mail, to the owner and if the cover is not repaired or placed on the vehicle, the Ekahi Office shall have the right to remove the vehicle cover for disposal. If additional parking spaces are required in the area where the vehicle has been parked for more than five consecutive days, the Ekahi Office shall have the right to

WAILEA EKAHI AOA HOUSE RULES

request the owner to have their on-island representative relocate the vehicle to another parking space for the period of time during which additional parking is required. In the event that the owner requests the Ekahi Office to move the vehicle, Wailea Ekahi will not be liable for any damage that results from the above relocation.

- 4 Parking spaces shall be used for parking only. Vehicle repair shall not be performed in parking spaces except as required to start the vehicle. Use of parking spaces for other purposes such as painting, or carpentry is prohibited.
- 5 Parking permits, either permanent or temporary, are required for all vehicles that are parked overnight and they may be obtained from the Ekahi Office. Vehicles parked overnight without an appropriate permit may be towed away and stored at the expense of the vehicle operator or Owner. Temporary permits shall be placed on the dashboard or the rearview mirror or where they are clearly visible. Permanent permits are to be affixed to the rear bumper of the vehicle.
- 6 Vehicles used to provide goods or services for owners, including deliveries and contractors, are prohibited from parking on Ekahi property before 8:00 am or after 5:00 pm on weekdays, and on weekends and holidays except in emergencies.
- 7 Washing Vehicles: Washing cars at Wailea Ekahi shall be done at the designated areas only.
- 8 Assignment of a parking space for persons with disabilities may be made as a reasonable accommodation upon request and approval by the Board. Contact the Ekahi Office for further details.

D FEEDING OF ANIMALS AND BIRDS

Owners, guests, and renters shall not feed cats, birds, or any other animals. Food in any form left in the open attracts rats, mice, insects, feral animals, and birds, creating significant public health hazard. The first violation will result in a warning. The second violation will result in a fine equal to the costs of clean up, including an hourly rate of \$50 per hour (one hour minimum) as well as cost of damages to property and disposal of waste. In the case of a third violation, the fine amount doubles.

E POOL AREAS INCLUDING POOLS, DECKS AND LOUNGE AREAS

In the spirit of Aloha, please comply with Ekahi's Pool rules. Ekahi's Pool Attendants are charged with enforcing these rules. Violators may be asked to leave the pool areas.

- 1 **Pool hours are from 8:00 am to 10:00 pm (excepting New Year's Eve).** Pool areas are for the use of Owners and guests only. Trespassers will be prosecuted. All persons using pool areas do so at their own risk.
- 2 **NO LIFEGUARD ON DUTY.** Children must be supervised by a responsible, registered adult. Ekahi does not provide safety staff. Pets are not allowed within pool areas (excepting Service and Assistance animals).

WAILEA EKAHI AOA HOUSE RULES

- 3 Showers are required before entering pools to wash off sand, salt water and sunscreen. No nudity, regardless of age. No diapers in pools, unless covered with waterproof pants, or use of a swim diaper.
- 4 No tires, rings, toys, balls, air mattresses, boogie/surf boards, scuba/snorkel equipment, etc. are allowed in pools. Arm floats are an exception. No diving, running, horseplay or games, such as “Marco Polo” are allowed at any time. Audio systems are only permitted with earphones.
- 5 Glass is **ONLY ALLOWED** in Beach Pavilion. Food is **ONLY ALLOWED** in Beach Pavilion and at dining tables on pool decks.
- 6 No individual or group lessons are allowed in the pools.
- 7 Children are encouraged to use heated Beach Pavilion pool. Ekahi’s 3 small pools are not heated and are designated “quiet areas” – minimal noise.
- 8 **POOL FURNITURE MAY NOT BE “RESERVED”** or removed from pool areas. Please cover furniture with towels when using suntan lotion.
- 9 Only Ekahi provided umbrellas are allowed in the pool areas. No chaise lounges are allowed on the pool deck at the main pool.
- 10 Beach Pavilion gates shall remain open until 1:00 am on New Year’s Eve. All Ekahi residents shall share the pool, pool deck, BBQ area and Beach Pavilion. No Bands, DJs, or caterers allowed, unless the [Ekahi AOA](#) is hosting a New Year’s Eve party. All music must cease by 10:00 pm. **NO LOUD MUSIC OR NOISE** after 10:00 pm.

F COMMON AREAS, EXTERIOR AREAS AND WINDOWS

- 1 Lawn areas may be used for games such as tag, ball toss and Frisbee, providing it does not interfere with the rights, safety, or convenience of others. Organized sports such as golf, baseball and football games are prohibited.
- 2 Bicycles and motorcycles may be operated only on paved parking areas.
- 3 The use of skateboards, scooters, rollerblades, razor scooters and roller skates are prohibited.
- 4 Climbing on trees, fences, walls, or other fixed structures, within the premises, is prohibited.
- 5 Sidewalks, stairways, and corridors must not be obstructed or used for any purpose other than ingress or egress.
- 6 All plants shall be placed in containers that prevent water or soil from dripping on to other apartments or any common element areas.

WAILEA EKAHI AOA HOUSE RULES

- 7** No rugs or other objects shall be dusted or shaken from windows or lanais. Dumpsters and bins for trash and recyclables are in collection centers throughout Ekahi. Deposit household trash, securely tied in plastic bags, in dumpsters and recyclables in appropriately labeled bins. Please flatten boxes before depositing. No hazardous or explosive material may be brought or maintained in or near buildings or lanais, except in propane containers for barbecue grills. No fires, open flames, hibachis, or grills of any kind shall be permitted in any portion of an apartment, balcony, or lanai.
- 8** No unsightliness within the public view, including interior window coverings, is permitted on the premises. Only appropriate furniture and plants may be placed on lanais in public view and any unsightly or disturbing items shall be removed upon request of the General Manager. All visible exterior window coverings, sunshades or screening devices must be approved by the General Manager prior to installation.
- 9** Lanai railings shall not be used to hang clothing, towels, rugs, etc.
- 10** No garbage cans, household supplies, excess items or similar articles may be placed outside apartment areas, except as the Board may prescribe or approve.
- 11** No items of personal property may be left on any of the common element areas except in areas designated therefor or such items will be removed at the Owner's expense.
- 12** No Owner will erect, affix, or place any signs, notices, bills, or advertising matter which are visible from any point outside an apartment except in accordance with the Declaration, Bylaws, these Rules and/or other lawful determination of the Association. This rule does not forbid an Owner from placing one sign that does not exceed 6" by 6" that reads "Please Remove your Shoes, Mahalo" located on the wall near the entry to any unit. In all cases, the General Manager shall be consulted in advance regarding sign appearance, location, and method of attachment.
- 13** Hosing off upper lanais is not permitted.
- 14** Solicitation of petition signatures is prohibited on any common element areas.
- 15** A policy has been established for the use of the Board Room, located in Building 18, for meetings of non-profit civic groups of which an Owner is a member. Please check with the Ekahi Office for details.
- 16** The use of satellite antennas on any portion of any common element area is not permitted.
- 17** All lanai furniture must have rubber tipped legs where they contact lanai floor tiles.
- 18** Quiet shall prevail between 10:00 pm and 7:00 am. Also, no person shall make disturbing noises or interfere with the rights, comfort, or convenience of other occupants at any time. Television, radio broadcasting, music systems and the playing of musical instruments must be kept at a minimum sound level always. During quiet hours, noisy appliances such as washers/dryers and vacuum cleaners may not be operated.
- 19** The use of air conditioning units between 10:00 pm and 7:00 am will be restricted to a 'Low' setting and not to exceed 50 DBS as prescribed by Hawaii State Regulations.

WAILEA EKAHI AOA HOUSE RULES

- 20 The use of fireworks is always prohibited anywhere on Ekahi premises. Wailea Ekahi is a smoke-free property. All forms of smoking and vaping are strictly prohibited within apartments, on balconies or lanais as well as anywhere on common property, including the parking lots.
- 21 Operation of drones/unmanned aerial vehicles is prohibited.
- 22 Living and/or perishable items cannot be stored in attics.

G BEACH PAVILION

- 1 Hours: Pavilion hours are 8:00 am to 10:00 pm.
- 2 Pavilion Furnishings: The furnishings of the Pavilion have been provided for the comfort and convenience of Owners, guests, and renters. They shall not be transferred to other areas. Upholstered Pavilion furniture shall not be used when dressed in wet swimming attire.
- 3 Owner Guidelines for Pavilion Reservations
 - a An Owner, who desires to have a group activity of sixteen (16) or more, may reserve the Pavilion, through the Ekahi Office, for private social gatherings only between the hours of 4:30 pm and 10:00 pm. At least two (2) Board members must approve groups over thirty (30) attending. It may not be used for any business or any organization of a political, civic, or philosophical nature. It may not be reserved between December 15 through January 3rd, or during one (1) week prior to or one (1) week after the Ekahi annual owner's meeting – normally held in February of each year. The Pavilion cannot be reserved more than once a month by the same host. **A non-refundable usage fee of \$100.00 will be charged at the time of the reservation.**
 - b The pool and pool deck will remain open to all Ekahi residents. The barbecue will also remain open, if not specifically reserved for your use.
 - c All music must cease by 9:30 pm. **NO LOUD MUSIC OR NOISE.**
 - d Access from the Keawakapu parking area to the Kitchen, will only be provided by Ekahi personnel. You are responsible for manning the other Keawakapu access gate. The gate should not be propped open or left unattended.
 - e Groups may not exceed sixty (60) persons.
 - f An Owner may reserve the Pavilion no earlier than one (1) year in advance and no later than (3) three days in advance of the social event.
 - g The Owner sponsoring the social event must attend all times.
 - h No furniture or equipment may be removed from the Pavilion or Kitchen, and the host will instruct their guests on the parking restrictions and regulations.
 - i Only plastic glasses and decanters may be used. Beer, wine and other bottles or containers are permitted within the Pavilion only. No glass of any kind is permitted on the pool deck or the pool area.
 - j **A \$250.00 cleaning deposit is required at the time of the reservation** and is refundable, if the Pavilion is cleaned according to the guidelines listed in 3.k., and there are no damages.

WAILEA EKAHI AOA HOUSE RULES

- k The host of the social event is responsible for the following cleaning procedure, which is to be done immediately at the closing of the event:
- All trash must be put into proper receptacles located at Bldg. 7 parking lot. Install new trash bags, provided by Ekahi, in all trashcans that were used.
 - Pick up and dispose of any trash and debris around the vicinity.
 - Clean the barbecue grill, stoves, ovens, and microwaves, if used.
 - Sweep floor of Pavilion and Kitchen.
 - Clean and empty refrigerators.
 - Clean all counter tops.
 - Return all furniture to its original location.
- l If the Ekahi staff is required to perform the above cleaning tasks, the host will forfeit \$150.00. The remainder of the deposit will be refunded, unless required to compensate for damages. If damages exceed the remainder of the deposit, the host will be responsible for the additional amount.
- m Whenever Association owned equipment is used, anything missing or damaged will be immediately replaced or repaired by the Association using the deposit. Should damages exceed the deposit amount, the host will be billed for additional costs related to their reservation.

I have read the Pavilion Rules and understand that my \$100.00 usage fee is not refundable and that \$150.00 of my \$250.00 cleaning deposit will be forfeited if the Pavilion and Kitchen are not properly cleaned. I also understand that I am responsible for the repair or replacement of any damaged or missing furniture or equipment. I also certify that I will attend this social event, at all times.

Please date and sign the form associated with this section and submit to the Ekahi Office. The form can be found online here or picked up at the Ekahi Office.

4 Non-Owner Guidelines for Pavilion Reservations

- a A non-owner, who desires to have a group activity of sixteen (16) or more, may reserve the Pavilion, through the Ekahi office, if they are in residence at least ten (10) days, for private social gatherings only, between the hours of 4:30 pm and 10:00 pm. It may not be used for any business or any organization of a political, civic, or philosophical nature. It may not be reserved between December 15 through January 3rd, or during one (1) week prior to or one (1) week after the Ekahi annual owner's meeting – normally held in February of each year. The Pavilion cannot be reserved more than once a month by the same host. **A non-refundable usage fee of \$400.00 will be charged at the time of the reservation.**
- b The pool and pool deck will remain open to all Ekahi residents. The barbecue will also remain open, if not specifically reserved for your use.

WAILEA EKAHI AOA HOUSE RULES

- c All music must cease by 9:30 pm. **NO LOUD MUSIC OR NOISE.**
- d Access from the Keawakapu parking area to the Kitchen, will only be provided by Ekahi personnel. The non-owner user is responsible for manning the other Keawakapu access gate. The gate should not be propped open or left unattended.
- e Groups may not exceed thirty (30) persons.
- f A non-owner may reserve the Pavilion no earlier than three (3) months in advance and no later than three (3) days in advance of the social event.
- g The non-owner sponsoring the event must attend all times.
- h No furniture or equipment may be removed from the Pavilion or the Kitchen, and the host will instruct their guests on the parking restrictions and regulations.
- i Only plastic glasses and decanters may be used. Beer, wine, and other bottles or containers are permitted within the Pavilion only. No glass of any kind is permitted on the pool deck or the pool area.
- j **A \$400.00 cleaning deposit is required at the time of the reservation request** and is refundable if the Pavilion is cleaned according to the guidelines listed in 4.k., and there are no damages.
- k The host of the social event is responsible for the following cleaning procedure, which is to be done immediately at the closing of the event:
 - All trash must be put into proper receptacles located at the Bldg. 7 parking lot. Install new trash bags, provided by Ekahi, in all trashcans that were used.
 - Pick up and dispose of any trash and debris around the vicinity.
 - Clean the barbecue grill, stoves, ovens, and microwaves, if used.
 - Sweep floor of Pavilion and Kitchen.
 - Clean and empty refrigerators.
 - Clean all counter tops.
 - Return all furniture to its original location.
- l If the Ekahi staff is required to perform the above cleaning tasks, the host will forfeit \$150.00. The remainder of the deposit will be refunded, unless required to compensate for damages. If damages exceed the remainder of the deposit, the host will be responsible for the additional amount.
- m Whenever Association owned equipment is used, anything missing or damaged will be immediately replaced or repaired by the Association using the deposit. Should

WAILEA EKAHI AOA HOUSE RULES

damages exceed the deposit amount, the host will be billed for additional costs related to their reservation.

I have read the Pavilion Rules and understand that my \$400.00 usage fee is not refundable and that \$150.00 of my \$400.00 cleaning deposit will be forfeited if the Pavilion and Kitchen are not properly cleaned. I also understand that I am responsible for the repair or replacement of any damaged or missing furniture or equipment. I also certify that I will attend this social event, at all times.

Please date and sign the form associated with this section and submit to the Ekahi Office. The form can be found online here or picked up at the Ekahi Office.

H OCCUPANCY

Upon close of escrow, new Owners shall file with the Ekahi Office their names; unit number, local phone number, the description of any vehicle that will be parked on the property (including make, model, and license number); and any other permanent address and phone number they use when away from Ekahi Village.

- 1 Number of occupants in Apartments: Occupancy is regulated by the Department of Health, Maui County.
- 2 Use of Apartments: Apartments shall be occupied and used only as private dwellings for residential purposes.
- 3 Absent Occupant: The Owner is responsible for the contents of his/her apartment and damage to other apartments that may be caused by anything originating from within his/her apartment. It is strongly recommended that an occupant who is absent for more than thirty days have an agent or qualified individual, at his/her expense, conduct periodic inspections of the apartment. Particular attention needs to be paid to all water using devices. The General Manager must be given the name and contact information for any on-island agent who has been given Owner permission to enter his/her apartment. As provided in the Bylaws, the Association and its Agents shall have the right to enter an apartment at reasonable times and upon giving advance notice where practicable to inspect the apartment, to correct deficiencies, and for any other legitimate purpose.
- 4 Pets: Owners and long-term renters shall be permitted to have one dog, cat, or bird. Service animals are allowed. No pet shall be kept, bred, or used therein for any commercial purposes. Pets shall be leashed at all times when outside of Owner's apartment and wear identification collars or tags with Owner's name and Wailea address. Owners must clean up promptly after their pets with any waste being fully secured in a strong plastic bag and placed in a refuse can or dumpster. The Maui Humane Society will be called to pick up any unregistered, loose, or stray animal found on the premises. Any pet/service animal causing a nuisance or unreasonable disturbance to any person on the premises shall be permanently removed from Ekahi within 5 days after the Owner of such animal has been given notice to do so. All pets/service animals shall be registered immediately with the Ekahi Office.

WAILEA EKAHI AOA HOUSE RULES

- 5 Family or Guests: An Owner or occupant shall be responsible for the personal safety and conduct of his/her family and guests and shall insure that their behavior complies with the provisions of these Rules.
- 6 Plumbing/Sewage: Owners shall be responsible for the cost to repair any damage caused by the improper disposal of items through the plumbing/sewage systems (for example, but not limited to: Kleenex, flushable wipes, toys, diapers, feminine hygiene products, floss, Q-tips, cotton balls, pills, paper towels or cigarette butts). Owners are responsible to inform family members, guests/renters, housekeeping and agents of the proper usage of all plumbing/toilet systems. This includes the proper use of garbage disposals, and **NEVER** pouring grease down any drains.
- 7 In the event of water leaks or sewer backups, it is imperative that the Owner or their agent, advise the Ekahi Office immediately, in order that the source and cause of such occurrence can be determined, and the appropriate insurance companies can be notified. During office hours, the Owner or their agent should immediately call (808) 879-2770, and after office hours call Ekahi's 24-hour contact (808) 280-7198. Whenever possible, Owner should document the damage and take steps to minimize the damage. All work that the Owner initiates respecting water leaks or sewer backups, without Ekahi management's written authorization, **WILL BE DONE ENTIRELY AT OWNER'S EXPENSE**. Depending on determination of the source and cause of such occurrence, Ekahi may reimburse Owner all, a portion, or none of Owner's expenses and damages.
- 8 Mail and Packages: Mail delivered by the Postal Service to an Owner's mailbox in the Ekahi Office can only be obtained with the Owner's key. Guests should be so advised. The mailboxes are accessible from 8:00 am to 10:00 pm daily. The Ekahi Office is unable to handle packages or mail for guests or renters. Mail or small packages delivered to Owners that will not fit inside their mailbox will be placed in a locked USPS box, and the key to the box will be left in the Owner's mailbox for two weeks. After such time, the package will be returned to the Kihei Post Office and held for another two weeks. A note to this effect will be left in the Owner's mailbox. Unclaimed items will be returned to sender. The Association assumes no responsibility or liability for packages or mail.

I MAINTENANCE

- 1 Per Article III of the Bylaws, Section 2a, the operation, care, upkeep, and maintenance of the common elements are the responsibility of the Association to be determined by the Board of Directors. No Owner, guest, or renter is authorized to add, delete, or trim plantings according to his/her own preference. Violators will be liable for the replacement costs and all other damages. Owners' requests related to common area maintenance or landscaping matters shall be directed to the General Manager and not to maintenance or landscape personnel. Any defects, deficiencies, or other problems with the common element shall be reported to the General Manager.

WAILEA EKAHI AOA HOUSE RULES

- 2 Individual apartment interior maintenance is the responsibility of each Owner. This includes securing windows, screens, and door locks, as deemed appropriate by the Owner/occupant, as well as maintenance and replacement of appliances. Particular attention shall be given to air conditioners and water-serviced appliances such as toilets, clothes washers, water heaters, refrigerators, icemakers, dishwashers, and the connecting hoses to these appliances. Water supply hose failures may cause serious damage to property of others. The General Manager may, upon request, assist owners in planning for maintenance and replacement. Any appliance creating an unreasonable noise disturbance shall be repaired or disconnected. If the Owner is unavailable, the General Manager may disconnect the appliance, if it is deemed appropriate and notify the Owner of this action.

J APARTMENT ALTERATIONS

The Board of Directors encourages Owners to upgrade their apartments and has adopted an Apartment Alterations Policy that details the policies and procedures for obtaining the necessary approval from the Association before making any alterations.

Any Owner who wishes to make any alterations should obtain a copy of the Policy from the Ekahi Office or Ekahi Website and shall consult the Policy and be aware of the applicable policies and procedures and their requirements both prior to, and during any such work. In every case, including both exterior colors, doors, and window treatments, etc.; and interior painting, carpeting, re-draping, etc., the General Manager must be consulted, and the Owner must file a request for approval of the Alterations he/she wishes to make in advance of undertaking any work.

If an Owner receives an approval to proceed, both the Owner and his/her contractor shall sign a "Restrictions and Liability Agreement" before commencing work. If the alterations are construction significant, the General Manager shall post a "Notice of Alteration Work to Be Done" form on the Website and e-mail the Owners of the building affected and their agents, 30 days in advance of the beginning of the work.