

# **HOUSE RULES OF THE KEONEKAI VILLAGES ASSOCIATION OF APARTMENT OWNERS (A.O.A.O)**

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The purpose of these House Rules is to protect all occupants from annoyance and nuisance caused by improper use of the condominium apartments and also to protect the reputation and desirability of Keonekai Villages by providing maximum enjoyment of the premises. It is the responsibility of every owner at Keonekai Villages to follow these House Rules, The actions of tenants and guests are the responsibility of the owner. The Association recommends that landlord owners and rental agents keep these House Rules on file and deliver them to new tenants. The Resident Manager and Managing Agent have been given authority to enforce all House Rules.

*Mahalo for your cooperation!*

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**NOTE: \*Behavioral violations-marked by an asterisk (\*)-require IMMEDIATE CORRECTION.**

Owners will have five (5) working days to correct all other violations. See last page: PENALTIES

Nothing herein shall be construed to violate federal and state laws, including but not limited to, the Fair Housing Act, and the Association shall take these laws in consideration when considering violations of these Rules.

### COMMON AREAS

- \*1) No items of personal property, (except bicycles, see #2 below) such as baby carriages, surfboards, etc. shall be left in or allowed to stand in any of the common areas or in the entrance ways to apartments.
- \*2) The stairways, walks, and corridors shall not be obstructed or used for any purpose other than ingress or egress. A maximum of two (2) bicycles may be parked on one side of the entranceways, provided that there is a minimum of eighteen (18) inch of unobstructed passageway reserved for ingress and egress. Upstairs units may keep a maximum of two (2) bicycles under the stairs. All bicycles must be in working order.
- 3) The following are House Rule violations a) clothing or laundry hung in doorways, windows, or lanais if visible to someone driving or walking by or in common area, b) torn drapes, c) improperly hung, knotted drapes.
- 4) Drapes or curtains must be of a solid, light color-no stripes, plaids, blacks, etc. No sheets allowed on windows.
- 5) Nothing shall be allowed, done, or kept in any apartment or common area of the complex which would overload or impair the floors, walls, or roofs thereof or cause any increase in expense of the ordinary insurance rates or cancellations thereof.
- 6) No sign or advertising material of any kind may be posted anywhere on the common elements, yards, lanais, or anywhere visible from outside the apartment, including windows and doorways of the apartment. However, as many as three (3) "Open House" signs may be posted on the property during an open house provided they are in good condition and do not obstruct ingress or egress.
- \*7) All trash must be wrapped or bagged in leak proof bags and placed IN the trash bins. Empty cardboard boxes and large bulky items shall be flattened and placed in the bins.
- \*8) The removal of furniture, appliances, mattresses, etc. from the complex is the responsibility of the owner/occupants and not the Association. If placed in or near the trash bins, the owner will be assessed a charge for removal and a fine for House Rule violation.
- \*9) Littering is not permitted.
- \*10) No illegal drug usage will be permitted anywhere on the property. Alcoholic beverages may be consumed by those of legal age in the barbeque areas only, and not in any of the other common areas including the parking lots.
- \*11) No BBQ's or hibachis (gas or charcoal) are to be used in the apartments or on upstairs lanais and stairways There are 5 charcoal BBQ areas on the property available on a first come basis for upstairs units. Downstairs gas BBQ's must not be used within ten (10) feet from any building.
- 12) No solicitation or canvassing is allowed in or on the common elements.

- 13) Potted plants and furniture must not obstruct the view of or access to the fire extinguishers.
- 14) Personal property is not permitted under open stairways (except as approved under #2 above)
- 15) Birdfeeders (or feeding of wild things of any kind) are not permitted on common or limited common elements.
- 16) Any holiday decoration or lights installed on or attached to any part of the common or limited common elements must be removed no later than ten (10) days after a holiday.
- 17) Garage, yard, or moving sales are not permitted anywhere on property.
- \*18) Christmas trees, car batteries, paints, used motor oil, or flammable liquids are not allowed to be dumped in the rubbish areas, enclosures or bins. Anyone caught dumping any unsafe item or materials will be cited and fined (No warnings will be given for these items and the fine will start at the second violation level).
- 19) Any apartment whose residents fail to move obstructions off their lanai, out of their yard, or away from the walls for painters or maintenance work etc. after due notice (10 days) will receive a \$50.00 fine.
- \*20) No weapons (licensed/unlicensed) allowed at Keonekai Villages AOA meetings and/or functions.
- \*21) Owners, Occupants and guests shall at all times be solely responsible for the conduct and safety of their children while on the premises.
- \*22) The sidewalks, driveways, roadways, passage ways and all other access ways must not be obstructed or used for purposes other than ingress and egress. Items of personal property shall not be left, parked or allowed to stand in any part of the common elements so as to interfere with ingress and egress.
- \*23) Bicycles, skateboards, mopeds, motorcycles and similar vehicles shall not be operated on walkways or sidewalks or within the parking areas except for ingress and egress through the parking area and roadways.

### PARKING AREAS

- \*1) There are designated stalls for each apartment. Occupants must park their vehicles within the confines of that designated stall. Should any other vehicle be parked in your stall, call the Resident Manager, who in turn will contact the towing company.
- \*2) Vehicles may only be washed in the designated car wash area. The car wash is for RESIDENTS ONLY.
- \*3) No mechanical repairs or maintenance shall be performed on a vehicle in the common area or any parking stalls except in an emergency, i.e. to fix a flat tire, adding water or oil.
- \*4) The maximum speed limit on the property is five (5) miles per hour.
- \*5) No vehicles are ever permitted to be parked in the RED No Parking zones or in front of the dumpster areas. Such cars will be towed at owner's expense. (Employees of the AOA may park along the RED No Parking zone during work hours only just outside the AOA storage area at the top of the parking lot between buildings 24 and 26.
- \*6) All vehicles must be in operable condition for removal in case of emergencies. Inoperable cars will be cited and subject to towing at the owners expense.
- \*7) Vehicles abandoned by tenants will be towed at unit owner's expense.

- 8) Boats and/or trailers cannot be parked anywhere on the property, including owners parking stalls.
- \*9) No racing of motors (disturbing the peace) shall be permitted and all motor vehicles shall be equipped with quiet mufflers.
- 10) All vehicles parked on the property shall have a current license, registration, safety, and insurance as required by law.
- 11) It is the owner's responsibility to maintain and keep their assigned parking stall clean. Specifically, they must be kept free of grease, oil, and other auto fluids.
- \*12) Guest parking is for guests only. Owners/tenants who park in guest parking will receive a citation (sticker) after which they will be subject to fines and/or towing at owners expense.
- 13) Long term guests (over 1 week) that use guest parking on a daily basis must obtain a guest parking pass from the Resident Manager and display the pass on the dashboard of their vehicle.
- 14) Vehicles must be completely parked inside of marked stalls. Cars parked excessively into the driveways will be cited as a violation and subject to towing at the discretion of the Resident Manager.
- 15) Bicycles in working order may be chained to the parking structure adjacent to the owners stall but may not interfere with a neighbor stalls ability to be parked in. A complaint lodged by the neighboring stall will require the immediate removal of offending bicycle.
- 16) A bike rack for an owner's personal use may be placed in the inner stall located closest to the sidewalk for the owners use for storing bikes only. If a bike rack is installed, the owner may only park one car in the remaining stall.

### **BACKYARDS & SIDE-YARDS LANDSCAPING**

- 1) Hedges will have a maximum height limit of eight (8) feet
- 2) Trees will be kept trimmed to within a unit's yard. If a written complaint about the trees is received from an upstairs adjacent neighbor, the trees must be trimmed to ten (10) feet in height. Trees shall not hang over into the common elements or adjoining yards.
- 3) No large trees such as mango, avocado, lemon, or ficus, etc. are permitted. Low growing variety banana trees will be permitted. Owner will be responsible for any fence damage caused by such trees.
- 4) All trees and hedges must be kept well-trimmed and maintained and free from harmful insects. Trees rubbing buildings or roof lines must be trimmed back and maintained so there is at least 12-24 inches of clearance between them and any building components.
- 5) Only two (2) trees may be planted in the ground per two hundred square feet of yard space. Palm trees (with the exception of coconut palms) are exempt from this rule. (Check with the Resident Manager to see which trees are appropriate) The owner will be held responsible for damage from roots to sidewalks, fences, etc.
- 6) Vine plants will be allowed only on lattices. (Note: Lattices must be approved by the Board. Vines must not grow onto adjoining areas such as fences, posts, and railings, etc.)
- 7) Grass (if any) must be neatly trimmed and all areas of the landscaping kept orderly.

## OCCUPANCY

- 1) Occupants/tenants in any apartment must register with the Resident Manager within ten (10) days of their arrival or a \$250.00 fine will be assessed to the owner.
- 2) An apartment shall be used only as a single family residence and shall not be used for business or other purposes.
- 3) The number of occupants is restricted to five (5) unrelated persons in the apartment.
- 4) Every apartment shall at all times be kept clean and sanitary, including the cleaning of the windows and screens.
- 5) Toilets, sinks, and other water apparatus in the project should be used for their designed purpose. Damage resulting from dumping sweepings, rubbish, rags, etc. into these will be paid for by the owner.
- 6) No apartment shall be rented or used for transient/hotel purposes. No subletting of rooms for short term purposes (less than 180 days) is allowed).
- 7) Owners absent from Maui for longer than thirty (30) days shall designate an on-island rental agent and register them with the Resident Manager if they have rental tenants.

## PETS

SEE ANIMAL AND ASSISTANCE ANIMAL POLICY DATED APRIL 2014.

## NOISE & NUISANCES

### **QUIET HOURS ARE BETWEEN 10:00 PM AND 8:00 AM**

- \*1) Physically threatening an owner, guest, or Association employee, using foul or abusive language in the common areas, or other behavior which disturbs the peace is not permitted.
- \*2) Fireworks of any kind are not to be ignited anywhere on the property.
- \*3) Excessive noise from units may endanger health, welfare or safety or unreasonably interfere with the comfortable enjoyment of life and property. Owners and occupants must exercise reasonable care to avoid making or permitting to be made loud, disturbing or objectionable noises and in using, playing or permitting to be used or played musical instruments, radios, stereos, televisions, amplifiers and any other instruments or devices in such manner as may unreasonably disturb owners, tenants or occupants of other units. The noise level emanating from any Unit shall not exceed 50 decibels between the "quiet hours" from 10:00 p.m. to 8:00 a.m. At all other hours, the noise level emanating from any Unit shall not exceed 65 decibels. "Decibel" means the unit for measuring the volume of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is measured using a testing device.

## BUILDING MODIFICATION

- 1) Apartments are designed for one (1) wall air conditioning only.
- 2) Additional A/C options are available and must be approved by the board in writing prior to installation. See Resident Manager for options that have been previously approved.
- 3) Use of common elements for placement of condenser's must be approved in writing by the board prior to installation.
- 4) No exterior modifications to the building or property are permitted without written Board approval.
- 5) No radio, television, or other antenna will be erected or installed on or anywhere within the property. No telephone or other wire may be run on the exterior of the building without written Board approval.
- 6) No alteration or addition to any apartment which is visible from the exterior of the apartment, nor any alteration or addition to the common elements may be made without prior approval of the Board. An alteration request must be submitted, approved in writing and on file before any alteration is undertaken.
- 7) No removal or cutting into any bearing wall will be permitted without written approval of the Board. Cutting into the attic area is not permitted.
- 8) Owners shall keep their apartment in good repair and sanitary condition.
- 9) Owners shall permit Association employees to enter their apartments for routine pest control and other jobs that are necessary for the benefit of the owners.
- 10) Screens shall be kept free of holes and frames must be kept in working order. Bent and broken frames must be replaced.
- 11) Security doors must be kept in good working order and free of excessive rust. Doors must be painted only white in color.
- 12) Owners shall permit Association employees to enter their apartments at least once a year to blow out dryer vents. Notice will be given by the Resident Manager.

## PENALTIES

With respect to any violation of the Declaration, Bylaws, or these rules and regulations, the Association may proceed with all actions and remedies available to it under the governing documents and Hawaii statutes, including but not limited to the following:

- 1) The Association may send a cease and desist letter to the individual in violation;
- 2) The Association may contact the owner of the unit who shall be directed to make a reasonable effort to cause the violator to cease and desist from the activity creating the disturbance;
- 3) The Association may levy fines against the owner and/or tenant in accordance with Hawaii Revised Statutes ("HRS") § 514B-104;
- 4) The Association may, as authorized agent of the owner, commence an eviction proceeding against the violator pursuant to HRS § 514B-104; and
- 5) The Association may enter the unit to cure any emergency or threatening violations and charge such costs against the owner's unit.

All House Rules violations shall be specified in writing. Owners are responsible for their guest, tenants, family, etc.

Consequences for violations of the basic House Rules are as follows:

**1<sup>st</sup> Violation: Warning**

**2<sup>nd</sup> Violation: \$20.00 Fine**

**3<sup>rd</sup>+ Violation: \$50.00 Fine**

Owners will receive five (5) working days to correct basic House Rules Violations.

**\*BEHAVIORAL VIOLATIONS-MARKED BY AN ASTERISK (\*) - REQUIRE IMMEDIATE CORRECTION.**

Consequences for violations of these House Rules are as follows:

**1<sup>st</sup> Violation: Warning \* \***

**2<sup>nd</sup> Violation: \$100.00 Fine**

**3<sup>rd</sup> Violation: \$250.00 Fine**

**4<sup>th</sup>+ Violation: \$500.00 Fine**

**\*\*NOTE: ANY BEHAVIORAL VIOLATION, which involves: DISTURBANCE OF THE PEACE, PHYSICAL HARM TO ANY RESIDENT OF KEONEKAI VILLAGES, OR THE CAUSE OF THE POLICE BEING CALLED ON PROPERTY WILL RESULT IN AN AUTOMATIC \$100.00 FINE. (NO WARNING WILL BE GIVEN).**

## VANDALISM

**1<sup>st</sup> Violation: \$100.00 Fine**

**2<sup>nd</sup> Violation: \$200.00 Fine**

**Plus cost of replacement or repair. A criminal complaint will also follow.**

### APPEALS; HEARINGS; DISPUTE RESOLUTION

- 1) An owner who receives a fine, on written request, may contest the fine at the next regularly scheduled meeting of the Board of Directors. The request for hearing must be received by the Managing Agent within fifteen (15) days of the date of the mailing of the notice of violation and fine. If no request is received by the Association within 15 days, then the Board may dispense with the hearing.
- 2) Delivery of notice of intent to contest the fine shall temporarily suspend the obligation of the affected owner to pay the amount of the fine, but delivery of the notice shall not toll accrual of the daily fine, late fees, and attorney's fees in the event the Board of Directors sustains fine in whole or in part.
- 3) At the hearing, the owner shall have the right to be represented by legal counsel and to have a reasonable amount of time to produce any statement, evidence, and witnesses on his or her behalf. The Association may have its legal counsel present at the hearing. The Board may ask questions at the hearing. The hearing shall be held in executive session. The Association is not required to provide such notice and opportunity to be heard for recurring or continuing violations unless no fewer than three (3) months have passed from the time of the previous violation.
- 4) Once a hearing has occurred, the owner will be notified in writing of the determination of the Board as to the violation.
- 5) Nothing herein shall affect the right of an owner to request mediation and/or arbitration of any disputed assessment of common expenses so long as the owner first pays the full amount of the assessment in dispute and otherwise fulfills the requirements of HRS § 514B-146. The owner may pursue mediation and/or arbitration as provided for in HRS § 514B-146 All House Rules violation notices and fines may be appealed in writing or in person at the Board of Directors meeting immediately following issuance of a fine, (Fines issues within 21 days of a Board meeting may be appealed at the following Board meeting also).