

# ***HANALEI BAY VILLAS***

## **House Rules**

*Revised May 2016*

These rules are to serve as a common sense guide to consideration for others so as to create a friendly, pleasant and tranquil atmosphere and provide maximum enjoyment for everyone at the Villas. These rules supplement, but do not change, the obligations of owners and tenants contained in the Declaration and By-laws. They apply to all owner-residents and tenants of Hanalei Bay Villas as well as to members of their families and guests.

Each owner who leases a villa to a long-term tenant shall ensure that a copy of these House Rules is attached as an exhibit to the rental agreement.

The Board of Directors (Board) has the responsibility, and reserves the right, to make other rules from time to time or to amend these House Rules as may be necessary for the safety, care and appearance of the premises, and for ensuring the comfort and convenience of all the residents of Hanalei Bay Villas.

The Board and the Property Manager (Manager) have full authority and responsibility of enforcing the House Rules. All owners, residents, tenants, and their guests are bound by these rules and by standards of reasonable conduct, whether covered by these rules or not. However, neither the Board nor the Manager shall be responsible for any noncompliance or violation of the House Rules by the owners, residents, tenants and/or guests.

The Princeville at Hanalei Community Association Protective Covenants, Rules and Regulations are incorporated into the House Rules of Hanalei Bay Villas.

### **OCCUPANCY**

The units shall be occupied and used only as private, single family, residences and shall not be used for business or other purposes.

The unit owner shall be personally responsible for the conduct of their lessees, tenants and guests and shall, upon request of the Board or Manager, immediately abate and/or remove at their expense, any structure, thing or condition that may exist concerning the occupancy of their unit contrary to the meaning and provisions of the Association By-laws and House Rules. If the owner cannot control the behavior of the residents of their unit to conform with the said provisions, they shall, upon request of the Board or Manager, immediately remove such lessees, tenants or guests from the premises, without compensation for lost rentals or any other damage resulting therefrom.

In conformity with state law, each owner who lives off island, or will be absent for a period of thirty (30) days or more, shall be responsible for designating a local agent to represent their interests. Each such owner shall file their off island address and phone number and the name and phone, number of the designated local agent with the Manager.

### **NOISE**

Quiet hours are between 10:00 PM and 8:00 AM, out of consideration for others. During these hours, noise should be kept to a level so that immediate neighbors do not hear it. This includes music, TV, and voices

### **PETS**

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Small dogs, cats, birds and other common household pets may be kept in reasonable number by the residents with the following provisions:

1. Each pet must be approved by the Board and registered with the Manager.
2. Pets shall not be allowed in the common areas except in transit, or on a leash. The Humane Society will be called to remove any animal found wandering the property. The pet owner is responsible for cleaning up immediately after any pet that defecates anywhere on the property. Failure to do so will be considered cause to remove the animal from the Villas.
3. Any pet causing a disturbance or nuisance to any other resident of Hanalei Bay Villas shall be removed promptly and permanently upon notice given by the Board or Manager.
4. The Board has the right to levy special assessments to residents for damages caused by their pets. Pet owners shall indemnify the Board and the Association and hold them harmless from any loss or liability of any kind resulting from their pets.

## **LANAIS AND ENTRIES**

1. The Association shall paint the exterior walls, ceilings, window trim and fascia of each building. Owners are responsible for maintaining and painting lanais, railings, and vertical supports that are under the roofline in a color that matches the exterior trim. Replacement of lanai floors with alternative materials, such as ipe wood, or installation of tile (in the case of concrete slab lower lanais) may be acceptable but requires pre-approved by the board. No owner or resident may paint their lanai or trim any color other than the standard lanai and trim color.
2. No shades, awnings or window guards shall be used except such as shall be installed or approved by the Association. Occupants are not allowed to put their names in any entry, passage, hall or stairway of the building.
3. Each unit resident is responsible for keeping their lanai in a neat and orderly condition. No towels or clothing shall be hung from lines or over railings. No garbage cans, plastic bags, trash, furniture or boxes shall be stored on lanais, entries or under stairways. Only appropriate outdoor furniture is allowed. Plants shall be kept in appropriate containers to prevent water damage to entries and lanais. No litter or rubbish shall be swept from the units onto any of the common areas.
4. No fires or open flames are permitted on the lanais, including gas or charcoal grills. Cooking on such barbeques must be at least ten (10) feet from any structure. Electric grills are permissible.

## **BUILDINGS AND COMMON AREA**

1. No real estate signs shall be allowed, except for "open House" signs fronting the individual unit that is for sale or rent. No other sign, banner, poster, notice or advertisement of any kind shall be displayed on the exterior of any building except with the prior approval of the Board.
2. Flags may be displayed on individual units on holidays, and lights and decorations visible from the exterior may be displayed during the holiday season.

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3. Absolutely no fireworks shall be discharged on Hanalei Bay Villas property at any time.
4. No owner or resident shall install any radio or TV antenna, exterior wiring or other protuberance on the exterior of the building, or through any door or window opening, without prior written approval by the Board. Any approved air conditioner must have a suitable drain so that water does not drip down the exterior of the building.
5. Water shall not be left running any unreasonable or unnecessary length of time on the property.
6. All damages to the building or common area, caused by the moving and carrying of articles therein, shall be paid by the owner, resident or person in charge of the moving of such articles.

## **TRASH DISPOSAL**

Only household trash (such as food containers, clothing, disposables, food packaging, food scraps, paper) is allowed in the trash receptacles in common areas. All household trash must be bagged before placing in trash cans. Each owner is responsible for obtaining a trash can from the County of Kauai, and arranging for a replacement when needed. Each owner is responsible for ensuring that residents use only the trash can that is designated for that villa. Residents must dispose of non-household trash in a location off the property. Non-household trash includes but is not limited to chemicals, tires, motor oil, furniture, bicycles, batteries, and construction material.

## **LANDSCAPING**

Residents must receive permission to install plantings that are more than annuals or perennials such as flowers. If permission is received for taller plantings, they must agree in writing to maintain the planting to height deemed appropriate by the landscape committee. See Landscape Policy.

## **MAINTENANCE**

The maintenance of the building exteriors, common areas and grounds is the responsibility of the Association. The repair and maintenance of the roof, lanais, all areas under the roof line, and unit interiors is the responsibility of individual owners. When repairs to common elements, such as stairs, walkways and bridges, are necessary, every effort will be made to schedule such repairs at a time convenient to owners or renters who are affected. When such repairs necessitate a temporary alternative exit/entrance to a unit, owners or renters must comply, finding alternate temporary accommodation if necessary.

Any unreasonable wear and tear or damage to common property above normal use to railings, walkways, unauthorized underground watering systems, damage to garbage enclosures, damage to parking lot surface, will be the financial and liability responsibility of the owner of the property. This includes damage made by long-term and short-term renters of the property. It is owner or owner's agent's responsibility to inspect and maintain their tenants' use of common element property. In the event of having an owner or their agent that is not available for maintaining the property in a way that is consistent to the area then the HBV board and staff will notify the owner and go through the process of obtaining compliance.

## **PARKING AREAS**

Please see Parking Policy

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## **SOLICITING**

No soliciting of goods or services, religious proselytizing or political campaigning shall be permitted on the premises, except by prior approval of the Board or Manager.

## **VACATION AND LONG TERM RENTALS:**

For any questions the vacation rental guests may have, such as locking themselves outside of the villa, they need to contact the rental agent, either the property management company or the owner. Helping the vacation renters does not fall within the duties of the site manager.

## **VIOLATIONS OF HOUSE RULES AND PENALTIES**

The violation of any of these House Rules or any amendments thereto shall give the Board or the Manager the right to:

1. Enter the unit or common elements in which, or to which, such violation or breach exists and to abate or remove summarily, at the expense of the defaulting unit owner or resident, any structure, thing or condition that may exist therein contrary to the intent and meaning of the House Rules and the Board or Manager shall not be deemed guilty in any manner of trespass.
2. The Board reserves the right to assess fines for violations continuing after first warning and has the right to rescind the fine, should the situation warrant. The fine schedule unanimously approved by the Board in June 2012 is:
  - 1st infraction would get a verbal warning and 30 days to rectify the issue.
  - 2nd infraction would get a \$25 fine with 30 days to rectify the issue.
  - 3rd infraction would get a \$50 fine with 2 weeks to rectify the issue.
  - 4th and ongoing infractions would get a \$100 daily fine
3. Should a violation occur which places a financial obligation on the Association, then the party responsible for this obligation shall reimburse the Association, by way of special assessment to the owner, for this financial obligation, including fines, legal costs and attorney's fees.

HANAIEI BAY VILLAS AOA  
BOARD OF DIRECTORS  
CERTIFIED MANAGEMENT, INC.  
MANAGING AGENT