

ASSOCIATION OF APARTMENT OWNERS OF HALEAKALA GARDENS DESIGN STANDARDS

The Association of Apartment Owners of Haleakala Gardens (the “Association”), through its Board of Directors (“Board”), has an interest in managing and operating the condominium project, including the alterations and additions at the project to owner’s apartments and the common elements. Article V, Section 3 of the Bylaws requires unit owners to obtain written Board approval prior to making certain modifications. These Design Standards are binding on the owners and the occupants at the Association and enforceable as rules and regulations of the Association pursuant to Section 14 of the Declaration of Condominium Property Regime of Haleakala Gardens.

A. Design and Work Standards

1. No Owner or occupant shall without the prior written approval of the Board:
 - a. Install any wiring for electrical or telephone installations, machines or air-conditioning units, or other equipment fixtures, appliances, air conditioner, or appurtenances whatsoever on the exterior of the Property or protruding through the walls, windows or roof thereof.
 - b. Make any additions, alterations, repairs or improvements to the common elements or limited common elements.
 - c. Make any structural alterations or additions within an apartment.
2. Proposed plans and specifications for alterations or additions to a unit and/or limited common element shall be compatible with existing architectural design.
3. All materials used for construction shall be termite and fungus free. All lumber shall be pressure-treated against termite infestation and shall be guaranteed in writing against such infestation for a period of five (5) years. All field cuts of lumber and materials shall be field treated.

** Flooring changes, all changes to the existing floor to replace with laminate, wood, or tile, etc., must meet a standard for underlayment to deter as much noise as possible. Must meet the highest rated and most effective acoustic barrier for the most effective through-the-floor and footfall noise reduction (IIC 74 / STC 73) or better. Owner further agrees to defend, indemnify and hold harmless the Association, its officers and directors as well as all other owners of apartments at the Property from any and all liability, loss, damage, costs or expenses, including reasonable attorneys' fees, which may arise as a result of the Modifications including without limitation as to the generality of the foregoing, from and against any claim or cause of action alleging that the Board's approval of the Modifications was contrary to the Condominium Property Act, the Declaration of Condominium Property Regime of the Property, or the By-Laws of the Association. Owner acknowledges that all other owners of apartments at the Property are intended to be third party beneficiaries of this Agreement.

B. Review and Approval Process

1. An Owner shall submit to the Managing Agent for the Association an application for any improvement, additional, alteration or repairs, together with the preliminary plans for the proposed work prepared by an architect licensed in the State of Hawaii (“Application”), unless otherwise permitted by the Board in writing, which plans show in detail the nature and dimensions of the proposed work.

2. All Applications shall be submitted at least twenty (20) days in advance of the projected construction start date, unless otherwise permitted by the Board in writing.

3. The Board shall timely review the Application.

4. The Board may retain the assistance of an expert or consultant in reviewing the plans and information submitted by the Owner. The Association may assess reasonable fees to Owners in connection with obtaining professional consulting and/or review of any application to recover such costs, provided that before any such review is commenced, an estimate of such fees shall be determined and approved by the Owner in writing.

5. The Board will approve or disapprove the Application. If the Board disapproves of the Application, it may request certain amendments be made.

6. All work approved by the Board shall be prosecuted to completion diligently and in good faith. Approval of Applications shall be effective for a one (1) year period from the date of approval, and may be revoked if the work pursuant to such plans and specifications has not commenced within said one-year period or does not proceed in a timely matter (e.g., more than 90 days elapses without significant progress toward completing the work). The Board shall give written notice to the Owner of revocation of approval. If approval is revoked, the Owner shall resubmit the Application with the plans and specifications for approval.

C. Contractor Work Rules

1. Owners are responsible for the compliance with the rules and regulations of the Association of all their contractors, licensees and invitees.

2. Contractors, including but not limited to, architects and engineers, must be licensed as required by the State of Hawaii and provide a certificate of insurance.

3. Contractors must obtain appropriate County permits, if required. All work must meet County code requirements.

4. Contractors must wear shirts, appropriate footwear, and exercise professional decorum.

5. Contractors will be issued a temporary parking permit, which must be displayed on the driver’s side of the front dashboard of the vehicle.

6. Contractors must not use the Association's equipment, or the dumpsters for their refuse and must promptly haul off discarded materials.
7. Materials shall not be stored so as to block or partially block public access areas or common elements.
8. Contractors must give twenty-four (24) hours advance notice to the Managing Agent regarding any work that will be making excessive loud noise, such as the use of heavy equipment for jack hammering, tile cutting, and saw cutting.
9. Construction and/or contractor work is authorized between 8:00 AM and 5:00 PM, Monday through Friday. Any work outside of these hours must be approved by the Managing Agent twenty-four (24) hours before work starts. Violators may be restricted from the property.
10. No construction activity may be conducted on lanais, or in any common area on property. No construction materials or items may be stored in the common areas. The cleaning of tools and equipment must be done in the apartment or off property. Apartment sinks, tubs, showers and common area drains are not to be used for this purpose.
11. No activity shall be engaged in and no substance be brought into or manufactured within any unit or building which might be in violation of the law or Bylaws of the Association or which might cause a cancellation or increase in the Association's insurance without the approval of the Board.

D. Violations

The Managing Agent under the Board is responsible for enforcing these Design Standards. If the Managing Agent and/or Board determines that there has been a violation of these Design Standards, the owner shall be notified of such violation.

The Owner shall cure the violation within ten (10) days of receipt of the notice. If within ten (10) days the violation has not been corrected, then a penalty of \$25.00 per day shall be assessed against the unit until the violation is cured, and the penalty shall be collected as an assessment against the Owner's unit.

If work is abandoned at any time prior to completion, the Association may take any and all reasonable steps to have the work completed or the property restored, and may specially assess the Owner for all costs and expenses incurred in connection therewith.

The Association may take any and all legal action pursuant to the Declaration and Bylaws to cure any violation.

E. General Provisions

1. These Design Standards may be amended by a majority vote of the Board of Directors.
2. The approval by the Board of any plans and specifications for any work done or proposed shall not constitute a waiver of the Board to withhold its approval of any similar plans and specifications or any other matter subsequently for approval, whether or not by the same person or party.
3. The approval of plans by the Board does not eliminate the Owner's obligation to comply with all existing laws, ordinances, rules and regulations made by any governmental authorities or with any terms or conditions required under the Declaration or Bylaws.
4. The Board and Association shall not bear any responsibility for ensuring the structural integrity of any improvement, alteration or addition or for ensuring compliance with building codes and other applicable governmental requirements.