

Paniolo Hale Application Packet to Repair and/or Alter Apartment Units

When an owner wishes to alter his or her apartment unit, they must comply with Hawaii State Law and the legal documents controlling Paniolo Hale.

This Application Packet provides all the information and forms necessary to meet these requirements.

Every effort was made to **both** minimize the burden on unit owners, such as the use of checklists, while at the same time meeting the legal requirements to (1) protect the soundness and safety of the property, (2) maintain the value of the overall project, and (3) allow for the continued access of all owners to the easements of commonly owned space. (Hawaii State Law Section 5148-140) More often than not, an application will be completed simply by checking a few boxes and signing a few forms.

Please read carefully through the entire packet before planning any alterations. **All alterations, repairs, or remodeling of a unit require submission of application documents.**

Included in this packet you will find:

- 1) Instructions*
- 2) Form A-Explanation of Proposed Work*
- 3) Form B-- Indemnification and Hold Harmless Agreement*
- 4) Form C--Acknowledgement and Workmen Rules*
- 5) Form D-- Notification of Alterations at Paniolo Hale*
- 6) Appendix A-Approved Alterations*
- 7) Appendix B-Common Elements*

Mahalo for your compliance with this process. It benefits us all, and ensures Paniolo Hale remains the beautiful property it is.

Instructions for Application to Alter Apartment Units at Paniolo Hale

Steps in the Process

- 1) Owner completes the four documents listed in **Documents Necessary for a Complete Application** below and submits all four, by email, to **both** the Resident Manager and the Chair, Henry Lee, of the Architectural and Design Committee (ADRC) for processing. Their email addresses may be found in the Owners Area listing of the Board, Resident Manager and Managing Agent. Please attach them as PDF files to the email.
- 2) Depending on the work described in the application (Section A or Section 8), the application will next be either filed by the Resident Manager or reviewed by the Architectural and Design Review Committee (ADRC).
- 3) Once the application is submitted, the owner will be notified by the Resident Manager within 24 hours (weekdays only) that the application is either complete or incomplete. If complete, the notification will inform the owner that either (1) the application has been filed and work on the apartment can begin (Sec. A), or (2) the application requires review by the ADRC and approval by the Board (Sec. 8).
- 4) If the application is reviewed by the ADRC committee, the Committee will complete their review and make a recommendation to the Board within three weeks of receiving the application. Their recommendation will be based on the criteria of: compliance with the Uniform Appearance Standard of the Association; rules of the Association; compliance with county construction codes; and Hawaii condominium laws.
- 5) ADRC sends all Board members a recommendation for approval, modification, or disapproval. The Board approves, modifies, or disapproves the application, and so notifies the Owner(s). Board review will take no longer than 2 weeks.
- 6) In the event that the application is not approved, the Owner has the opportunity to resubmit after modifying original application.
- 7) The Secretary records the action of the Board and signs the application. The Secretary returns denied applications to the owner and approved application packages to the Resident Manager who places a copy in centralized file system for the unit and sends the original package to Managing Agent (DMI) for permanent storage. The Resident Manager places a copy of Form D on the bulletin board on the office lanai and the Paniolo Hale website with the start and end date for the project.

- 8) In the event that the modification/replacement/alteration exceeds the planned timeframe to complete the project, the Owner(s) must notify the Resident Manager who will update the Notice. Additionally, if an owner finds that they wish to do work exceeding the original approval, a new application for the additional work must be submitted.
- 9) Be aware that if the modification/alteration is a major material change to the unit, as defined in the Hawaii Revised Statutes 514B-140(b) a 67 % approval vote of all home owners is required. To obtain such approval usually takes a long period of time.

Documents Necessary for a Complete Application

There are 4 documents (included in this packet) that must be submitted to the Resident Manager and ADRC Chair in PDF format for all projects:

- 1) **Form A. Explanation of Proposed Work** (pages 4-6) This identifies the proposed work and who will perform the work. A licensed plumbing contractor or licensed electrical contractor must be used for plumbing or electrical alterations where required by law.
- 2) **Form B. Indemnification and Hold Harmless Agreement** (pages 7-9) This document is certification that the applicant owner is responsible for any damage that may result from the proposed work. If any damage occurs to the common element or another unit, the Association is not responsible and the applicant owner will be required to pay for all expenses to repair the damage.
- 3) **Form C. Contractor's and Owner's Acknowledgement** (pages 10-11) Certain restrictions apply to how work is conducted. This form describes those restrictions. It is to be signed by the person performing the work and the owner. If the owner is performing all the work him/herself only the owner's signature is required.
- 4) **Form D. Notification of Alterations at Paniolo Hale** (page 12) This is a notification form that will be posted in the Association office, and the Association website, listing the unit with an approved application and the start and completion dates.

All documents must be completed and submitted before the application can be processed.

FORM A -Explanation Of Proposed Work

Date_____

Unit._____ Owner(s)_____

Start date._____ Completion date_____ Version No._____

Section A. Work Only Requiring Notification of the Board (primarily replacing and/or repairing existing features:

Please check any work listed below which is part of this application. If **all** work to be completed under this application is listed in this Section A, you must notify both the Resident Manager and the ADRC Chair of the work by submitting Forms A, B, C and D prior to doing any work

Painting

Flooring o Lanai (walls, posts, railing, doors) if an approved color

o Resurfacing wood floors

Plumbing o Removing and installing new flooring, interior and lanai

- o Replacing toilets in same location without adding or modifying any copper plumbing requiring soldering
- o Replacing the same type water heater in same location without adding or modifying any copper plumbing requiring soldering or electrical

Misc.

- o Replacing plumbing and electrical fixtures in same location and number, such as faucets, lights, fans, etc.
- o Replacing kitchen and bathroom cabinets and/or countertops
- o Repairing minor sheet rock damage up to 24 inches by 24 inches maximum
- o Adding or replacing screen doors made of wood which conform to the Board approved style and-specifications
- o Replacing or installing entryway door locks, doorknobs or latches (Note: key and/or code must be provided to Resident Manager if changed)
- o Replacing skylights that conform to the Board approved specifications
Owners are required to use only the manufacturer's proprietary flashing kits for any skylight that is being REPAIRED OR REPLACED
- o Installation of plexiglass on the interior of lanai that conforms with the Board approved Architectural Design Review Policy
- o Replacement of lanai screens that conform with the Board approved Architectural Design Review Policy

Section B. Work Requiring Board Approval (primarily adding new features)

Please check any work listed below which is part of this application. Work listed in Section B must be approved by the Board. Please allow 40 days from submission of a complete application to approval and the beginning of work.

Painting

- o Lanai (walls, posts, railing, doors) if not the approved colors
- o Exterior walls
- o Entryway doors

Electrical

- o Installing receptacles or switches in new locations
- o Installing or relocating wiring for lighting
- o Installing or relocating wiring for washer/dryer, refrigerator, or water heater

Plumbing

- o Installing toilets in a new location or modifying/adding water source for toilet
- o Installing copper piping for sinks, washers, water heaters, or refrigerators
- o Installing or rerouting drains
- o Installing showers or bathtubs

Carpentry

- o Moving, removing, or replacement of walls and/or sheet rock.
- o Creating an opening in a wall
- o Removing or replacing lanai railings, posts, or rafters
- o Making an opening in the roof
- o Installing Plexiglas that does not conform with the Board approved Architectural Design Review Policy
- o Installing lanai screens that do not conform with the Board approved Architectural Design Review Policy
- o Any work on upstairs lanais (balconies)
- o Installing skylights in a new location

Windows and Doors

- o Replacing windows or installing windows
- o Replacing entryway doors or lanai doors
- o Installing a screen door that does not conform to the Board approved style and specifications

Other

Please attach drawings, photos, and/or plans for the proposed alternation in PDF format. Any additional information that you believe the Board would find helpful in reviewing your project mayalso be included here.

Permits: Information on Maui County building, electrical, and plumbing permits are available at [http:// www.mauhi.us](http://www.mauhi.us). Go to "Residential" drop down menu and click "Permits and Development Applications" or call 808-270-7250.

Permit(s) application dates: Building _____ Electrical _____ Plumbing _____

Permit(s) award dates: Building _____ Electrical _____ Plumbing _____

Name of licensed electrician: _____

Hawaii State License No.: _____

Name of licensed Plumber: _____

Hawaii State License No.: _____

Anticipated start date: _____ Anticipated completion date: _____

Written notification to the Board is the responsibility of the owner if the approximated completion date will not be met.

Board approval is limited to the work described above. If an owner wishes to complete any additional work, a new application must be submitted.

Homeowner(s)

Signature(s): _____ Date _____

Signature(s): _____ Date _____

For Section A Only Applications-Resident

Manager informed owner on _____ (date) that their application is complete and work can proceed.

For Section B. or Section A and B. Applications---

This application was approved denied by the Board of Directors on, _____ (date) and owner was so informed.

Secretary, Paniolo Hale AOA Board of Directors

FORM B
Association of Apartment Owners of Paniolo Hale
INDEMNIFICATION and HOLD HARMLESS
AGREEMENT

This INDEMNIFICATION and HOLD HARMLESS AGREEMENT (the "Agreement") made and entered into this ____ day of ____ 20____, by and between the Association of Apartment Owners of Paniolo Hale (the "Association") whose address is Destination Maui, Inc., 220 Imi Kala Street, Suite 104, Wailuku, Hawaii 96793, and

Owner(s) name(s) & unit number, Paniolo Hale(the "Owner(s)").

Witnesseth

WHEREAS, Owners are the owners of a certain condominium unit within the Association of Apartment Owners of Paniolo Hale (the "Condominium") known as (unit number) _____(the "Premises").

WHEREAS, the Owners are desirous of making changes as described in the application to the Board and accompanying documents;

WHEREAS, the Board has determined that this is not the kind of modification for which the approval of the owners is required under either Section F.6 or Section N of the Declaration;

WHEREAS, the Owners have requested approval from the Board for the modification;

WHEREAS, the Board is willing to approve the modification under the conditions outlined in this Agreement;

NOW THEREFORE, in consideration of the mutual understanding contained herein, the parties hereto agree as follows:

1. Owners agree to perform, or cause to be performed, all construction and destruction in connection with the modification in a good, workmanlike and professional manner as per published guidelines at the web site www.paniolohale.org and Governing Documents. [Guidelines are also available from the Resident Manager]
2. Owners shall obtain a building permit, if required by the County of Maui.
3. Owners shall retain a licensed contractor to do the work, if required by law.

4. Before the work begins, Owners shall provide the Board with a certificate of insurance from the Owners' contractor showing adequate insurance coverages (including, without limitation, automobile, workers' compensation (if applicable), and commercial general liability), or, if the work will be done by the owners, with a certificate showing that the Owners carry liability insurance.
5. Scope of modification(s): Described in **Form A: *Explanation of Proposed Work attached*** as a PDF document. All such attached descriptions, plans, pictures, etc. are hereby incorporated by reference as part of this agreement.
6. Owners agree that ALL costs, including, but not limited to, labor, materials, restoration of jobsite, etc. associated with said modification are to be borne solely by the Owners.
7. Owners shall be solely responsible for constructing and maintaining the modification. Maintenance of the modification shall only be in accordance with guidelines specified and approved by the Board of Directors of the Association, including but not limited to:

All costs to maintain the modification will be borne solely by the Owner.

- Owners shall be solely responsible for obtaining any and all necessary permits and approvals from the County of Maui, and any other applicable authorities, including, but not limited to, a building permit, if required, in connection with the modification.
 - Owners shall be responsible for any damage or injury to the common elements, limited common elements, and any other apartments of the Condominium caused by the installation, maintenance, use, repair, or replacement of the modification, including, but not limited to, any manufacturer's defects or any defects in workmanship in the installation of the modification.
 - Owners shall be responsible for any additional costs to repair, replace, or maintain any common element, limited common elements, and any other apartments where additional cost is caused by this modification.
 - Owners shall remove their modification at their own expense if the Board determines in its sole discretion that removal is necessary for the operation of the condominium project.
8. Owners shall not modify nor replace their modification without first obtaining the written consent of the Board.
 9. In the event of any said damage, owners, at their sole cost and expense, after promptly notifying the Association, shall repair, replace, and restore or cause to be repaired, replaced, or restored, the common elements, limited common elements, and any other apartments to the same condition as existed prior to said damage or injury.

10. Owners (including their successors and assigns) agree to indemnify and hold the Association, its Board of Directors, Resident Manager, employees, Managing Agent, and other owners harmless from and against all claims, loss, liability and/or damage, including, but not limited to, reasonable attorney's fees, arising from, or in any way connected with, the installation, maintenance, repair or use of the modification. Owners (including their successors and assigns) release any claims they may have against the Board of Directors. This Agreement shall inure to the benefit of, and constitute a binding obligation upon, the undersigned parties, their respective successors and assigns and shall be deemed a covenant running with the land.

11. In the event Owner fails to comply with any of the terms of this agreement, Owner agrees to reimburse the Board and/or the Association for all fees and costs incurred in enforcing those terms, including attorney's fees. If Owner fails to pay any of the costs or charges required to be paid under this agreement, Owner agrees that the Association may collect those costs or charges in any manner permitted under the Project Documents.

OWNER Date: _____

OWNER Date: _____

FORM C--Contractor's and Owners' Acknowledgement

Uniform Appearance

One of the outstanding features of Paniolo Hale is its design. Each unit is designed to resemble a large Plantation Ranch House and to match other units. The bylaws support maintaining this style of exterior appearance. Therefore, an important goal for the Board when it approves an alteration project is maintaining uniformity of the design elements that tie together the entire complex as well as assuring structural safety and integrity.

It is absolutely essential that the architectural integrity of Paniolo Hale is maintained and that the plantation style elements be kept uniform throughout **Thus, the principle design goal is that like be replaced with like, or if there is a deviation from other units it be an approved deviation.** Modifications should blend into the uniform appearance rather than change it. Additions should look as if they were always a part of the original design.

Adhere to the Approved Application

It is important to remember that only the work contained in the approved Application is approved to be done. If additional work is needed or desired after the application is approved, another application for the new work should be submitted. The ADRC and Board will do everything in their power to act promptly on new applications associated with an approved project already in progress.

No Work to Be Done on Any Common Element Without Prior Approval

While doing work on an approved project, it is not unusual to come across repairs that need to be done to a common element, such as floor joists or lanai railing. This work is the responsibility of the Association and when discovered, the need for repair should be reported immediately to the Resident Manager. The Resident Manager, through discussions with the contractor and/or owner, will determine whether the Association will complete the repairs or whether the Association will contract with the contractor and/or owner to complete the repairs. The contractor and/or owner shall **not** do any repairs on the common element without first entering into a written contract with the Association. **If repairs are made without a written contract, the Association will not pay the contractor and/or owner for their labor or reimburse them for any expenses incurred in the repair of the common element.**

It is imperative that those involved with the repairs, replacements, or remodeling of an apartment understand the above provisions, and abide by the owner's approved application, and the Workmen Rules (attached).

I have read **the above provisions**, the **Application for Unit** ____ **dated** ____ __, **and Workmen Rules:**

Workmen's Name: _____

Workmen's signature _____ Date _____

Owners' signature(s) _____ Date _____

_____ Date _____

WORKMEN RULES

Safety- Proper safety practices are a primary requirement of all work on site. Safety management is at the sole discretion of the Resident Manager. No power tools being used in any exterior work space may be left unattended whatsoever without being unplugged.

Work Hours - Hours of work are 8am to 5pm Monday through Saturday. No work is to be conducted on the following holidays; New Years, Memorial Day, King Kamehameha Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

Noise - This is a residential / vacation complex so noise must be minimalized to the extent possible. Radios and stereos can only be operated inside the units. Noise complaints by neighbors will be handled by the Resident Manager, and may require that the contractor/workman modify their noise level.

Work Space - If there is to be fabrication work done outside of the unit, the location must be approved by the Resident Manager and cannot block the walkways or parking.

Pets - As no pets are allowed on the Paniolo Hale campus, no workmen-owned pets are allowed on the property in or out of vehicles.

Clean Up- No construction debris can be disposed of in the Paniolo Hale property trash dumpsters, including appliances. At the end of the work day all construction related tools, materials, or debris must be stored inside the unit and the exterior site must be thoroughly cleaned and left free of any construction materials, tools, or debris.

Trailers and Vans - No trailers or vans used for construction material, debris, or tools can remain on property overnight.

Resident Manager - The Resident Manager is the controlling individual for determining safe and appropriate construction activity. Construction related directions by the Resident Manager must be adhered to in a very timely manner as they will primarily deal with safety concerns and comfort of the neighbors.

FORM D

Notification of Alterations at Paniolo Hale

Date: _____

Apartment, Unit No. _____ is undergoing alterations.

Alteration of this apartment unit has been approved by the Board in accordance with Paniolo Hale's Alteration of Apartment Process

Work is scheduled to begin on _____

Work to be completed by _____

President of the Board of Directors

Appendix A Board Approved Alterations

Lanais

The posts and rails and spindles may only be painted in chiffon yellow (Sherwin Williams). [Adopted August 10, 2017]

The walls of the lanai may only be painted in the following colors:
Antique Brass, Cardboard Brown (Sherwin Williams 6124), Camel Back (Sherwin Williams 6122), Believable Buff (Sherwin Williams 6120)
[Motion passed by Board of Directors September 27, 2016]

The exterior of the bi-folding doors should be painted in a lighter contrasting color ranging from medium cream to white.
[Motion passed by Board of Directors November 9, 1998]

The floor of the lanai can be painted or carpeted in any color of the owner's choice.
[Motion passed by Board of Directors November 9, 1998]

The ceiling of the lanai can be painted in any color of the owner's choice.
[Motion passed by Board of Directors November 9, 1998]

All ground floor lanais are to have screens on the inside of the railings. The *Screen Tight* system is an approved additional option to the original aluminum framed screens. They are installed and maintained by the owner unless damaged from the outside.
[Policy approved by Board of Directors November 7, 2000]

On wrap-around lanais, the short end of the lanai can be covered with clear, or no more than 15 % tinted, Plexiglas. The Plexiglas must (1) be mounted on the inside of the screen, (2) be removable, and (3) be affixed with stainless steel screws. No more than 4 panels can be installed. To maintain a uniform appearance, Plexiglas must be kept clean, and repaired or replaced at the owners' expense.
[Policy approved by Board of Directors November 7, 2000]

On wrap-around lanais, palladia lanai windows are approved as an option for the short end of the lanai. Palladia windows must have the same measurements, specifications, and appearance, including the center post, as all existing palladia windows on the lanais of other buildings. Safety window glass, screens, or removable Plexiglas can be used and must be maintained by the owner.
[Policy approved by Board of Directors November 7, 2000]

Doors

Exterior doors and door hardware replacements must be kept to the original design style. Specifications may vary in obtaining replacement items, but the overall design elements should retain the original look. If locks are replaced the Resident Manager must be given a key or key code for access to the unit in case of emergency.

[Policy approved by Board of Directors November 7, 2000]

Exterior optional screen doors are approved. Exterior screen doors must be a standard wood door, retrofitted with cross bar and wood guard strips painted brown to match the existing doors, and will have an aluminum door knob.

[Motion passed by Board of Directors November 9, 1998]

Windows

Replacement windows must match existing windows (current size, number of panes, and mullions). The specifications are attached.

[Policy approved by Board of Directors November 7, 2000]

Windows beneath palladia windows in upstairs bedrooms can be replaced with double hung (like existing windows) or with louvered window style. Specifications are attached.

[Adopted August 10, 2017]

Frames of exterior screens on windows should be similar to the color of the exterior wooden frame (molding) of the window.

[Adopted August 10, 2017]

Sky Lights

The Velux VS-306 Comfort Plus low E and laminated glass skylight is approved as a replacement or new (requires separate Board approval) skylight. Any upgraded or added skylights are the responsibility of the owner. Original non-opening domed skylights are maintained by the Association.

[Adopted August 10, 2017]

Caution: Velux no longer makes the model skylight approved above. It is the responsibility of any owner, who is replacing an existing skylight, to confirm the measurements of the skylight required for their replacement. Any Velux skylight replaced must use the Velux EDW proprietary flashing kits - no substitutes allowed

Upstairs Balconies

Upstairs balconies (original balconies) on one bedroom units can have screened doors to match other units. The balcony cannot be screened.

[Adopted August 10, 2017]

Upstairs balconies can be added only to 2-bedroom, end units. They are maintained by owner.

[Adopted August 10, 2017]