

ASSOCIATION OF APARTMENT OWENRS OF KOA LAGOON

LANAI ALTERATION POLICY

(Enacted April 7, 2011; Amended March 5, 2021)

RECITALS

WHEREAS, the lanai is part of the apartment pursuant to the Koa Lagoon Second Restated and Amended Declaration of Condominium Property Regime (“Declaration”) Declaration, which states in Section 4:

Each apartment shall consist of the space measured horizontally by the distances between the interior surfaces of the perimeter walls of each apartment, and the space measured by the lanai of each apartment, and measured vertically be the distance between the topside surface of the concrete floor and the underside surface of the concrete ceiling of each apartment.

WHEREAS, the Association is obligated to maintain, repair and replace certain common elements that include foundations, columns, girders, beams and supports, bearing walls, structural frame, perimeter walls between apartments, floors and ceilings of buildings, pursuant to Section 5 of the Declaration, Section 10 of the Second Restated and Amended By-Laws of Association of Apartment Owners of Koa Lagoon (“Bylaws”) and Hawaii Revised Statutes (“HRS”) § 514B-137; and

WHEREAS, the Koa Lagoon was constructed in 1977, time and age may have caused the lanais to have cracks, deterioration of the metal railing, or spalling in the concrete lanai floor surfaces. Corrective steps to protect the integrity of the concrete, re-bar, and railings must be taken. The Association and its owners must maintain and repair the lanais and prevent damage to the lanais.

THEREFORE, BE IT RESOLVED, consistent with the requirements in the governing documents and HRS Chapter 514B, the Board of Directors and Association adopts this Lanai Alteration Policy to maintain and preserve the lanais. This Policy supersedes and replaces any the Lanai Surface Policy and any previously adopted lanai policies. Glued down carpeting has substantially contributed to spalling and thus has necessitated major and expensive repairs. Effective immediately, all such lanais with existing carpets need to notify the Association to begin the process described below as soon as possible or by December 31, 2022 at the latest,

## TERMS OF POLICY

### A. Owner Obligations.

1. Owners should visually inspect their lanai whenever they are in residence or at least once a year. If any spalling, cracking, raising of the floor, loose, or questionable railings, or other abnormalities with the surface of their lanai, lanai walls, or railings is discovered, the owner shall immediately report his/her findings to the Property Manager (PM). The PM will do a preliminary inspection to ascertain what work may need to be done. If an owner chooses to replace the surface of their lanai that has no visual spalling, bumps or cracks, the following process must still be adhered to. In addition the Board of Directors needs to have notification from the owner for any work done on their lanai. The notification needs to include Owner's name, unit number, and contact number, name and license number of any contracted workmen (for demolition and/or final surface), anticipated dates of work to occur, and the choice of what type of material the final floor surface will be.

2. Demolition of floor: The owner or a contractor for the owner is responsible for the removal of the old surface and for the disposal of same. This debris is not to be placed in Koa Lagoon's dumpster. The removal includes glue or other residue left by the old covering. Cleaning solution or solvent used in the removal should not be allowed to run through the drain holes on the lanai, thereby affecting lower units or the lawn.

3. Inspection: The clean and exposed concrete surface must again be inspected by the Property Manager (PM) who will decide if or how extensive any repairs may be needed for the concrete and rebar prior to waterproofing and final surface. It may be very possible that no repairs are needed for the exposed floor surface and surrounding walls. Railing inspection and repairs, if needed, will be arranged by the PM and paid for by the Association.

4. Repairs: The Koa Lagoon AOA will be responsible for bidding a licensed contractor for any major repairs including the cost of said repairs to the rebar, loose concrete, and any wall cracks. Specialized materials such as Dap-Bondex Flexible Floor Patch Leveler, Metal primers, waterproof caulking, or current industry standards are required of the contractor.

5. Drain holes: All drain holes must be protected and not covered by any permanent material. The PM will inspect during the process to ensure that drainage is not compromised. Additional drain holes are not allowed to be drilled.

6. Once repairs are made and before the waterproofing is done, the PM will inspect and approve the floor repair work. Once approved, the waterproofing can begin.

7. Waterproofing (seal coating) shall be done in accordance with current industry standards and extend up the wall surface 3 inches creating a "shower pan" liner. Care must be taken to keep the drain holes clear. The PM will inspect and if done well, will give approval for the owner to proceed with the final surface.

8. Installation of the final surface: The homeowner will be responsible for the choosing, installing, and paying for the final new floor surface. Glued down carpet is no longer allowed. Tile, an epoxy poured surface, or other non-porous surfaces are allowed. Once the final surface is in place, area rugs that are easily able to be rolled up or removed are allowed.

B. Association Obligations.

1. The Association is responsible for the oversight of the above process, and will keep the BOD notified of each step.

2. The Association will schedule annual inspections to each unit's lanai beginning in 2021 to ascertain the condition of the lanais. Owners will be notified if their lanai is in need of repairs or any carpet that is glued-down necessitating removal.

3. The Association shall pay for the prescribed maintenance and repairs listed above from the common expenses of the Association, unless damage to the lanai substrate was caused by negligence of an owner, at which time the owner will be assessed the costs incurred by the Association to rectify the damage.

4. The Association has the obligation to protect the integrity of the building, and prevent future costly repairs through the Administrative Rules and Regulations, page 38, of the By-Laws to enforce the compliance of Lanai Resurfacing Policy. Non-compliance may result in removal of non-permitted surfaces at owner's expense along with potential fines.

CERTIFICATE

I, hereby certify that the foregoing is a true copy of the Lanai Alteration Policy adopted by a majority vote at a meeting of the owners duly held on March 5, 2021 and duly entered in the book of minutes of the Association, and that this Policy is in full force and effect.

ASSOCIATION OF APARTMENT OWNERS OF  
KOA LAGOON



Signature: \_\_\_\_\_

Printed Name: Valerie Oliver

Title: Secretary