

ASSOCIATION OF OWNERS OF KUKUI PLAZA
RESOLUTION REGARDING HIGH-RISK COMPONENTS

WHEREAS, Hawaii Revised Statutes (“HRS”) §514B-138(a) authorizes the Board, after notice to all unit owners and an opportunity for owner comment, to determine that certain portions of the units, or certain objects or appliances within the units pose a particular risk of damage to other units or the common elements if they are not properly inspected, maintained, repaired, or replaced by owners.

WHEREAS, Article V, Section 1 of the By-Laws of the Association, as amended and restated, (“By-Laws”) gives the Board broad powers to operate and manage the Kukui Plaza condominium project (“Project”) for the benefit of the Association and its members.

WHEREAS, smoke detectors are required in every unit by Section 20-5.2(a) of the Revised Ordinances of Honolulu and may cause serious damage to units or the entire project if not maintained and replaced regularly.

WHEREAS, the Association’s insurance carrier has required that the Association install smoke detectors in all the units of the Project.

WHEREAS, pursuant to Article VII, Section 2(e) and Section 2(o) of the By-Laws of the Association, owners are required to comply with all applicable laws or ordinances and to refrain from doing anything that would increase the insurance premiums or cancel any insurance maintained by the Association.

WHEREAS, the Association also intends to upgrade the fire alarm system and will be required by the Honolulu Fire Department to install annunciators inside all the units.

WHEREAS, HRS §514B-137(a) requires each unit owner to afford to the Association and its employees, independent contractors, and agents access – during reasonable hours – through the owner’s unit reasonably necessary for the operation of the property.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the Association of Owners of Kukui Plaza, on behalf of the members of the Association, hereby adopts the following resolutions to designate high-risk components and establish requirements for care of high-risk components:

A. Designation of High-Risk Components.

1. The smoke detectors and annunciators inside each unit are designated high-risk components. These components shall initially be installed by the Association. Thereafter, it is each owner’s responsibility to maintain, repair, and replace the smoke detectors and annunciators installed in their unit, as necessary unless the Board of Directors determines that it is appropriate to undertake repairs, replacement or maintenance on all the smoke detectors or annunciators at the same

time. In such an instance, the Board of Directors may contract for the repair, replacement or maintenance of the smoke detectors or annunciators as a common expense.

2. The toilet gaskets attached to the bathroom wall are a part of the toilets and designated high-risk components. These components are each owner's responsibility to maintain, repair, and replace, as necessary or as provided herein.

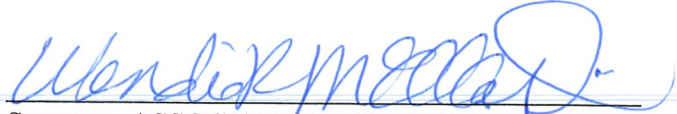
B. Inspections. The Association may conduct inspections of the high-risk components upon notice to the owners and residents. During the inspection certain high-risk components may be identified as faulty. For purposes of this resolution, a high-risk component is faulty if: (1) the component has failed; (2) the component is near failure in the judgment of the inspector; or (3) the component's age is such that the inspector believes that it should be repaired or replaced even if not otherwise faulty. The Association may include in the notice of inspections an opportunity for the owner to elect to have the Association repair or replace any faulty high-risk components identified during the inspection at the cost of the owner. The Association is under no obligation to repair or replace the faulty high-risk component, but if it does so, the owner will be responsible for all costs and expenses of the repair or replacement. Nothing herein shall override the Association's authority to conduct emergency repair and replacements of unit components.

C. Repair or Replacement. If a high-risk component is identified as faulty during an inspection conducted pursuant to this resolution, the high-risk component shall be repaired or replaced by the time identified in the inspection report or the cover letter unless the Association has repaired or replaced the faulty high-risk component pursuant to paragraph B, above. In the event that the Association has repaired or replaced a faulty high-risk component pursuant to paragraph B, above, the Association shall notify the owner and assess the owner the cost of the repair or replacement which if unpaid shall constitute a lien on the unit as provided by HRS Section 514B-146. Within four business days of completion of the repair or replacement of the faulty high-risk component, the owner shall provide a copy of the contractor's invoice showing that the repair or replacement has occurred. If the faulty high-risk component is located in a unit, the unit owner shall be responsible for the cost of repairing or replacing the high-risk component. If the faulty high-risk component is located in a common element and it has been damaged by an owner or occupant, the Association shall repair or replace the component, but the owner will be charged the cost. Notwithstanding anything to the contrary stated herein, the Board at its sole discretion may choose to have the cost of repairing or replacing faulty high-risk component(s) paid for as a common expense.

D. Failure to Comply with Resolution. If an owner fails to comply with the requirements of this resolution within the time frame in the inspection report or cover letter, the Association is authorized to enter the unit to perform the requirements with regard to such high-risk components at the sole cost and expense of the unit owner, which costs and expenses shall be a lien on the unit as provided in section 514B-146.

BE IT FURTHER RESOLVED THAT nothing in this resolution shall be deemed to limit the remedies of the association for damages, or injunctive relief, or both.

I, WENDIE MCALLISTER, Secretary of the Board of Directors of the Association of Owners of Kukui Plaza, do hereby certify that the foregoing is a true copy of the resolution duly adopted at a meeting of the Board of Directors, duly held on AUGUST 18, 2021 and duly entered in the book of minutes of the Association, and that this resolution is in full force and effect.



Secretary, ASSOCIATION OF OWNERS OF KUKUI
PLAZA

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