

ROYAL MAUIAN – HOUSE RULES

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 4): Occupancy or amenity restriction discriminates based on familial status / disability or imposes an overbroad age restriction under the Fair Housing Act and HOPA.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

Statutory Comparison: The Fair Housing Act (42 U.S.C. § 3604(b)) prohibits familial-status discrimination against families with children - including adult-only rental age floors (e.g., 24+), mandatory hourly pool exclusions targeting all minors under 18, blanket Common Area parental-escort rules for children, and caps on grandchildren - unless the community actively qualifies as 55+ Housing for Older Persons under 42 U.S.C. § 3607(b)(2) and 24 C.F.R. §§ 100.304 - 100.307 (which regulates occupancy rather than fee-simple title ownership and does not authorize intrusive medical/disability disclosures for live-in caregivers under 42 U.S.C. § 3604(f)).

CURRENT WORDING IN DOCUMENT:

- Children that use diapers must wear swimming diapers. - No running, diving, pushing, climbing over fence, or boisterous conduct is allowed. - Swimming is not allowed in any other than proper swimming apparel.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Any age-based occupancy restriction shall be enforceable only while the Association actively qualifies as "Housing for Older Persons" pursuant to 42 U.S.C. § 3607(b)(2)(C) and 24 C.F.R. §§ 100.304 - 100.307, including maintaining at least 80% occupancy of units by at least one person 55 years of age or older and conducting mandatory biennial age-verification surveys. Absent active HOPA qualification, no restriction shall discriminate on the basis of familial status.

Storage lockers should not be used to store items that need to be accessed by anyone other than the unit Owner (ie; no rental agents/cleaning staff should access this room). Boogie boards and beach chairs only may be stored above the lockers at your own risk and must be marked with your unit number. Those not marked are subject to disposal. The following items are not permitted to be stored: flammable or hazardous material, perishable food items, or items stored in plastic bags or cardboard boxes (due to pests/rodents). Use of this storage area is at your own risk. Theft/damage to any personal items in this area is not the responsibility of the Association or its insurer.

If an item is stored outside of the Owners’ storage cube, it is considered abandoned and is subject to disposal/sale per Hawaii statutes. Owners that sell their units are required to remove all their items from owners’ storage prior to the close of escrow after which any items left in owners’ storage will be considered abandoned and disposed of.

PADDLEBOARD AND SURFBOARD STORAGE —A temporary storage space is available free of charge, *use at your own risk*, and is located in the driveway near the basement. See AOA Office or the website for code. No paddle/surf boards are to be stored or left in any common areas (lawn, hallways) or lanais. No boards are allowed in the stairways or elevators or carried through the lobby. For Owners only, long term paid storage for paddleboards, surfboards and non-motorized bicycles only. See AOA Office for availability and to complete the required agreement.

POOL - USE THE POOL AT YOUR OWN RISK. THERE IS NO LIFEGUARD ON DUTY.
The pool is only for the personal use of owners, owners’ guests and renters. The Pool is open from 9:00 AM until 8:30 PM.

The swimming pool is maintained as a quiet place to relax. Please respect the right of others, either at the pool or in their units, so they can relax without being exposed to excessive noise.

The Swimming Pool Rules are posted inside the pool area. Please observe them.

ISSUE #1

- Children that use diapers must wear swimming diapers.
- No running, diving, pushing, climbing over fence, or boisterous conduct is allowed.
- Swimming is not allowed in any other than proper swimming apparel.
- No scuba gear, swim fins, large flotation devices, surfboards or other beach items are permitted.
- Breakable items are not permitted in pool area and no food is allowed on the pool deck area.
- Please shower before entering pool to remove sand and suntan oil.
- Board of Health regulations requires that all persons known to or suspected of having an infectious disease or wearing Band-Aids or bandages shall be excluded from entering the pool.
- The gates are self-closing and must remain closed at all times.

ROOF GARDEN — The roof garden hours are 9:00 AM to 10:00 PM or 9:00 PM if unoccupied. The Roof Garden is only for the private use of owners, owners’ guests and renters. Renters may not invite non-resident guests to the Royal Mauian except to their unit. Please help us maintain the safety and security of this facility by keeping the door to the Roof Garden and the roof restroom locked at all times. For their safety, children under 16 years of age are not permitted on the Roof Garden unless accompanied by an adult. Dining tables may not be moved by anyone other than Royal Mauian Staff due to the potential for damage to the furniture and floor surface when moved incorrectly. Barbecuing is permitted only on the gas grills provided but no more than two BBQs may be used by any group. Please make sure you turn off the BBQ grills and clean them when you are