

BACKGROUND: Extreme circumstances warrant Board intervention to request an owner to evict their tenants, and the owner refuses to do so.

The Board of Directors may declare the presence of a tenant to be a nuisance to the community when the presence of a tenant interferes with the quiet enjoyment of the other units' owners and tenants. Whenever a tenant is declared a nuisance, the owner shall be ordered to vacate the tenant from the unit. Whenever the Board of Directors declares a tenant to be a nuisance, they shall notify the owner and tenant of the declaration of nuisance tenant, shall provide an order to the owner to vacate the tenant from the unit, and shall provide a copy of this policy via certified mail and USPS First Class Mail.

If the Board of directors declares the presence of a tenant to be a nuisance, the Board shall impose a fine of \$500 per house rule violation constituting the nuisance against the owner and tenant jointly and severally. The imposition of all fines pursuant to this rule shall be stayed for five days -- but the accrual of fines shall not be stayed.

An owner or tenant of a unit shall have the opportunity to appeal the declaration of nuisance tenant within the five days to the designated Appeal Committee. The decision of the Appeal Committee shall be final.

The owner shall have 30 days from the date of mailing of the notice and order to vacate the tenant from the unit. For each day beyond the 30 days, the owner and tenant shall be fined, jointly and severally, \$25 per day until the tenant has vacated the premises. Sufficient proof of vacating the premises shall include: a certified copy of a writ of possession has issued against the tenant or, in the event that the tenant quits the unit voluntarily, a letter to the tenant informing the tenant to vacate. After submission of sufficient proof of the tenant's vacating the premises, a designated Association employee, or Board officer, shall physically inspect the unit immediately and determine whether the unit has, in fact, been vacated.

If the designated Association employee or Board officer determines the unit has been vacated, the designated Association employee or Board officer shall put such determination in writing and the violations shall be deemed corrected.

For each declaration of nuisance tenant, the Board shall appoint three of its members as a designated Appeal Committee who shall hear any appeals. The Board shall also appoint a designated Association employee, who in addition to Board officers, shall have the power to determine units vacated.

Owners are reminded that Hawaii Revised Statute 514B-105 and the Blyaws permit the Association to collect late fees, legal fees, fines and interest by deducting the same from future common expense payments. Tenants are reminded that Hawaii Revised Statutes 514B-104 permit the Association to collect late fees, legal fees, fines and interest from tenants as well.

Adopted at the Board of Directors meeting this 15th day of September, 2010