

## **GUIDELINES FOR INSTALLATION AND MAINTENANCE OF AIR CONDITIONING SYSTEMS**

In accordance with the Association Bylaws, no unit owner shall, without the prior written approval of the Board of Directors, install any wiring for electrical or telephone installations, machines or air conditioning units, or other equipment or appurtenances whatsoever on the exterior of any building of the project or protruding through the walls, windows or roof thereof. The Bylaws further states that the Board can designate acceptable machines and only designated machinery and air conditioning units and other appliances may be installed or used.

In view of the above, the Board has chosen to promulgate these guidelines specifically for installation of air conditioning systems. Unit owners must strictly comply with these guidelines when submitting Design Approval Requests to the Board of Director's Design Committee.

Guidelines for all types of air conditioning systems are as follows:

1. Owners shall be responsible for ensuring that the installation of air conditioning systems complies with the Association's governing documents.
2. Owners must submit in advance the plans and specifications of the proposed air conditioning systems (excluding portable air conditioners) to the Design Committee, including the location, dimensions, equipment and materials of the proposed air conditioning system.
3. All air conditioning systems shall be of a capacity that is compatible with the house's electrical system. All electrical work shall be performed by an electrician who is licensed and insured in the State of Hawaii.
4. The air conditioning systems shall be the responsibility of the Owners to install, maintain, repair and replace. Once the system has been installed, Owners shall be responsible for any increase in the cost of the maintenance and repair of the Project caused by the installation of the system.
5. Leaking or noisy air conditioning systems must be repaired or replaced immediately upon notification by the Board. The Association may repair, replace, or remove the air conditioning system at the Owner's expense if after reasonable notice from the Board, the Owner has failed to do so.
6. Owners shall be responsible for any damage or claim resulting from the installation, maintenance, repair, existence, or removal of the air conditioning systems. If the air conditioning systems or their installation, maintenance, repair, or removal should cause damage to any portion of the Project, the Owners agree to be liable for the full cost of restoring the damaged areas to the same condition they were in prior to the occurrence of that damage.
7. Owners agree not to modify or replace air conditioning systems (excluding portable air conditioners) without first obtaining the written consent of the Design Committee.
8. An Owner who has installed an air conditioning system without the Design Committee's prior written approval, or who has installed an air conditioning system that is different from the

plans that were approved by the Design Committee, may be required to remove the air conditioning system at the Owner's expense.

9. If the Board determines in its sole discretion that removal of an air conditioning system is necessary or convenient for the operation of the Project, Owner shall promptly remove part or all of the air conditioning system at Owner's expense.

10. Owners will indemnify, defend, and hold harmless the Association and the Board from any and all liability, loss or damage arising out of or related to the air conditioning systems.

Guidelines for specific types of air conditioning systems are as follows:

#### 1. Mini-Split (Ductless) Air Conditioning Systems.

a. Mini-split systems must be installed by a licensed and qualified HVAC contractor. Owners must submit in advance the name and license number of their contractors and certificate of insurance of their contractors to the Design Committee.

b. The outside compressor/condenser unit (henceforth, called "the unit") must be placed at least three feet (3') from the property line.

c. The unit must be placed on a side of the house that is not facing adjacent street(s), with the exception of corner houses, where the unit may be placed on the side of the house facing the street if it is hidden behind a fence, partition or vegetation. The unit may not be placed on the entrance walkway or the front porch.

d. The unit shall be placed on a cement or Polycast slab on grade. Mounting the unit more than six inches (6") above grade is not permitted.

e. All associated wiring, piping or enclosing chase placed on the exterior of the home will be painted to match the walls or white (chases made of white plastic may be left unpainted).

f. The unit's normal outside noise level, as per the manufacturer's specifications, must not exceed 55 decibels (dB). Once installed, owners will properly maintain the unit to ensure it does not become excessively noisy.

g. Owners are responsible for obtaining all necessary governmental permits to install a mini-split air conditioning system. When permits are obtained, Owners shall provide copies of the permits to the Design Committee.

#### 2. Window/Wall Air Conditioners.

a. Window air conditioners will be installed in strict compliance with the manufacturer's instructions. Installation by a licensed contractor is desired, but not required. If installed by owner, the Design Approval Request must specifically describe how the unit will be mounted.

b. A window air conditioner must be specifically designed for the type window into which it is being installed. (Currently, window air conditioners are only designed to be installed in double-hung or sliding windows.)

c. Wall air conditioners must be installed by a licensed contractor to ensure structural integrity is maintained. Owners must submit in advance the name and

license number of their contractors and certificate of insurance of their contractors to the Design Committee.

d. Window and wall air conditioners must be placed on a side of the house that is not facing adjacent street(s), with the exception of corner houses, where the unit may be placed on the side of the house facing the street if the unit is hidden behind a fence, partition or vegetation. The unit may not be placed on the wall/window adjacent to the entrance walkway or the front porch.

e. Only air conditioners that are designed to not expel condensate are permitted.

f. The air conditioner's normal outside noise level, as per the manufacturer's specifications, must not exceed 55 decibels (dB). Once installed, owners will properly maintain the unit to ensure it does not become excessively noisy.

### 3. Packaged Central (Ducted) Air Conditioning Systems:

a. Packaged central air conditioning systems may only be installed to cool new (and approved) additions to a home. Installation must be accomplished during construction of the addition.

b. All other guidelines provided for mini-split air conditioning systems apply to the installation of packaged central air conditioning systems.

### 4. Portable Air Conditioners.

a. Residents may use portable air conditioners within their homes without Design Committee approval.

b. Intake and exhaust hoses must be placed in windows using the manufacturer's mounting plate. However, the mounting plate and hoses must be removed from windows when the air conditioning unit is not being routinely used (e.g., during the winter months or while on vacation).