

ASSOCIATION OF APARTMENT OWNERS OF KAI MAKANI

NON-DISCRIMINATION POLICY

Adopted by the Board of Directors on JANUARY 17, 2023

Prohibition of Discriminatory Practices

In order to comply with state and federal equal housing and employment law, the Association of Apartment Owners of Kai Makani (the "Association") has adopted the following policy. The interpretation and application of this policy is within the discretion of the Association Board of Directors and will be applied to prevent and address inappropriate conduct before it rises to the level of illegal conduct.

It is the policy of the Association not to discriminate in any real property transaction, including any decisions related to the use of any residential unit, facility, and/or service due to an individual's race; sex, including gender identity or expression; sexual orientation; color; religion; marital status; familial status; ancestry/national origin; disability; age; or human immunodeficiency virus (HIV) infection.

The Association prohibits any owner, resident, or guest from engaging in any of the following:

- (1) To refuse to engage in a real property transaction with a person;
- (2) To discriminate against a person in the terms, conditions, or privileges of a real property transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real property transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available;
- (6) To refuse to permit a person to inspect real property;
- (7) To steer a person seeking to engage in a real property transaction;
- (8) To subject a person to unwelcome or offensive harassment because of that person's protected basis. Harassment based on race, disability or sex (or other protected basis) that has the purpose or effect of creating an intimidating, hostile, or offensive living environment, or otherwise adversely affects an individual's home environment, constitutes impermissible harassment;

Harassment may include many forms of offensive behavior. The following is a partial list:

- a. *Verbal harassment, such as racial or sexual (or any protected basis) epithets, derogatory comments, jokes or slurs;*
- b. *Physical harassment, such as touching, assault, impeding or blocking movement;*
- c. *Requests for sexual favors which are conditioned upon offered benefits or threats of lost benefits, whether express or implied; or*
- d. *Visual forms of harassment, such as displaying racial or sexual (or any other protected basis) derogatory posters, cartoon or drawings that are offensive.*

- (9) To solicit or require as a condition of engaging in a real property transaction that the buyer, renter, or lessee be tested for human immunodeficiency virus infection (HIV), the causative agent of acquired immunodeficiency syndrome (AIDS);
- (10) To refuse to permit, at the expense of a person with a disability, reasonable modifications to existing premises occupied or to be occupied by the person if modifications may be necessary to afford the person full enjoyment of the premises;
- (11) To refuse to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation; provided that if reasonable accommodations include the use of an animal, reasonable restrictions may be imposed;

If you are a person who has a physical or mental condition which substantially limits one or more of your major life activities, such as walking, seeing, hearing, breathing or caring for oneself, and you need a modification or accommodation to your housing unit or the common areas, you may request the modification or accommodation by contacting the Association's Managing Agent at Quam Properties Hawaii, Inc., 5095 Napilihau St. Suite 202, Lahaina HI 96761, Office 808 665-1315, Lysa@QuamProperties.com.

If you are a person with a disability, reasonable accommodation may include permission to keep an assistance animal, including service animals, guide dogs, signal dogs, or an emotional support animal, which is required to afford you equal opportunity to use and enjoy your housing accommodation.

- (12) To institute or apply facially neutral policies or restrictions which result in a disparate adverse impact;
- (13) To fail to design and construct housing accommodations in a manner that it has at least one accessible entrance, unless it is impracticable to do so because of the terrain or unusual characteristics of the site;¹
- (14) To threaten, intimidate or interfere with persons in their enjoyment of a housing accommodation because of the person's race; sex, including gender identity or expression; sexual orientation; color;

¹ In connection with the design and construction of housing occupancy after March 13, 1991. See, H.R.S. §515-3(10).

religion; marital status; familial status; ancestry/national origin; disability; age; or human immunodeficiency virus (HIV) infection or of visitors or associates of such person;

- (15) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for real property transaction, or to make a record or inquiry in connection with a prospective real property transaction, which indicates, directly or indirectly, an intent to make a limitation (preference), specification, or discrimination with respect thereto;
- (16) To retaliate, threaten, intimidate, interfere, obstruct or prevent persons in the enjoyment or exercise of full and equal rights to enjoy a housing accommodation; or
- (17) To aid, incite, or coerce another person to engage in a discriminatory practice.

All persons may report a violation of this policy without fear of retaliation. Any incident of retaliation or other alleged discrimination may be brought to the attention Association's Managing Agent who will promptly and thoroughly investigate the matter and will take appropriate corrective action to prevent further occurrences.

Retaliation under this policy includes, but is not limited to, discrimination by the owner, tenant, guest, management company, and/or or their agents and/or employees, against:

- Any resident or guest who complains of a discriminatory practice prohibited by this policy; or
- Any resident or guest who reports discrimination or who assists or participates in an investigation into allegations of this policy.

The Association will impose forceful and appropriate consequences to deter offenders, including but not limited to, sending violation notices, imposing fines, and/or pursuing legal action to the extent available under law.

Prohibition of Third Party Harassment

The following conduct by owners, residents, tenants, guests, contractors, and other invitees and occupants of the Association, is prohibited under this policy:

To subject an Association employee or Association contractor to unwelcome or offensive harassment because of that person's race, color, religion, sex including gender identity and expression, age, national origin, ancestry, marital status, arrest and court record, genetic information, disability, sexual orientation, citizenship, credit history, military service, victim of domestic or sexual abuse status, reproductive health decisions, or other grounds protected under applicable state and federal laws, regulations, and/or executive order in violation of this policy.

Third party harassment may include many forms of offensive behavior. The following is a partial list:

- a. Verbal harassment, such as racial or sexual (or any protected basis) epithets, derogatory comments, jokes or slurs – even if those comments are not directed at the Association employee but rather uttered within hearing distance of the Association employee;
- b. Physical harassment, such as touching, assault, impeding or blocking movement;
- c. Refusing to allow an Association employee to touch one's belongings (car, groceries, food delivery, packages, etc.) because of that employee's race, national origin, or other protected category;
- c. Requests for sexual favors which are conditioned upon offered benefits or threats of lost benefits, whether express or implied; or
- d. Visual forms of harassment, such as displaying racial or sexual (or any other protected basis) derogatory posters, cartoon or drawings, including on clothing, that are offensive.

Consequences of Violating this Policy

Owners of the Association who violate this policy may incur liability for the Association. **Owners are responsible for the conduct and behavior of their tenants, guests, and invitees.** The Association will impose forceful and appropriate consequences to deter offenders and remedy inappropriate conduct, including but not limited to, sending violation notices, imposing fines, and/or pursuing legal action to the extent available under law.