

ASSOCIATION OF APARTMENT OWNERS OF KIHEI SHORES
NON-DISCRIMINATION & ANTI-HARASSMENT POLICIES

Prohibition of Discriminatory Practices

In compliance with state and federal laws, the Association of Apartment Owners of Kihei Shores (“Association”) has adopted the following policy. The interpretation and application of this policy is within the discretion of the Association Board of Directors with the goal of preventing and addressing inappropriate conduct before it rises to the level of unlawful conduct.

It is the policy of the Association to not 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 (collectively “protected category”).

In furtherance of this policy, the Association prohibits the following discriminatory behaviors by any owner, resident, or guest:

- (1) Refusing to engage in a real property transaction with a person;
- (2) Discriminating 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) Refusing to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) Refusing to negotiate for a real property transaction with a person;
- (5) Representing to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available;
- (6) Refusing to permit a person to inspect real property;
- (7) Steering a person seeking to engage in a real property transaction;
- (8) Subjecting a person to unwelcome or offensive harassment because of that person’s protected basis. Harassment based on a protected category that has the purpose or effect of creating an intimidating, hostile, or offensive living environment, or otherwise adversely affecting 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) Soliciting or requiring 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) Refusing 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) Refusing 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 elements, you may request the modification or accommodation by contacting the Association's Managing Agent at the following address. If you are a person with a disability, reasonable accommodation may include permission to keep an assistance animal, 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.

Mariah J. White
JS Property Management, Inc.
1962 B Wells St.
Wailuku, HI 96793
C: (808) 268-1901
Email: mwhite@js.management

- (12) Instituting or applying facially neutral policies or restrictions which result in a disparate adverse impact;
- (13) Failing 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;
- (14) Threatening, intimidating or interfering with persons in their enjoyment of a housing accommodation because of the person'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 or of visitors or associates of such person;
- (15) Printing, circulating, posting, or mailing, or causing to be so published, a statement, advertisement, or sign, or using a form of application for real property transaction, or making 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) Retaliating, threatening, intimidating, interfering, obstructing or preventing persons in the enjoyment or exercise of full and equal rights to enjoy a housing accommodation; or

(17) To aiding, inciting, or coercing 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 of the 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.

Owners are responsible for the conduct and behavior of their tenants, guests, and invitees.

Any person found in violation of this Non-Discrimination Policy, and/or his/her responsible owner will be subject to 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. The Board of Directors, in its sole discretion, may impose a fine up to \$1,000 assessed to the owner's unit with or without prior written warning for each violation of the Non-Discrimination Policy. Owners or tenants may appeal fines.

Prohibition On Harassment

The Association condemns all forms of harassment and harassing behaviors. 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, owner, tenant, guest or Association (third-party) 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.

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.

Owners are responsible for the conduct and behavior of their tenants, guests, and invitees. Any person found in violation of this anti-harassment policy, and/or his/her/their responsible owner will be subject to 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. The Board of Directors, in its sole discretion, may impose a fine up to \$1,000 assessed to the owner's unit with or without prior written warning for each violation of the Anti-Harassment Policy. Owners or tenants may appeal fines.

I hereby certify that the foregoing is a true copy of this Non-Discrimination Policy adopted at a meeting of the Board of Directors held on June 24, 2023 and entered in the records of the Association, and that this Policy is in full force and effect.

ASSOCIATION OF APARTMENT OWNERS OF
KIHAI SHORES


Printed Name: Auguste S. Diaw
Its: Secretary