



# Kehalani

Community Association

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Over the years, due to homeowner request, the Kehalani Community Association (KCA) Board has considered the issue of the prohibition of garage sales by homeowners within the Kehalani Community. The issue was again raised at the 2018 Annual Meeting, and the BOD offers this explanation of actions regarding the issue.

The Board has taken homeowner input during monthly meetings both for and against the proposition of revising the Kehalani Community Associations Declaration of Covenants, Conditions, and Restrictions (DCC&R), Exhibit "C", Initial Use Restriction & Rules, 2., Restricted Activities. (r), prohibiting garage sales.

Before the 2016 Annual Meeting, the meeting announcement stated that owners could participate in a poll on the issue. In that poll, of well over 1000 potential households, only 39 members submitted a yes without reservation, and an additional 12 polled that they would like a limited allowance for garage sales. The BOD also inquired with the Maui Police Department and was told that garage sales are associated with an increase in burglaries and that they are not recommended. Also, KCA developers chose to build roads too narrow to allow street parking, which is why such parking is prohibited. Garage sales are likely to result in prohibited parking that could result in damage to property or injury to people present.

In order to change the DCC&Rs, at least 65% of the homeowners in the KCA would need to vote in favor of the change. The Board concluded that the results of the poll did not favor garage sales and as such did not justify the expense of having the entire community vote on the issue, a cost of several thousand dollars.

At the 2018 KCA Annual Meeting, the issue was again raised. The Board revisited the issue again, and further inquiry was undertaken. The BOD requested an opinion from its insurance vendor, David P. Gerlach of Insurance Associates. Mr. Gerlach personally provided his professional opinion that garage sales present a liability to the community. Should KCA allow garage sales, despite recommendations to the contrary, the community could be liable for any damage claims resulting. Allowing garage sales at all could result in an increase in cost for liability insurance or outright cancellation of policies in place.

Given very limited input in favor of change and negative input from police and our insurance agency, the Kehalani Community Association Board of Directors has decided that it will continue to uphold the existing DCC&Rs prohibiting garage sales, due to the liability issues and lack of owner interest in change.

Kehalani Community Association  
Board of Directors