

OPERATING PROCEDURES AND GUIDELINES FOR SHHA COVENANT SUPPORT COMMITTEE (CSC), REVISED 07-01-2025

Confidentiality

- All CSC documentation and correspondence, including but not limited to meeting agendas and minutes, Investigative and Violation Reports, legal opinions from the SHHA attorney, and relevant court cases and judgements, are considered confidential material and therefore are not to be shared with anyone other than current CSC members, Executive Committee members and the SHHA Office staff. Exceptions can include situations where, with CSC Chair approval, CSC documentation and correspondence may be shared with Board members. Exceptions also include situation where results from court cases have been made public, as well as legal opinions that do not include name and addresses.
- Specific complaint information such as the names and addresses of both the Complainant and alleged Violator are considered confidential and are not to be shared with lot owners whether or not they are SHHA members.
- The detailed CSC Activity Log Excel file, which documents details of complaints, is not to be sent to the Board of Directors. Only the high-level CSC monthly meeting minutes and statistics are provided to the Board. A Board member can view the Activity Log in the SHHA Office, but this requires prior approval by the CSC Chair.
- The CSC Chair reports a summary of committee activities, which is non-confidential and suitable for public viewing, at the monthly Board meetings.
- Digital records of correspondence are maintained by the SHHA Office, and these are backed up regularly.
- All Letters, such as First, Second, subsequent and Good Neighbor Letters are to be signed by SHHA; no individual CSC member names should be signed on these letters.
- If CSC members use a SHHA email address, the name of the email sender does not necessarily have to include the individual's proper name, but rather something like "CSCMember01 @ sandiahomeowners.org. If the CSC member so chooses, a proper name can be added to the email, but use of a generic email address can allow for flexibility. CSC members can also choose to use their personal email or have the SHHA Office send emails on their behalf.

Definitions

- **Violation Report (VR)** is the password-protected online site that documents all aspects of complaints and investigations. This information includes the nature of the original complaint as submitted, names and contact information for the Complainant and alleged Violator, the Investigative Report (IR, see next), additional Notes taken as an investigation progresses, and a Log that automatically records major steps leading to final resolution.
- **Investigative Report (IR)** is a subset of the online VR, and captures information collected as part of the initial investigation into a complaint and the initial recommendation on how to proceed. Once the IR is submitted with the initial recommendation, it should not be further edited, except for purposes of uploading new pictures as investigations progress and to make new recommendations on courses of action; rather, notes taken during the course of an investigation should preferably be added under the “Notes” tab to the overall VR.
- **First Letter** is the first letter sent to an alleged Violator if a complaint is considered to be valid.
- **Second Letter** is the second letter sent, if no response or insufficient/inadequate response is obtained as a result of sending the First Letter. This letter should refer to the First Letter, and should be sent to ensure the alleged Violator has received notice. The wording in this letter could be more emphatic than that in the First Letter, but no mention of the SHHA attorney should be made. The timeline for resolution should probably be shorter than that specified in the First Letter.
- **Subsequent Letters** Subsequent Letters may need to be sent, for example in situations where no reply has been received from the alleged Violator. A Third Letter, for example, should also refer to the prior letters, but make mention that the property remains out of compliance with the covenants; additionally, when relevant, mention should also be made that at such time as the property goes on the market for sale, a note in the SHHA files will inform prospective buyers that an uncorrected violation exists that has not been remedied. Note that no explicit mention of the SHHA attorney should be made.
- **Good Neighbor Letter** is a letter sent when a complaint is considered to not be supported by the strict language of the covenants, but otherwise is a worthwhile issue about which to inform the lot owner to whom the complaint was originally directed. There are currently two main types of subjects addressed using Good Neighbor Letters:
 - Dead trees (see the Environment and Safety Committee), and
 - Others (such as certain nuisance/annoyance and noise complaints, invasive plants).
 - *Other Letters* may be required as necessary. For example, when homeowners reply to a First letter, but are not working to remedy a violation, additional letters that don’t conform to the usual sequence will probably be required.

1. Purpose

This document provides requirements, guidance and suggestions to covenant Support Committee (CSC) volunteer members to help assure uniformity and consistency in handling complaints of alleged covenant violations. This revision supersedes the prior one approved on 12/03/2024.

2. Introduction

Sandia Heights is a residential community consisting of 38 Units. Each Unit has its own set of covenants that describe use restrictions for the lot owners. This is a contract between the lot owner and the Grantor. The original Grantor has been legally assigned to Sandia Heights Homeowners Association (SHHA) in 23 Units, but not in 15 Units, and this has implications regarding the ability to ultimately legally enforce covenants. See Section 6, "Scope and Authority" for more explanation.

The covenant Support Committee ("committee") is a standing committee of Sandia Heights Homeowners Association (SHHA) authorized in the Bylaws by the Board of Directors ("Board") to take necessary and appropriate actions to enforce the Unit covenants (Use Restrictions) and to perform other functions as set forth in the CSC Charter. To that end the committee is authorized to investigate and facilitate the fair and amicable resolution of reported valid covenant violation complaints between lot owners within the Sandia Heights development of the County of Bernalillo, New Mexico. The committee aims to advocate on behalf of members to pursue enforcement of covenants and achieve resolution in the least contentious and least expensive methods possible.

a. General Requirements

- i. The CSC reserves the right to act, or decline to act, upon any given complaint.
- ii. Pursuit of enforcement of covenants for all SHHA Units is done in as consistent and uniform manner as possible to avoid the appearance of "selective enforcement".
- iii. A non-patrolling and non-selective enforcement policy will be always maintained.
- iv. The CSC will not trespass on a property to investigate an alleged violation.
- v. The CSC is not obligated to report to a Complainant the progress of an investigation.
- vi. The CSC will not provide a copy of a submitted complaint form to an alleged Violator, or a copy of either the Violation Report or Investigative Report to the Complainant or alleged Violator.
- vii. Multiple complaints for the same violation by the same complainant will not be accepted.
- viii. Complainants will be encouraged to provide data and observations to the committee member assigned to investigate a violation.
- ix. The CSC is not responsible or authorized to enforce the ACC Architectural Guidelines. However, in its formal letters, the CSC may refer to the ACC Design Guidelines (for example, Landscaping) as a further way to pursue enforcement of relevant complaints. Also, the CSC may investigate complaints that are ACC-related (such as white roofs) for which ACC applications have not been received by the ACC and communicate with alleged violators to

ensure “after-the-fact” ACC applications are submitted.

- x. For complaints that are not covered by specific Unit covenants, such as alleged violations that are covered by County ordinances, such as light pollution, animal control, traffic and parking on streets, noise enforcement, etc., the Complainant will be advised to contact the appropriate County agency.
- xi. The CSC does not submit complaints to the County on behalf of complainants, nor does the CSC enforce County ordinances.
- xii. Past complaints for which the case file has been closed will not be re-opened. In these circumstances a new complaint must be submitted. This practice avoids introducing confusion into the documentation/bookkeeping process.
- xiii. The CSC and SHHA must adhere to the SHHA “Policy with respect to dispute resolution involving lot owners”, adopted in late 2024, and which is discussed later.

b. CSC Meetings

The CSC in general meets once per month at the SHHA Office conference room. Visitors who have questions or statements to make to the CSC are welcome to attend with prior approval from the CSC Chair. Time for visitors to speak is limited to the first 5-10 minutes, or other time period within reason, prior to going into Executive Session, after which visitors are asked to leave the meeting due to the confidential nature of CSC business. CSC members should attend meetings prepared to discuss complaints that have been assigned to them.

c. The GRIT and Annual Meeting

The CSC strives to publish articles in the GRIT periodically. Any article that is written by a CSC member on behalf of the CSC on a topic relevant to the CSC should be given the chance to be read and approved by a majority of the CSC prior to submittal to the Communications and Publications Committee for publication. Articles on “success stories” are encouraged. Articles on how lot owners can amend their Unit covenants and on the overall complaint and violation resolution process should be published annually, if possible

The CSC should publish monthly in the *GRIT* a listing of the number of covenant violations that have been *received, opened and closed*.

The CSC Chair delivers a verbal annual report summary at the Annual Meeting, and provides a written Annual Report to the lot owners at the same time, and this report is published in the March *GRIT*.

d. SHHA Website

The CSC will maintain various documents on the SHHA website under the CSC area, including:

- Online interactive Covenant Violation Form
- Covenant Violation Form (PDF)
- Procedures for Property Owners to Amend Their Unit Covenants
- How to Submit a Formal Complaint to Bernalillo County

- CSC Charter
- CSC Resident Guide
- Procedures for Filing a Complaint

3. CSC Member Basic Duties

- a. Prospective members to the CSC will be vetted by the CSC Chair and other members of the CSC Committee, and may also be vetted by members of the Executive Committee and Board, and acceptance into the CSC will be determined with a confidential vote. Members of the CSC are expected to adhere to SHHA rules, regulations, policies, guidelines and code of conduct; additionally, CSC member are expected to work with the team, attend regular meetings and be computer literate to the extent that they can handle communications via email and can manage keeping track of investigations on the online SHHA CSC Violation Report website.
- b. Committee members will follow procedures for investigating a complaint as outlined below.
- c. Committee members are required to:
 - i. Accept complaint assignments in a regular rotation with other committee members.
 - ii. Document actions taken in the online IR and VR, and submit to the SHHA Office for action.
 - iii. Copy the CSC Chair and SHHA Office staff member who supports the CSC on complaint-related email correspondence. This includes email correspondence carried out with Complainants and alleged Violators.
 - iv. Summarize all verbal communications carried out with Complainants and alleged Violators in emails Cc'ed to the CSC Chair and SHHA Office staff member. Verbal communications should also be noted in the "Notes" tab of the Violation Report.
 - v. Attend the monthly meetings. Excused absences are to be reported to the CSC Chair and SHHA Office before the meeting. Two or more unexcused absences in a 12-month period may indicate that a committee member does not have available time to work on the CSC.
 - vi. Treat as confidential all information associated with CSC investigations, attorney opinions and court cases, and not divulge such information to anyone other than current CSC and Executive Committee members and Board members (see above). Exceptions occur when information regarding attorney opinions and court cases becomes publicly available.
- d. One member of the CSC will be designated the CSC/ACC liaison, who will serve on both the CSC and ACC. The liaison may be a full member of the CSC and conduct CSC complaint investigations, while at the same time serving on the ACC but not working on ACC projects. The opposite may also be true: the liaison may be a full member of the ACC, working on ACC projects, while also serving on the CSC but not investigating CSC complaints. SHHA Bylaws 7.2.3 states that the CSC/ACC liaison must be a Board member.

4. Complaint Procedure Requirements

a. Eligibility for Complaint Submittal

- i. Any lot owner that is member of SHHA may file a complaint. If not a member, the Complainant must sign up and agree to maintain membership for one year (unless otherwise specified in the By-Laws). Tenants/renters cannot file a complaint.
- ii. The Complainant must reside within the same Unit as where the alleged violation exists, or within an adjacent Unit, or in direct line of sight of the violation, as described in the covenant Violation Form available online. If a complaint is submitted from a member who resides in a location that is not consistent with these geographic requirements, the CSC reserves the right to act, or decline to act, upon the complaint depending on the nature, significance and proximity of the violation. The decision to act upon such a complaint will be at the discretion of the CSC Committee. The detailed description of who is eligible to file a complaint should be included in the text for at least all First Letters, so alleged Violators do not assume the complaint is an immediate neighbor.
- iii. Members of the Board and CSC Committee have the same rights as regular SHHA members to file complaints.

b. Complaint Format

- i. Complaints must be submitted using the interactive “Online covenant Violation Form” available on the SHHA website, or the “covenant Violation Form (PDF)” version also available on the website or from the SHHA Office. These forms can be referred to simply as “complaint forms”.
- ii. These complaint forms must be filled out in their entirety and describe the specific violation of note and refer to the relevant paragraph or section numbers in the Unit covenants. If these items are not filled out, the complaint form should be returned by the Office staff to the Complainant to fill out completely.
- iii. Complainants who submit multiple unrelated complaints on a single form should be asked to separate them onto different forms.
- iv. Complaint forms must be signed by the Complainant. If forms are e-mailed to the SHHA Office, the e-mail is considered an electronic signature.
- v. Phone calls, notes, and anonymous filings will not be acted upon by the CSC.
- vi. The Complainant will not be encouraged to discuss the violation with the alleged Violator, nor are such conversations to be a requirement for complaint submittal.
- vii. The identity of the Complainant will be shielded, unless a specific legal action requires that the Complainant’s identity be disclosed.
- viii. Office staff will enter all relevant information from submitted complaints into the Violation Reports section of the SHHA administration website, and inform the assigned CSC member.

c. The Investigative Report (IR) and Violation Report (VR)

- i. The actions taken for investigating the validity of a complaint are recorded in the online Investigative Report (IR) and Violation Report (VR). The VR is the overall report that includes all information regarding a complaint, including dates when certain actions were taken, while the IR is a specific tab within the VR that records the original complaint information, the original investigation observations and initial recommendation by the assigned CSC member as to what to do with the complaint. Once submitted, the IR itself should preferably not be further edited, except for purposes of uploading additional photographs or documents as an investigation progress, and for the purposes of making a new recommendation on course of action. Rather, the *Notes* tab within the VR should preferably be used to provide all other updates to an ongoing investigation. The overall VR is the CSC record for the complaint case and is kept current during the investigation process. All CSC members are required to use the password-protected online system, and should not be filling out the old Word/PDF digital or even paper versions of the IR.
- ii. The VR and IR are the official CSC documentations for the complaint. They must be complete and correct. They remain secure files and are not accessible on the open SHHA website.
- iii. The IR is documentation leading to the initial recommendation to either close the file (if the complaint is judged invalid), or to send the First Letter to the alleged Violator (if the complaint is judged to be valid). A third initial option is the recommendation to send a Good Neighbor letter, described below. If possible, the IR should be filed electronically by the CSC member with the SHHA Office within 30 days of receiving the complaint. Actions taken by the SHHA Office at this point are described below.
- iv. If the recommendation above is to send a First Letter or a Good Neighbor Letter (again, see below) to the alleged Violator, then all subsequent actions are recorded in the VR, using relevant tabs and dialog boxes for investigation details, notes, actions, comments and/or photos, with dates, as necessary. The actions that should be recorded are site visits and photos, any contact or discussions with the Complainant and/or alleged Violator, and final resolution of the complaint. Most complaints are resolved amicably. At the conclusion, when a resolution is reached, the investigating CSC member will make a new recommendation, usually that the case be closed at this point. The final recommendation is to be noted as such on the VR and submitted electronically to the SHHA Office.
- v. Letters should include timelines by which compliance on behalf of alleged Violators should be reached. The time it takes for situations to be resolved may vary, depending on the nature of the violation, and this should be taken into consideration by the CSC volunteer when the letters are composed. If letters go unanswered, subsequent letters may specify shorter time frames. The letters should inform the alleged Violator that if the specified time frame cannot be met, then the SHHA Office should be notified and informed as to what the alleged Violator's intentions are and what a reasonable time frame may be.
- vi. Templates of selected CSC formal Letters are available, and these should be used to ensure consistency in the standard type of language to be included in our letters. However, many letters require customization depending on the nature of a complaint and on how

communicative alleged violators are.

d. Process for Handling Complaints by the SHHA Office Staff

- i. The SHHA Office should provide credentials to new CSC members to gain access to the SHHA administration portion of the website, for purposes of accessing the Violation Reports (VR) section. When members leave the CSC, credentials for those members should be revoked. All VR's should remain accessible on the website, even when a CSC member conducting a given investigation has left the CSC.
- ii. Upon receipt of a complaint by the SHHA Office, the Office staff will assess the validity of the complaint.
 - a) Does the Complainant have standing to file the complaint (is the Complainant a lot owner and a member of SHHA)?
 - b) Is all the required and information provided on the complaint form, including the covenant paragraph/article number and detailed text of the suspected violation?
 - c) Is the correct Unit number provided on the complaint form?
- iii. Office staff will assign the complaint to a designated CSC member based on a rotational schedule and the nature of the complaint. The Office staff will notify the CSC Chair of the complaint and the committee member assignment, although the online system automates this.
- iv. Office staff will send an email or letter to Complainants acknowledging receipt of their complaint.
- v. Office Staff will also acknowledge emails or letters from alleged violators, informing them that their communications will be forwarded to the CSC.
- vi. Office Staff will provide the CSC member investigating a complaint and the CSC Chair with all draft and final versions of all letters before they are mailed.
- vii. First, Second and subsequent Letters should all be sent using Certified Mail and by email, when email is available. Second and subsequent Letters should additionally be sent as Certified with Return Receipt Requested. Good Neighbor letters should be sent via regular mail, and also by email. The way in which other types of letters are sent should be decided on a case-by-case basis. There may be exceptions.
- viii. Verbal communication between the Office and complainants and alleged violators (by phone or during Office visits) must be documented in the Notes section of the online VR. Also, a summary email should be sent to the Complainant or alleged Violator, which is then forwarded separately to the CSC Chair and CSC member.
- ix. When complaints are resolved, closure letters are to be sent to both the Complainant and alleged Violator.
- x. In general the Office Staff must enter Notes into the online complaint management system whenever letters and emails are sent and received, phone calls are made, notes are to be put into files, or other significant steps made during a complaint/violation investigation. Exceptions may occur when the investigator is keeping the Notes up to date and accurate, but the Office Staff should ensure this is happening.

e. Process for Handling Complaints by the CSC Member

- i. **Assess validity** The assigned CSC member will assess the validity of the complaint through an initial investigation. Actions to be taken:
 - a) Obtain and use credentials to access to the SHHA administration website where Violation Reports are found.
 - b) Review the Unit covenants, available on the SHHA website.
 - c) Ask the Complainant to provide additional photos, if desired. It is often helpful to have a “preview” of the property where the alleged violation exists before visiting the site.
 - d) Inspect the property of the alleged Violator. Do not go onto the alleged Violator’s property.
 - e) Take photos, if necessary, to further validate findings.
 - f) The investigator should not necessarily get out of his/her vehicle, if sufficiently good photos can be taken from within it.
 - g) If the investigator does exit his/her vehicle, an orange reflective vest should be worn, although this is optional.
 - h) The investigator should have business cards available to hand out to lot owners who may be encountered.
 - i) If people, or especially children, are outside a property where an investigation is to take place, the investigator should probably drive or walk on by, and pursue the investigation at another time.
 - j) Do not take photographs that include people.
 - k) Document any communication with Complainant and/or alleged Violator. Note that communication with an alleged Violator is not a requirement, nor is it necessarily encouraged. However, depending on the nature of the complaint/violation, and the responsiveness of an alleged Violator, communication with an alleged Violator may be necessary, and this is actually encouraged in order to bring about a satisfactory resolution. As previously described, all email communication with Complainants and alleged Violators are to be Cc’ed to the CSC Chair and Office staff member supporting the CSC. Additionally, all verbal communications with Complainants or alleged Violators must be followed up with summary emails sent to the Complainants or alleged Violators, Cc’ed to the CSC Chair and Office staff member. If only written letters are used for communications, the CSC volunteer should document the correspondence in the online Violation Report.
 - l) Record date and findings (along with photos) of the investigation in the online VR.
 - m) Review all draft and final versions of any letters, including closure letters that are sent to Complainants and alleged Violators before they are mailed and emailed.
- ii. **Obtain clarification if necessary** If it is not clear that a violation is present, the CSC member should contact the Complainant for clarification of the complaint. The Complainant may be asked to keep an “activity log” of occurrences for violations that are intermittent or ongoing. Complainants should be encouraged to provide their own photographs to assist the assigned CSC member in getting up to speed quickly with the nature of the complaint.

- iii. **Obtain consensus at CSC meeting** The CSC member should discuss the complaint with the CSC at the monthly meeting with a brief description of the complaint, the exact wording of the specific relevant covenant violation, and initial thoughts or recommendation as to how to proceed. An exception to this requirement may be a complaint that is deemed to be trivial or clearly not valid, but the CSC volunteer should at least obtain agreement from the Chair. In cases where the Chair is leading an investigation, agreement should be obtained from another CSC member. Generally, a consensus should be sought in all cases that will require sending a First Letter, Good Neighbor Letter, Second Letter or subsequent letters, and when closing a complaint, although obtaining a consensus could be waived if a given complaint is fairly straightforward and a type for which we have precedence.

iv. **Common Practices**

- a) Note that the Committee member has the option of contacting the alleged Violator in person or via phone or email to resolve the violation, but this is not mandatory, nor necessarily encouraged.
- b) The CSC member should be cautious with carrying out too much personal verbal communication with the Complainant or alleged Violator. Any such communication should be documented in detail under the Notes section of the online Violation Report and followed up with a summary email Cc'ed to the CSC Chair and SHHA Office member supporting the CSC.
- c) The CSC member should be cautious committing too much when verbally communicating with either Complainants or alleged Violators, due to risk of something being taken out of context. A valid explanation to use when declining to make commitments is that the CSC works as a committee, and deliberates on complaints as a team. It is acceptable to relate to Complainants and alleged Violators what prior experiences have been when dealing with complaints of a similar nature.
- d) All that being said, many alleged Violators respond quickly to formal letters, whether to ask for clarification, to dispute a suspected violation or to seek input on how to best remedy a violation. In these cases it is necessary to for the CSC member assigned to the complaint to communicate with the alleged violator to seek a satisfactory resolution of a complaint.
- e) The CSC member shall follow up the investigation to determine if the violation has been successfully resolved.
- f) If resolved, then the CSC member shall update the online VR and submit it electronically to the SHHA Office with a recommendation to close the file. Approval from the CSC Chair must also be obtained.
- g) All communication with complainants and alleged violators, and even communication between CSC members, must be documented. This stipulation includes verbal and email communication. The best approach to take for any verbal communication is to follow up with an email summarizing the conversation and asking the other party (Complainant or alleged Violator, for example) to confirm. Additionally, notes should be entered in the Notes tab of the online VR.

- h) All email communications related to a complaint must be Cc'ed to the CSC Chair and SHHA Office staff member supporting the CSC. This practice should help ensure thorough documentation of an investigation, and may actually help CSC members to be more judicious/economical about sending too many emails.
- v. **If there is no validity – BernCo & Good Neighbor Letter** If it is determined that there is no validity to the complaint, the CSC member will note this in the IR. At this point the IR is filed with the SHHA Office using the online VR form. Next, a letter will be sent from the SHHA Office to the Complainant citing the reason(s) the complaint is not judged to be a covenant violation.
 - 1) In some instances, the violation may be prohibited by specific Bernalillo County ordinances, which can be significantly more restrictive than the relevant covenants for the Unit. If this is the situation, the letter will recommend that the Complainant contact the appropriate County agency (usually Zoning or Health Protection) for possible resolution.
 - 2) A Good Neighbor letter may be sent to the alleged Violator suggesting possible resolutions for the common good of the community. The idea behind a Good Neighbor letter is that the alleged violation of note may not actually be deemed to be a violation based on the strict wording of the covenants. This letter may or may not make mention that a formal complaint had been submitted, and whether or not to do this may have to be decided on a case-by-case basis. To send such a letter is at the recommendation of the CSC member, preferably along with consultation with the CSC.
 - 3) A second type of Good Neighbor letter relates to dead trees. In this case no formal complaint may have been made, and/or the E&S committee may effectively be the Complainant.
- vi. **First Letter** If it is determined that there is a violation, the CSC member will recommend and note in the I R that the First Letter (Regular Mail, Certified Mail and email when available) be sent from the SHHA Office to the alleged Violator specifying the violation and setting a timeline for resolution. The alleged Violator should be advised that if the specified time frame cannot be met, then the Office should be informed as to what the alleged Violator's plans are. Note that a date of resolution must be specified. Historically, a timeline of 10 days used to be specified, but 30 days might be more reasonable, considering how difficult it can be to obtain quotes from contractors (should they be needed), not to mention actually hiring one.
- vii. **Second Letter** In the event that the First Letter is unsuccessful at resolving the violation, or that there has been no reply to the First Letter, the CSC member conducting the investigation shall proceed as follows. A Second Letter (Regular Mail, Certified Mail, Return Receipt Requested and email when available) is prepared and sent. The intent of this letter is to refer to the First Letter, reiterate what the complaint is and to ensure delivery/receipt of the complaint by the alleged Violator. The tone of this letter could possibly be more emphatic than the First one, and provide a shorter time frame in which to resolve the situation or at least to inform the Office what the plans are. No mention of the SHHA attorney should be made.

- viii. **Third and Subsequent letters** In the event the Second Letter is also unsuccessful at resolving the violation, or that there has still been no reply to the prior letters, the CSC member shall act as follows:
- a) At the discretion of the CSC at Large (majority vote), if the Second Letter fails to be successful, the CSC member and SHHA Office shall then prepare and send a subsequent Letter(s) (Regular Mail, Certified Mail, Return Receipt Requested and email when available) to the alleged Violator that again specifies the complaint and states that the Office has not heard a reply from the prior Letters, and for relevant situations, that at such time as the property goes on the market for sale, prospective buyers will be alerted that an uncorrected violation exists that has not been remedied. Again, no mention of the SHHA attorney shall be made.
 - b) If the previous letters are unsuccessful, the CSC member will request that the CSC at Large review the complaint and decide on the course of action.
 - c) In cases where alleged violators have indeed been responsive to the normal sequence of letters, and yet are resisting complying with the covenants, additional types of subsequent letters may need to be sent to further pursue enforcement. These letters have to generally be highly customized, although can still contain some of the standard language.
 - d) These actions are to be recorded by the investigating CSC member in the online VR.
 - e) The investigating CSC member together with the CSC Chair will follow the complaint through all subsequent actions taken. At the conclusion, the investigating CSC member will make a final recommendation, usually to close the file at this point, and file the completed VR electronically with the SHHA Office.
- ix. **Closure Letters** Closure letters to both the Complainant and alleged Violator should be sent.

5. Escalation of Dispute Resolution

The CSC must follow a defined procedure, as describe above (Section 4, “Complaint Procedure Requirements”) when pursuing enforcement of valid covenant violations. This procedure consists of:

- A sequence of formal letters, including First, Second and Third Letters, Good-Neighbor Letters, as well as other Letters that are required. These letters should not mention the SHHA attorney or legal proceedings. This process is considered the “normal investigative” process that CSC has historically routinely followed.

Additionally, SHHA and the CSC must adhere to the “SHHA Policy with respect to dispute resolution involving lot owners”, adopted in 2024. This policy dictates processes that are to be conducted in the following order:

- Informal Discussions between the CSC and the lot owner to seek understanding, and a mutually agreed-upon resolution. It is possible that some of the “other” letters, emails or communications, that are sent as part of investigation could fall under this category, but this will have to be determined on a case-by-case basis.
- Mediated discussions using neutral third parties trained in mediation and conflict resolution seeking a mutually agreed-upon resolution, and/or Formal binding arbitration using the services of a professional arbitrator or organization, if homeowner agrees.

Mediated discussion and formal binding arbitration, not to mention litigation, incur expense, so the SHHA President and other Board members will need to be consulted regarding the efficacy these processes might achieve. If these processes fail to achieve satisfactory resolution of a covenant violation, then a recommendation to pursue a legal remedy can be made to the Board, but litigation is to be considered only for extraordinary circumstances.

For valid violations that are not resolved, or for which various levels of escalated enforcement are not pursued, a “note” is to be inserted into the SHHA files indicating that an unresolved covenant violation exists at a certain property. These files are consulted when Title companies (or other entities) contact the SHHA Office prior to the sale of a property in the neighborhood. No such notes will be submitted to Bernalillo County.

6. Scope and Authority

The scope of the Association is determined by the specific covenants outlined in each Unit's Declaration, which defines the rights and authority granted to the Association. The covenants outline the Association's role, the assignments it is responsible for, and the limits of its authority in enforcing the covenants for each Unit. As such, the Association or its Board of Directors must consult the covenants before taking any action, ensuring that all actions are within the limitations defined by these governing documents. Regarding the right to enforce (hence pursue *legal* remedy of) covenants, Units fall within two categories:

- 23 Units whose covenants authorize either the Grantor or the Unit lot owners the right to enforce covenants, and
- 15 Units whose covenants authorize only lot owners the right to enforce covenants.

Note that the original Grantor for Sandia Heights has legally assigned its rights to SHHA, which in turn is relevant for the 23 Units in the first category. Note also that for those Units within the second category that have not authorized the Grantor (hence SHHA) the right to enforcement, such authorization could be assigned by individual lot owners or groups of lot owners in the future. Therefore, in situations where the *defined* procedure conducted by the CSC to remedy violations fails, complainants who reside in a Unit in the second category above may petition SHHA to pursue litigation on its behalf. Further details on Scope and Authority are beyond the scope of this P&G document, and officially approved SHHA documentation should be consulted. See Section 11, "Legal Authority to Enforce Covenants in General", which shows a table identifying which Units fall within each of the two categories.

7. County Ordinance Violations

The following text is reprinted from an article on “How to Submit a Formal Complaint to Bernalillo County” in the April 2025 *GRIT*. This information can be conveyed to a Complainant or even an alleged Violator, depending on the nature of a complaint and violation.

The CSC receives many complaints about some situations that are not necessarily violations of Unit covenants by strict covenant wording, but may be violations of Bernalillo County ordinances. Some situations fall within a “gray” area, where covenants and County ordinances may both be relevant. The County has some ordinances that are stricter than covenants, and also has ordinances that are simply not covered by covenants at all. The CSC does not submit complaints to the County on behalf of complainants, nor does the CSC enforce County ordinances. Rather, what we can do is help direct complainants to the County for relevant situations. County ordinances can be found by going online to https://library.municode.com/nm/bernalillo_county/codes/code_of_ordinances . To submit a formal complaint to the county, the property/homeowner can call BernCo by phone or use the relatively new Citizen Access online complaint website. The types of complaints the CSC typically receives that are addressed by the BernCo ordinances for residential areas tend to fall under two categories: Zoning and Health Protection. Zoning-type ordinances address violations related to utility trailers, inoperable vehicles, excessive weeds, rubbish and trash, and bright outdoor lights. Health protection ordinances address violations related to noise and dwelling sanitation.

To submit a complaint by phone, you can call the BernCo Zoning main line phone number at 505-314-0378, or the BernCo Health Protection main line phone number at 505-314-0310. To submit a complaint using the Citizen Access website, go to <https://aca-prod.accela.com/bernco/Default.aspx> (see figure). You do not need to “sign in” to this site, because that functionality appears to be mainly for contractors. Select “Submit a Complaint”, then on the next page that pops up select either “Zoning” or “Health Protection”. You will then be taken to a page where you enter the address where the alleged violation is observed; there is even an interactive map that can be used to select an address. Then follow further instructions for specifying your complaint. Note that if your complaint is about lights, you should select “Zoning”, and then “Other”, because there is no sub-category explicitly for lights. County complaints can be submitted anonymously or not. Either way, be sure to obtain the complaint ID# after submittal, and save the link that is also provided, as this will take you to the status of your complaint. You may not receive a phone call to inform you of the status, but you can also call by phone to inquire about a complaint, and having the ID# will facilitate dialog.

Once a complaint is filed, the County will send an inspector out. If the particular violation is not observed at the time of the inspection, then the inspector may issue a “no violation”. If a violation is observed, the County will typically issue a citation, and then make a repeat visit to the site about a month later.

8. Example Complaints and Suggested Actions

a. Architectural Violations

Complaints related to ACC-type violations, such as trim color, stucco color, garage door color, remodels, re-roofing, landscaping, tree planting and blocked views, etc., may be submitted into the CSC online complaint system. An investigation should be undertaken to confirm the nature of the complaint. If an ACC application has indeed been submitted to the ACC, the complaint should be reassigned to the ACC, unless the Office has already done so. If an ACC application has not been submitted to the ACC, the complaint should be assigned to the CSC to conduct investigation to confirm the complaint is valid, and the alleged violator will be informed via the normal letter-writing process (First, Second, Third and Other letters as necessary) that an After-the-Fact ACC application must be submitted. The complaint may be (re)assigned to the CSC/ACC liaison who sits within the CSC, to continue monitoring the need for additional letters, and to keep tabs on when the ATF ACC application reaches the ACC. Reassigning a complaint to the CSC/ACC liaison will depend on the liaison's current workload. Further communication regarding the matter can be directed to the ACC. The ACC liaison will document communications with the alleged Violator within the CSC's IR/VR, and inform the CSC when a closing letter may be sent to the Complainant.

Note that wording regarding roofs may be different between covenants. Some covenants explicitly mention "white roofs", while some mention only "roof color". The First letter should always quote the covenant, but quoting the relevant Architectural Guideline is acceptable too. This practice may be relevant for other types of ACC-related issues aside from roofs.

b. Barking Dogs

If a covenant violation form is submitted regarding barking dogs, the CSC will send a letter/email to the Complainant referring them to Bernalillo County Animal Care. A Good Neighbor Letter may also be sent to the alleged Violator, informing him/her about the complaint and that the Complainant has been instructed to contact the County.

c. Complaints Outside the SHHA Neighborhood

The CSC has no legal standing to act on complaints that are not covenant violations. Examples are traffic control, noise, and light pollution from non-Unit sources. The Complainant will be encouraged to refer these to Bernalillo County Zoning.

d. Light Pollution

Most of the covenants address the use of outdoor lights. However, in general, the language only addresses "unshaded floodlights" and in this regard, the covenants are somewhat outdated given the prevalence of newer LED and other high-intensity light sources. An example of the wording that is common in the SHHA covenants is as follows: *No un-shaded flood lights shall be maintained which cause light directly into homes*

of other residents in the Subdivision.

We should recognize that the Bernalillo County (BernCo) Light Pollution Ordinance for North Albuquerque Acres and Sandia Heights ("Dark Sky" Ordinance) is generally more strict and perhaps more enforceable than are the SHHA covenants:

Section 30-186 (1), that requires that all outdoor light fixtures ... shall be:

- designed and operated as cutoff or shielded amiable fixtures,
- equipped with and controlled by light and motion sensors or automatic timing devices, and
- shall remain off between 11:00 pm and sunrise except for illuminating walkways or driveways.

Section 30-186 (4), that requires:

- All outdoor lighting systems shall be designed...so that the area 10 feet beyond the property line of the premises receives no more than 0.25 (one quarter) of a foot-candle of light from the premises lighting system.

The SHHA CSC should try to adhere to the following agreed-to definitions for consistency:

- Floodlight: A broad beamed, high intensity, artificial light. A floodlight can have a beam spread of up to 120 degrees. A spotlight, not addressed in the covenants, casts a narrow beam of light, usually no wider than 45 degrees. (Wikipedia)
- Shaded: A technique or method of construction which causes all the light emitted from an outdoor light fixture to be projected below a horizontal plane passing through the fixture. A "cutoff" fixture addresses light intensity and is addressed in the BernCo Ordinance but not in the SHHA covenants. (Bernalillo County's definition of "Shielded" is taken here to be the same as for "Shaded".)

By these definitions, a light that emits light at or above the horizontal considered to be a covenant violation. A floodlight also includes the case where the fixture has translucent (not just transparent) glass that still allows light to emit above the horizontal. This light does not have to be emitting though all 360 degrees around the fixture.

For an unshaded light to be a covenant violation, the light must also shine directly into the homes of neighboring residents. A common situation arises in our neighborhood in the case where topography is such that even light that is "shaded" can shine directly into the other homes located downhill. By common definition, the light that travels the straight-ray path from a fixture's light bulb to a neighboring home, is not shaded in this regard, and so is also in violation.

Another possible issue is the situation where light from even truly shaded fixtures reflects off light-colored surfaces, such as outside stucco walls, directly into other homes. This case is generally not enforceable via the SHHA covenants. An exception might exist where such light reflects off a very highly reflective surface.

If a complaint is determined to be a covenant violation, CSC will send a letter to the alleged Violator and will also cite the language of the BernCo Ordinance. In this case the Complainant should also be encouraged to report a violation to BernCo.

If a complaint is determined not to be a covenant violation, CSC will send a letter to the Complainant advising that the alleged violation does not have merit (and cite the language of the covenant). The Complainant should be encouraged to file a complaint with BernCo Zoning, North Albuquerque Acres and Sandia Heights Light Pollution Ordinance, and provide contact information. The CSC may send a Good Neighbor letter to the alleged Violator.

Note the mention in the BernCo ordinance in Section 30-186 about foot-candles. Use of a light meter may be a way to quantitatively and objectively measure whether a light that is part of an alleged violation truly violates the “Dark Skies” ordinance. In a conversation on 04/12/2021, Tom Kay, Zoning Enforcement Manager with the Planning and Development Services Department of BernCo said that a complaint about violating the “Dark Skies” ordinance is a criminal complaint. However, the County likes to approach these complaints in more of an educational role, because many residents simply are unaware of the ordinance. He said that letters will indeed be sent to alleged Violators. He also mentioned some recommended practices when using light meters (but those are not included here). At this time the CSC has not purchased a light meter for our use; part of the reason for this is because SHHA covenants make no mention of the quantitative intensity of outdoor lights.

See the article “Outdoor Lighting: SHHA Covenants and Bernalillo County Ordinance” in the February 2024 edition of *The GRIT*, as well as other *GRIT* articles related to outdoor lights.

e. Nuisance and Annoyance

Most of the covenants have wording that relates to nuisance and annoyance. The “annoyance and nuisance clause” states, typically: “No trade or offensive activity of any kind shall be carried on upon any residential lot, nor shall anything be done on any lot which shall constitute an annoyance or nuisance to the neighborhood”. The CSC member should visit the site, assess the extent of the nuisance, and document in the IR and VR. It will be the decision of the CSC whether to pursue nuisance and annoyance complaints. A Good Neighbor Letter could be sent to the alleged Violator, and the Complainant should be advised to report the complaint to the County.

f. Trade and Objectionable Activities

Most of the covenants have wording that relates to trade and objectionable activities (see the “annoyance and nuisance clause” mentioned above). Home businesses are not permitted that can be deemed to be offensive or constitute an annoyance to the neighborhood. If there is a suspected business operation that impacts the neighborhood, multiple neighbors should complain that the business is a nuisance and is objectionable and a log kept documenting the business activity. Note: there are many businesses that are contained inside residences, such as artists, writers, realtors and other professionals, which do not adversely affect surrounding neighbors. In general, the presence of commercial vehicles, adverse street traffic and parking, and the coming/going of customers are evidence of a home business and the CSC will pursue enforcement of the covenant language.

g. On-Street parking

Some of the covenants address on-street parking while others do not. Unless noted in the covenants, the

County will enforce on-street parking if it is considered a hazard.

h. Renters

Renters must follow the same covenants as the owner. However, the owner is responsible for following the covenants for his/her Unit. Letters from the CSC should be sent to both the renter and the owner.

i. RV's, Motor homes, Campers, Boats, etc.

Most of the covenants forbid permanent storage of these items outside of garages, but the wording differs between Units. Sufficient time must be allowed for loading, unloading, and cleanup of the units. In general, two days to load and allow a refrigerator to cool and one day to unload are reasonable. We cannot restrict how many times a month the lot owners can bring their RV or motor home to their properties for purposes of loading and unloading.

In legal actions brought forth by the SHHA, the court has found that pop-up campers are in the same category as RV's and house trailers and are therefore prohibited by the covenants. Vehicles with "RV" license plates may be straightforward cases, but other vehicles may be more of a "gray area", and may have to be addressed on a case-by-case basis. Note the Stoller case(s) where the court order found that a defendant's Airstream is "a house trailer" and was a violation of the Unit covenants, which made mention only of "house trailer" (as opposed to camper trailer or other).

Some covenants refer to only "house trailer, as in the following:

No house trailer or boat shall be parked on any residential lot, nor shall any trailer, basement, tent, shack, garage or other out-building be used as a residence, temporarily or permanently.

In a recent complaint in 2024 our Third letter stated the following:

The Second Judicial District Court (Bernalillo County) decided this issue conclusively twenty years ago in *Sandia Heights Homeowners Association v. Stoller*, D 202 CV 2004-00450. District Judge Linda Vanzi (later, Court of Appeals Judge Linda Vanzi) granted judgment to the Sandia Heights Homeowners Association and issued an injunctive Order requiring the homeowners to remove the vehicle from the property. She ruled that the vehicle in question, an Airstream, was a "house trailer" within the meaning of the covenant.

The letter even quoted the exact ruling by the judge:

The Court hereby finds that Defendant's Airstream is "a house trailer" and that Defendants' parking of the trailer on their property violates the covenants applicable to Sandia Heights South, Unit 1. Summary Judgment is hereby granted to Plaintiffs on this claim. Additionally, Plaintiffs are without an adequate remedy at law, and are, accordingly, granted injunctive relief. [Order, Nov. 17, 2005].

j. Temporary Storage

Containers used for temporary storage such as PODS units, trailers, sheds, etc. may be stored at a residence

for a limited time. These containers are normally used in association with an external or internal remodel to a residence to provide temporary secured storage for items such as furniture, etc. If used for external remodeling, the use of these units will be handled by the ACC as part of its project approval procedures. If used for internal remodeling or other activities not associated with an approved ACC project, the use of these containers will be handled by the CSC if complaints are received regarding their presence on a property. The CSC will work with the lot owner and Complainant to try to reach reasonable agreement concerning the duration of time that the container will remain on the property.

k. Vehicles:

Unit covenants define the requirements for vehicle storage on the lot. In general, they must be licensed or movable within one month. However, if vehicles are not mentioned directly in the covenants, they still may pose a nuisance (multiple neighbor complaints should be considered). Vehicles with expired registration or that are inoperable are clear County violations. For Units whose covenants describe the ability for SHHA to tow inoperable vehicles, for those cases where the vehicle is on the street, our general practice is to have SHHA inform BernCo to have the vehicle tagged, and then towed if necessary. Homeowners must be informed that SHHA will be pursuing this avenue ahead of time.

l. Utility Trailers, Commercial Vehicles and Trailers

Utility trailers are specifically mentioned in some Unit covenants. It is the opinion of the SHHA attorney that utility trailers must be considered on a case-by-case basis if not specifically banned by the covenants. If they are not commercial or have other features, they would be allowed. Horse trailers are not prohibited if not specifically mentioned in the Unit covenants.

Most covenants prohibit commercial vehicles from being parked on a residential lot. There are time requirements (30 out of 45 consecutive days) and size requirements (greater than 3/4-ton pickup truck) that need to be met before proceeding with CSC action. Storage of a commercial trailer on a residential lot is an explicit violation of BernCo ordinances, and any Complainant submitting a complaint to the CSC should be advised to also submit a complaint to BernCo.

m . Political Signs

Some Units have covenants requiring signs be approved by the ACC, whereas others do not. The current stance of the CSC is that the CSC will not enforce removal of *political* signs. An exception could be a case where numerous political signs, or excessively large signs, have been put up on a property to the extent they could be interpreted to be an annoyance or nuisance, and the “annoyance and nuisance clause” could be invoked.

n . Radon Mitigation System Noise

The ACC adopted new guidelines in 2025 concerning installation of radon mitigation systems. These systems can be very loud, and the “nuisance and annoyance” clause was actually invoked in early 2024 to pursue enforcement of reducing the noise. Now the ACC guidelines require the County noise ordinance to be met.

o . Short-term Rentals

Note that Units South 27B and South 27C both amended their covenants to prohibit short-term (less than six months) rental. Each Unit had this covenant challenged in court. Despite identical language, the court found in favor of SHHA for the Unit S27C case (2770 Wolfberry Place, defendant Tuanan N. Tran), and found in favor of the defendant in the Unit S27B case (2731 Tramway Circle, defendant Carlos Ciddio). The judge in the latter case found that the language of the amended covenant violated the NM Human Rights Act.

p. Partial Rentals

Many (most?) Units have covenants that prohibit renting only a portion (selected rooms) of a house, regardless of duration. This covenant may be more enforceable in court, as compared to the short-term rental cases. In a current investigation (2025) a homeowner has been renting only the downstairs portion of her home for short durations, and multiple formal letters have failed to remedy the situation. Subsequent letters have cited a 2023 lawsuit:

In the past, the district courts have ruled favorably for the Sandia Heights Covenant Restrictions. On April 26, 2023, the Second Judicial District Court (Bernalillo County), District Judge Erin B. O’Connell made a judgement in favor of Sandia Heights Homeowners Association and issued a “Final Stipulated Judgement Enforcing Covenants, Conditions, and Restrictions and For Permanent Injunction”. (Sandia Heights Homeowners Association vs Seigel, D-202-CV-2023-009476). The homeowner was issued an order to cease a partial home rental.

q . Invasive trees

In 2024 a new policy was informally adopted that when a complaint is submitted about invasive elm trees, the CSC will enforce removal of them (dependent on covenant wording) only if the trees are immature sprouts, seedlings and saplings, as opposed to simply sending a Good Neighbor letter requesting that they be removed. This approach was successfully used to achieve satisfactory resolution in one complaint in 2024. The CSC will maintain our years-long practice of not enforcing removal of large, mature elms.

In 2024 another complaint was made about highly invasive Trees of Heaven growing in one of the wide arroyo areas (but on the alleged violators property, of course). Although the covenants did not explicitly mention Trees of Heaven, the “natural vegetation is to be left undisturbed” clause in the covenants was invoked. Also, mention was made to the ACC Design Guidelines for Landscaping, which prohibit non-native trees from being planted away from houses (paragraph 2b) and which prohibit many plants, including Trees of Heaven. This approach was successfully used to achieve satisfactory resolution in one complaint.

9. Tree Guidance

The Unit covenants specifically restrict cotton-bearing cottonwood trees and Chinese elm trees. The wording can be different between Units. Other trees, such as ponderosas and poplars may also be restricted by covenants in some Units. Regarding elms, the covenants only mention Chinese elms, not

Siberian, note. It is the Siberian that is generally reported to be the more invasive problem; however, some people consider all elms to be invasive here. Most elms in Sandia Heights appear to be Siberian elms.

Note:

- There is no height restriction for trees in the covenants.
- There is no restriction for oversize trees in the covenants.
- View obstruction is a judgment call on the part of the CSC.
- Dead trees are not addressed in the covenants.

Note that Bernalillo County will remove trees, dead or alive, that are located within the Bernalillo County Road right-of-way and/or the utility easement. There is no charge, but with lot owner permission of course. Any trees that grow over curbs and into streets are a BernCo violation.

At this time, the CSC will not act to remove mature, invasive trees. Neighbors are encouraged to work cooperatively to achieve a satisfactory resolution to remove the tree(s). See numerous GRIT articles on invasive species, and elms in particular.

Note the covenants use the word “*maintain*”, as in “*no Chinese Elms...shall be maintained on any lot*”. In an email to the CSC Chairman on 07/20/2020, the SHHA attorney expressed her legal opinion that “maintain” as it is used in our covenants means “to allow or to exist or continue existing”.

Starting in summer of 2022 the CSC has had good success using Good Neighbor letters requesting lot owners, for whom we have received complaints, for the removal of young elm sprouts, seedlings and saplings from their properties. However, sending a First Letter to try to enforce removal of these young trees is justifiable going forward.

Recently ACC guidelines and other sources have been used to address complaints re/ invasive species. One example is the case of trees of heaven growing in an arroyo. In this case the ACC guidelines for landscaping prohibit numerous trees, including trees of heaven. There is much information available from reputable online sources regarding the invasiveness and toxicity of this species. This information was used to cite the covenant stating that natural vegetation is to be left undisturbed on all lots, as a means to enforce removal of the trees of heaven. This approach was successful. The ACC Design Guidelines for Landscaping (revised 1-31-2022) list the following plants as prohibited:

- | | | | |
|----------------|-------------------|------------------|------------------|
| • Aspen | • Cottonwood | • Russian Olive | • Salt Cedar |
| • Siberian Elm | • Box Elder | • Tree of Heaven | • Ponderosa Pine |
| • Silver Maple | • Lombardy Poplar | • Mulberry | • Cypress |

Regarding elm trees, the covenants mention only Chinese elms. This is understood to be an oversight on behalf of the original authors, and our policy is to pursue removal of sprouts, seedlings and saplings of all elm species. Siberian elms are very common in the Sandias and Sandia Heights, but Chinese elms appear to be rare (if not non-existent?).

10. Legal Authority to Enforce Covenants in “Enclave” Neighborhoods

"Enclaves" within Sandia Heights are smaller developments that exist, or existed, with their own HOA. Below is a list of the active enclave HOAs that currently exist. Some of the existing HOAs still have active covenants enforced by them, while others were assigned to SHHA.

For the enclave HOAs in Unit South 7, SHHA and the ACC were assigned the responsibility to perform the duties previously performed by Sandia Peak Tram Company and the Sandia Peak Tram Company's ACC in February 1995, thereby granting the authority to enforce the covenants.

Based on the outcome of meetings with prior SHHA attorneys on March 5, 2012 and July 2019, the current understanding is that SHHA CSC has the legal obligation to enforce *both* the SHHA and “Enclave” covenants provided two conditions are met:

1. the original “Enclave” covenants remain on file with the Bernalillo County Clerk, and
2. assignment of enforcement of the “Enclave” covenants to SHHA CSC is on file with the Bernalillo County Clerk.

| Active Home owners Associations within SHHA | SHHA covenant # | SHHA Positions |
|--|-----------------------|--|
| Hawks Landing | Hawks Landing | ACC assigned to SHHA, 09/30/2019 |
| North Tramway Estates | North Tramway Estates | ACC assigned to SHHA, 02/22/2022 |
| Chamisa Park 720 1 thru 39 | South 7 | ACC and CSC will continue to enforce South 7 covenants. |
| Sandia Haciendas 785 1 thru 11, 12 thru 17 disbanded | South 7 | March 6, 1995 amendment sets up a new ACC, not SHHA, so may be dual acting ACCs. SHHA ACC will approve changes and enforce South Unit 7 covenants. |
| Juniper Village 790 09A thru 10D | South 7 | ACC and CSC will continue to enforce South 7 covenants |
| Habitat 6 793 A thru P | South 7 | ACC and CSC will continue to enforce South 7 covenants |
| Willow Bend | South 21 | Centex granted rights to enforce the covenants to SHHA, SHHA's ACC and CSC, filed with the Bernalillo County Clerk Sept 4, 2014. |

11. Legal Authority to Enforce Covenants in General

The following summarizes current CSC understanding regarding SHHA's legal authority to enforce covenants overall:

| Sandia Heights Covenants: Review, Approval, and Enforcement | |
|--|---|
| All unit covenants authorize Architectural Control Committee (ACC)** to review and approve/disapprove architectural appearance, including landscaping. | |
| For the units below in left column, covenants authorize either the Grantor† or the unit homeowners the right to enforce covenants. | For the units below in right column, covenants authorize unit homeowners the right to enforce their covenants. |
| Units numbered: | Units numbered: |
| North 3 | North 0,1,2 |
| South 7 Cedar Canyon | South 1-6 |
| South 7 including Sandia Haciendas Sub-units 1 and 2, Cedar Hills Sub-unit | |
| South 8, South 8C Quail Ridge | South 9-12,14,17 |
| South 15,16,18,19,20 | |
| Hawks Landing | |
| North Tramway Estates | |
| South 21 Willow Bend | |
| South 23 | |
| South 24 | |
| South 25,27,27B,27C,28,28B,28C | |
| South Sandia Colony 26 | |
| †Covenants authorize Grantor to assign its rights to another entity with an assignment document, filed with Bernalillo County; the original Grantor, subsequent developers, and dissolved HOAs have assigned enforcement rights to Sandia Heights Homeowners Association (SHHA). | |
| ** Sandia Peak Tram Co transferred ACC to Sandia Heights Homeowner Association (SHHA) on 7/1/1988. | |

