

CSC Resident Guide: Covenant Complaint and Violation Resolution Process

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The Covenant Support Committee (CSC) is a Standing Committee of SHHA authorized in the Bylaws by the Board of Directors to take necessary and appropriate actions to enforce the legally binding Unit covenants as set forth in the CSC Board-approved Charter. All lot owners in Sandia Heights agreed to abide by the covenants upon purchase of their properties/homes. Sandia Heights has a total of 38 Units, each with its own set of covenants. The CSC has never proactively patrolled Sandia Heights looking for covenant violations. Consequently, the CSC follows procedures that have been in practice for decades that rely on residents to voluntarily report alleged covenant violations.

Why should you care about covenant enforcement? The SHHA Bylaws state that the object of the association is to *promote the common interests and welfare of its members...and to administer and enforce covenants*. What CSC volunteer members essentially do is to advocate on behalf of SHHA members to investigate the validity of complaints and pursue resolution of violations. While the Architectural Control Committee (ACC) focuses on the appearance of your property, the CSC focuses on the use of your property. Covenants describe a variety of use restrictions related to, for example, trash bins, invasive species, outdoor lights, RV's and trailers, among others. While the language of the covenants varies from Unit to Unit, their overall purpose is to maintain a consistent appearance and preserve the unique character of the neighborhood, uphold community standards, and help protect property values. This is your community and your covenants – everyone appreciates your compliance and your help. All covenants can be found on the SHHA website main page, on the top gray banner, under “Covenants” link: <https://www.sandiahomeowners.org/association/committees/covenant-support-committee/unit-covenants>.

Who can report a violation? Generally, a complainant must be both a property owner in Sandia Heights and a member of SHHA to submit a complaint. The complaint form is available on the SHHA website as either an interactive dialog form or a PDF form. Complaints can also be obtained from and submitted to the SHHA Office, where staff members are available to help. On the form be sure to cite the exact article/paragraph number and text of the covenant you think is being violated, or your complaint is apt to be sent back to you for this information.

Generally, a complainant must reside within the same or an adjacent Unit in which an alleged violation exists, or within direct line-of-sight. Therefore, a complaint recipient should not assume that a complainant is an immediate neighbor. The CSC considers the identities of complainants and complaint recipients, addresses, and the details of complaints to be confidential and will not divulge such information beyond the CSC, Executive Committee or Office staff. The SHHA Office will not accept complaints that are submitted verbally over the phone or in person, or that are submitted anonymously. The form asks if the complainant has contacted the alleged violator, but such contact is not required or necessarily encouraged to submit the form. The CSC is sensitive about not creating an adversarial relationship between the complainant and the alleged violator.

How does the CSC handle a complaint? When the SHHA Office receives a complaint, it is assigned to a CSC member volunteer to take the lead on investigating it for validity. The CSC meets monthly to discuss open complaints and come to consensus on how best to pursue resolution of each one based on recommendations by the investigator and on CSC discussions. CSC conduct is guided by an *Operating Procedures and Guidelines* document that aims to promote fairness and consistency in how complaints are treated. Communications with lot owners who have received complaints are conducted formally by letter (and email) initially, and then by informal conversations as necessary.

What if you receive a complaint? If you are the recipient of a letter informing that you are in violation of a Covenant, be sure to contact the SHHA office if you have any questions or concerns, or even if you think there may be an error. For example, if you think the timeline stated for resolution is impractical, you should inform the office and propose what you think is reasonable. Note that most valid complaints are resolved amicably and satisfactorily. Many homeowners who have received complaints were unaware they were in violation of a covenant, and are willing to comply.

What happens if a violation remains unresolved? The CSC seeks to resolve valid complaints through the least contentious and most cost-effective methods possible, which involve formal letters and informal conversations among all parties. However, if a complaint remains unresolved, SHHA may escalate the matter using non-litigious methods such as professional mediation and/or binding arbitration – part of a new SHHA policy (available in the SHHA office). Litigation is considered a last resort and may occur between homeowners directly, with no SHHA involvement; or with SHHA involvement, but only when the Unit's covenants grant SHHA enforcement authority, or when homeowners or a group of homeowners assign that authority to SHHA. Further clarification about the SHHA's scope and authority will be the topic of future communications.

How are ACC-related complaints treated? SHHA receives many complaints related to issues that require approval from the Architectural Control Committee (ACC), such as new construction, landscaping, stucco color and so forth. Before submitting these kinds of complaints, complainants should check the "ACC Activity Log" published monthly in *The GRIT* to see if the issue they are observing is something that has been approved by the ACC. Generally, these complaints are investigated by the CSC for validity. As is sometimes the case, homeowners who have received these types of complaints have not obtained prior approval from the ACC, and they will be informed that they need to obtain it. **How are County-related complaints treated?** SHHA receives many complaints that may more strictly be violations of Bernalillo County ordinances for *residential* lots. Remember, all Sandia Heights lots are designated as residential lots, and County ordinances apply. The CSC does not submit complaints to the County on behalf of complainants, nor does the CSC enforce County ordinances. See *The GRIT*, April 2025 for more information. **How can covenants be changed?** SHHA cannot modify Unit covenants. Covenants can be amended only by the property owners within their individual Units. See *The GRIT*, May 2025 for more information. **What more do I need to know?** Information regarding covenants can be found on the SHHA homepage, under Association/Committees/Covenant Support. In the past ten years the CSC has published well over 100 articles in *The GRIT* to keep the community well-informed on covenant-related issues and information, and all editions of *The GRIT* are available search through, read and download on the SHHA website.

