



Address: _____ Date: _____

Dear Resident(s),

You are receiving this notice because you are in violation of a community rule listed on the reverse side of this form. Please read the form and remedy the infraction by the listed date. If you have any questions, please feel free to call any member of the Board listed on our website: www.PaseoVillage.org.

Infraction Policy and Procedures

Your Rights - Our Rights

NM Statute 47-16-18. Enforcement of covenants; dispute resolution.

A. Each association and each lot owner and the owner's tenants, guests and invitees shall comply with the Homeowners Association Act and the association's community documents.

B. Unless otherwise provided for in the community documents, the association may, after providing written notice and an opportunity to dispute an alleged violation other than failure to pay assessments:

(1) levy reasonable fines for violations of or failure to comply with any provision of the community documents; and

(2) suspend, for a reasonable period, the right of a lot owner or the lot owner's tenant, guest or invitee to use common areas and facilities of the association.

C. Prior to imposition of a fine or suspension, the board shall provide an opportunity to submit a written statement or for a hearing before the board or a committee appointed by the board by providing written notice to the person sought to be fined or suspended **fourteen days prior to the hearing**. Following the hearing or review of the written statement, if the board or committee, by a majority vote, does not approve a proposed fine or suspension, neither the fine nor the suspension may be imposed. Notice and a hearing are not required for violations that pose an imminent threat to public health or safety.

D. If a person against whom a violation has been alleged fails to request a hearing or submit a written statement as provided for in Subsection C of this section, the fine or suspension may be imposed, calculated from the date of violation.

E. A lot owner or the association may use a process other than litigation used to prevent or resolve disputes, including mediation, facilitation, regulatory negotiation, settlement conferences, binding and non-binding arbitration, fact-finding, conciliation, early neutral evaluation and policy dialogues, for complaints between the lot owner and the association or if such services are required by the community documents. History: Laws 2019, ch. 30, § 10.

How to remedy infractions.

A. Depending on the Incident type, an Incident report is opened recording the relevant information in the Incident Report or Infraction Form and a **“Warning Letter”** is mailed, emailed or placed in your mailbox. If the Warning Letter cured the incident, the incident will be marked as closed, and the completed form will be sent to the Secretary for filing, or if the letter DID NOT cure the incident.

B. You are assessed a levy and a **“Fourteen Day Letter”** is mailed, emailed or placed in your mailbox stating the ***Date and Time and manner (in-person, telephone or video) of the Hearing*** concerning the infraction(s). If you still do not cure the infraction within the permitted time frame, then the levy is escalated to the next level until the infraction is cured. See the Levy Table for more details.

C. When the infraction is cured, the Board/Officer enforcing the incident is responsible for updating the history of the incident with the appropriate information and when “closed” sending it to the Secretary for filing.

R & R Infractions, Levies & Fees

All infractions & levies escalate until resolved.
 “Referred to Attorney fee” is at the offending resident’s expense.

“14 Day Letter” is a legal notice per NM Statute.
 Maximum citations per infraction is 3.

Common Area and Amenities Infractions

Common Area and Amenities [Ref: C Art. II Sec.1-2, B Art.7.1, PVHA Pool & Tennis/Sports Courts Rules] ○ All Common Areas: including Pool, Tennis and Sports Courts.

Table A – Common Area, Amenities Infraction & Levies

Infraction	Because residents annually sign the “Amenities Rules” form, the infractions and levies are as follows.
1 st Infraction	Warning Letter, \$25 levy & 10-day suspension & Referred to Attorney
2 nd Infraction	“14 Day” Letter and 60-day suspension & Referred to Attorney
3 rd Infraction	“14 Day” Letter and 60-day suspension & Referred to Attorney

Minor Infractions

Architectural [Ref: C Art. V, VI, B Art.7.1, Resolutions 2021.1209] Front/Rear Yard Landscaping, Grounds Improvements, Rock Walls, Roof, Wrought Iron, Patio Walls, Pergolas, Exterior Painting with unapproved color(s), other exterior modifications.

Use Restrictions [Ref: C Art. VII Sec. a-f, Resolutions 2021.1209 & 2022.0502d] ○ Recreational Item Parking, Inoperative Vehicles, Off-Road Vehicles, Parking on Lawns, Parked Vehicles (exceeding 7 days), Motorcycles, Signs, Home Business, Antennae Television, Radio, etc., Child Play Equipment in Front Yard, Noise Control: Music, Conversations, etc., Yard or Garage Sales Hours other than S/S 9-5. Pet Policy, barking dogs, Breed not allowed, raising for profit, etc. See all pet rules. Single-Family Dwellings used as multifamily residence.

Criminal Behavior [Ref: C Art. III Sec. 1, Resolutions 2022.0706 R&R Manual] Speeding, Vandalism, Other Criminal behavior. All criminal behavior results in a 911 call.

Table B - Minor Infraction Levies

	Days to Escalation	10th day	20th day	30th day
1 st Infraction	Warning Letter	\$25	\$100	\$250 + Referred to Attorney
2 nd Infraction	\$50	\$100	\$250	\$500 + Referred to Attorney
3 rd Infraction	\$100	\$500	\$500 + Referred to Attorney	

Major Infractions

Architectural [Ref: C Art. V, VI, B Art.7.1, Resolutions 2021.1209] Failing to submit a Construction Plan (exterior) to Board or ARC prior to starting work. Ignoring a posted “Stop All Work” notice.

Use Restrictions [Ref: C Art. VII Sec. a-f, Resolutions 2021.1209 & 2022.0502d]

Lot Rentals Failing to submit Tenant Verification forms, background etc. Tenant not approved by the Association. Renting prior to completing 1 year of ownership. Renting exceeding the 30% rental level. Accepting Section 8 applicants.

Table C - Major Infraction Levies

	Days to Escalation	10th day	20th day	30th day
1 st Infraction	“14 Day Letter”	\$50	\$100	\$250 + Referred to Attorney
2 nd Infraction	“14 Day Letter” + \$100	\$250	\$500 + Referred to Attorney	\$500 + Referred to Attorney
3 rd Infraction	“14 Day Letter” + \$250	\$500	\$500 + Referred to Attorney	

Other Fees & Levies

Table D – Other Levies

Description	Levy Amount	Reference
Disclosure Certificate	\$200	Per Subsection H of Sections 47-16-12 NMSA 1978
Assessment Late Fee	\$20	Resolution 2022.0115.1/1
Contact Designation form not submitted	\$25	Resolution 2021.1209.2/6