

Tierra de Zia Community Policies & Procedures Manual for Homeowners & Residents

This manual serves as clarification and summary of our Community Documents. The guidelines contained herein are set forth in accordance with the Tierra de Zia Declaration, page 21, Section 4.2(j)

“The Association may make and enforce reasonable and uniformly applied Regulations governing the use of Units and of Common Elements. Such Regulations may without limitation regulate use of Common Elements to ensure equitable use and enjoyment by all Persons entitled thereto, and may contain such provisions as the Board may deem advisable for the maintenance, conservation and beautification of the Property, and for the mutual health, safety, comfort and general welfare of the Owners and Occupants. The Board shall mail a copy of any Regulation so adopted to all members within ten (10) days of the date it is adopted.”

This manual in no way supersedes the Declaration or Bylaws. We hope that this manual will become a handy reference for you and enhance your living experience in the Tierra de Zia Community.

Sincerely,

Tierra de Zia Board of Directors
2020

Revised Ver. 2.1 - Approved & Adopted: May 4, 2020
Policies & Procedures Ver.2.0 went into effect March 15, 2020
unless otherwise noted.

Welcome to Tierra de Zia!

COMMUNICATIONS

Please ensure that your current contact information and that of your tenant, if applicable, is on file in the office. We will send out important information such as upcoming board meeting dates, maintenance schedules that affect you, newsletters and more. These items will also be available for viewing in the office and will be posted on our website. Email communication is preferred.

Declaration, Article 10.6

“Each Owner shall register his or her mailing address with the Association upon becoming Owner of a Unit.”

Contact information for each Owner or Renter must be registered with the Office within seven (7) business days of the closing or tenant move in date or a fine will be assessed.

WEBSITE

Our community website is www.TierradeZia.com. Anyone may visit the site to view our events and maintenance calendar and newsletters. Homeowners may log into our member portal to view board meeting minutes, our annual budget and other information. **Homeowners: please contact the office for a password.**

NEW RESIDENTS PROGRAM

All new residents, whether homeowners or renters, must attend an orientation. The fee for this program includes a printed copy of the manual.

This brief meeting will include parking assignments and visitor parking guidelines; how to order a transmitter for the gate; a look at our pet policies, including registering your pet(s); pool and sauna usage rules; where your mailbox and garbage dumpsters are and more.

Please call the office with your move in date so we can get you into our system and schedule your orientation. Failure to attend an orientation within 30 days of move in will result in a fine.

Section 1

Basic Information for All Residents

ACCESS FOR GATES/POOL/LAUNDRY/SAUNAS

- One key/card per unit will be assigned at move-in.
- Additional or replacements will be billed to the homeowner.
- Homeowners: please return all keys and transmitters to the office upon sale of your unit. If you rent out your unit, please make sure your tenants return their keys and transmitters to you or your property manager upon moving out. Any subsequent needed replacements will be billed to you at the current rate.
- Homeowners: please notify the Office when a tenant moves out. We will deactivate their gate code and assign a new one.

VEHICLE ENTRY ACCESS AND SPEED

- You must contact the office for a new entry code prior to move in. Gate codes of residents who move out are deactivated.
- Each owner will receive a code and a code will be assigned if there is a tenant. Please do not share your owner code with anyone.
- You must notify the office upon moveout of a tenant so we can deactivate their code.
- Please use the guest code for workers, visitors, etc. We will change this code quarterly.
- If you wish to rent a remote gate opener from the office, please contact us.
- Upon move in, the office will register your vehicle(s) make, model and color in our database along with the plate number. You will receive a parking sticker at that time, which **MUST** be displayed in your vehicle's rear window. One sticker per number of spaces assigned to your unit. Additional stickers must be purchased at current price.
- Speed limit within the complex is 10mph.

PARKING POLICIES

Declaration, Article 3.9(p)

“Parking of any and all vehicles on the Property shall be on and within designated portions of the Property and shall be subject to the Regulations of the Association.”

- One or two spaces are assigned per unit. Please use **only** your space(s). Please contact the office if you are unsure about which space to use. **Do not use visitor spaces.**
- If you have more vehicles than assigned parking spaces, there are a limited number of additional spaces available for rent. Please inquire at the office.
- **You will receive one parking sticker per number of spaces assigned to your unit.** All vehicles parked on the property longer than 5 nights **MUST** have a sticker.
- ANY vehicle parked on the property must be: in operable condition, and have current registration and insurance.
- Direct your visitors to park in the marked visitor spaces. Any vehicle illegally parked (not designated as a parking space), will be towed at the owner’s expense (i.e., near Building A, near the gate etc.)
- If your visitor will be parking longer than 3 nights, please notify the office.
- RVs and large trucks are generally prohibited: We have limited temporary spaces for RVs and large trucks available for a **fee**. If you must park such a vehicle on the property temporarily (not to exceed 5days), we ask that you do so in the lower western parking lot. Please inform the office prior to parking such a vehicle, so that your vehicle is not towed.
- Motorcycles: Designated motorcycle spaces are located around the property. Some people choose to park theirs perpendicular to their car at the front of their space.
- All parking is at vehicle owner’s risk. The Association is not responsible for any damages.

Fines and Fees:

Effective October 14th, 2019, any vehicle parked in violation of any of the above Association policies will be immediately towed. The towing fee and administrative fee will be billed to the homeowner.

Repeated parking violations of more than two per month may incur additional fees.

CABLE TV AND SATELLITE INSTALLS

- **You are required** to notify the office **BEFORE** you call for a cable or satellite installation. The technician **MUST** check in at the office before beginning any work on the Property and it is incumbent upon you to direct them to do so. Any installs that are not first checked in at the office will result in a fine to the homeowner if the office is not notified.
- Any new satellite dish must have prior approval before installation. Dishes may not be installed in a manner that penetrates any Association owned wall, parapet, roof or railing. Dishes may not be visible from the ground or from other units.

SECURITY CAMERAS

- This document is notice that security cameras are in use around the property.

USE OF THE POOL & SAUNA

Members of the Association who are in good standing and their guests may use the pool and sauna.

- Pool and Sauna rules are posted at the pool, on our website and in the Appendix.
- Members must wear their pool wristband when using the pool (watch for a newsletter update when it will take effect).
- Members must accompany their guest(s). Unaccompanied guests will be asked to leave.
- No more than two guests per member.
- The 911 phone automatically dials 911 and is for emergency use only.

RESERVING THE BOARD ROOM OR BBQ AREA

Residents may reserve the meeting space in the office or the BBQ area for small parties.

- The maximum number of people including the resident, at the BBQ area is 10. Please do not have more people than permitted as other residents have access to use the pool during that time as well.
A refundable deposit will apply. Only one party per day can be scheduled.
- The maximum number of people including the resident, in the Board Room is 12. There is an hourly fee for rental of the board room. Please reserve either space through the office.
- The reserved areas must be cleaned following your scheduled event.

USE OF THE LAUNDRY ROOM

Members of the Association who are in good standing may use the laundry room.

- The laundry room is reserved for **residents of TdZ only**.
- **Please do not put your pet's bedding or toys in the washing machines.**
- Please keep the area clean and follow the rules posted in the laundry room.
- If you wash something particularly dirty, please run an empty load with hot water to clean the washer. Please make sure to clean the dryer lint traps after use.
- Notify the office immediately if there is a problem.
- Besides quarters, there is a phone app available to use to pay for your laundry. Please see the office if you need assistance.
- Please don't leave large giveaway items in the laundry room. Please do not leave items on the tables, there is a basket for smaller giveaway items.
- A security camera is in use.

TRASH & RECYCLING

Various dumpster and recycling spots are located around the property. Please follow the current City of Santa Fe Guidelines (posted on our website) when recycling.

- Please keep the area around the dumpsters and recycling bins clean. The city will not take anything that is placed around the bins.
- If you have furniture or other items to donate, the dumpster locations are not the place. Please photograph your item and post it on the bulletin board in the laundry room. **DO NOT** leave it in the laundry room.
- Homeowners will be billed for any dumping and administrative fees associated with removal of furniture or other large items from the dumpster areas. Please arrange for pickup by a local charity.

PLANTS

- Do not plant anything in or abutting any Common Elements without prior approval from the Board.
- Please refer to the approved plant list prior to planting anything in your LCE (Limited Common Element.)
- An approved plant list is available in the office, online and included with this manual.

WINDOW TREATMENTS

Declaration, Article 3.9(h) Interior Use Limitations

“Window coverings which are visible to outside view shall be aesthetically harmonious with exterior design, color and other Units, as determined by the Board. No window coverings shall be installed until the Board approves the same in writing.”

As written, the Bylaws intend for window treatments to be wooden or woven blinds, neutral tone curtains, shutters, roman shades, mini blinds, vertical blinds or similar. These items should be kept in good repair.

Flags, blankets, posters, aluminum foil, sheets, furniture items or other items are not considered to be window treatments. Notices will be sent, and fines will be billed to the homeowner if the situation is not corrected.

SMOKE DETECTORS AND BATHROOM FANS

- All units are required to have working smoke detectors.
- Our maintenance staff will test all smoke detectors during swamp cooler winterization. If we find your unit is not in working order, we will replace it at your expense.
- The office gets a lot of complaints about bathroom fans being left on in neighboring units. The sound does travel! Please use your fans as necessary, but do not forget to turn off and should not be left on for extended periods.

FIREPLACE AND BBQ USAGE

- The fireplaces were not designed to be used as a primary heat source, therefore piling firewood several feet high is prohibited.
- Please do not chop wood on your patio or balcony. Do not store firewood on your balcony or entry way. If it is to be stored, use firewood receptacles that is used for this purpose only, not covered by any cloth, tarp, no cardboard boxes, and at least 2” away from the wall and should not look cluttered.
- Fireplaces are not to be used during the time swamp coolers are activated.
- Fireplaces will be inspected every 3 years. If your chimney is found to need cleaning, you must arrange for that and provide the Association Office with proof that the work has been completed prior to using the fireplace.
- Patio gas grill barbecuing is allowed, but please do not use charcoal BBQs, smokers on your patio or balcony at any time of year.
- You may reserve the fireplace ramada at the pool area by calling the office.
- There are gas grills by the pool for use at any time.

HOLIDAY DECORATING

No decorations of any type may be affixed or hung to/from walls, balcony railings, stairwells or any other Association owned surface.

- Holiday Decorations may be installed in accordance with the above guidelines.
- They may be displayed no earlier than the day before Thanksgiving and must be removed by January 2nd.
- No musical displays are allowed
- Pursuant to Declaration 3.9(i) no displays that emit “unreasonably bright light or cause unreasonable glare” may be installed.

APPEARANCE OF UNITS/STORAGE ON BALCONIES & PATIOS

Declaration, Article 3.9(g) Exterior Use Limitations

“No Owner [or occupant] shall cause or permit anything to be hung, placed or displayed in or on the outside of windows, the outside walls of the Buildings or the Common or Limited Common Elements unless prior written approval by the Board is first obtained. Any item so hung, placed, displayed or affixed shall be maintained and repaired by the Owner obtaining such permission, who shall, upon removal of such items, return the exterior of the Building or Common or Limited Common Elements to previous condition. No unsightliness shall be permitted on or in any part of the Property.”

Declaration, Article 3.9(d) Use of Common Elements [also refers to Limited Common Elements]

“No clothes, sheets, blankets, laundry of any kind or other articles shall be hung out or be exposed on any part of the Common (CE) or Limited Common Elements. The CE and LCE shall be kept free and clear of rubbish, debris and other unsightly materials. Nothing shall be altered or constructed or removed from the CE or LCE, except upon prior written consent of the Board. No waste shall be committed on the CE.

Pursuant to the above:

- **Visual inspections of LCEs visible from pathways and other units will be regularly conducted. Notices will be sent if the condition is in violation of the spirit of the above Article.**
- Fines will be billed to the Homeowner if the situation is not corrected after written notice.
- Installing cameras except for a doorbell ringer or the like is prohibited.
- Installing flood lights on any LCE, i.e., balcony, patio, or any part of TDZ property is prohibited.

(Appearance of Units, continued:)

- Installing interior fences, items that obstruct or abuts the LCE is prohibited.
- Constructing storage closets, shelving or sheds, of an either permanent or impermanent nature, is expressly prohibited.
- Fire codes prohibit any sort of under stairwell structures.
- Do not store anything under the stairs or entryways.
- Installation of new under stair closet is prohibited.
- Bicycles must be stored at designated bike racks at TDZ property and not in patios, balconies or walkways. A bike rack is located across the arroyo near the upper pond, where the horsehead sculpture and another rack near the F building. The Association is not responsible for any damage to your property.

COMMUNITY GARDEN

TdZ has an active group of gardeners who take advantage of our community garden, located along the arroyo in the center of the property.

- Plot reservations open each year on March 17th by email or phone.
- Plot used at the start of the season also must be cleaned by the gardener following the end of the garden season. Items for composting can be piled in the designated area.
- You are not guaranteed the same plot yearly, although you may request it.
- Gardeners are asked to help maintain the area and tend the compost bin.
- All plots are first come first serve.

OPERATING A BUSINESS IN YOUR HOME

We understand that many owners and residents work from home. This is acceptable with the understanding that clients will not regularly visit your home to receive any type of service, such as hair/beauty appointments or dog walking/pet sitting services.

- No business that brings daily or weekly traffic to the Property may be conducted.
- No business that requires non-resident animals to be on the Property daily or overnight may be conducted.

Section 2

Specifically for the Homeowner

PARTICIPATION IN YOUR COMMUNITY

Our Homeowner's Association Board of Directors typically meets once a month. Any Owner who is a member in good standing is invited to apply to sit on the board, which consists of seven members. Any homeowner may attend the monthly meetings. In order to have an issue included on the Agenda, please contact the office at least ten (10) days prior to the meeting.

The beginning of each meeting is dedicated to Homeowner comments, which are limited to 2 minutes per Owner.

If you cannot commit to being on the board, please consider becoming active on one of our committees, including Landscaping, Building & Maintenance, or Social. Please contact the office to sign up or for more information.

MEMBER IN GOOD STANDING STATUS

All Homeowners are Members of the Tierra de Zia Master Condominium Homeowner's Association (Subsequently referred to as the "Association") Members who are current in paying their dues, fees and assessments and are not in violation of any of our governing documents are able to:

- Serve on the Board.
- Enjoy use of the Common Elements, including pool, sauna and laundry room. If the Unit is rented, these privileges extend to the occupant per your lease agreement. They are to follow all of the Association policies.
- Exercise their voting rights at the Annual Meeting.

PAYMENT OF HOA DUES

Tierra De Zia Master Condominium Association Assessment Collection Policy

Pursuant to the Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for Tierra de Zia Condominium as supplemented by resolutions adopted from time to time by the Board of Directors, (“Declaration”), the following resolution is hereby adopted by the Board of Directors on March 27, 2020.

NOW THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the collection of Assessments owing and to become owing by the Owners of Units in the Association and the same are to be known as the “Assessment Collection Policy” for the Association in the discharge of its responsibilities regarding collection of Assessments levied against Units:

1. **POLICY OBJECTIVE:** The association will pursue collection of the all Assessments pursuant to the Declaration and this Assessment Collection Policy. The term “Assessment” shall include Regular Assessments and Special Assessments or any other fees or taxes allowable in the Declaration.
2. **OWNERSHIP INTERESTS:** Pursuant to the Declaration, the person who is the Owner of a Unit as of the date an Assessment becomes due is personally liable for the payment of the Assessment. The personal obligation for delinquent Assessment shall not pass to the successors in title of the Owner unless expressly assumed by them.
3. **HANDLING CHARGES AND RETURNED CHECK FEE:** In order to recoup costs incurred because of the additional administrative expenses associated with collecting delinquent Assessments, collection of these fees and charges are part of the Collection Policy. These fees and charges, including a Collection Notice Fee, will be added to the amount outstanding and are collectible to the same extent and in the same manner as the delinquent Assessment.
4. **APPLICATION OF FUNDS RECEIVED:** All moneys received by the Association will be applied to amounts outstanding to the extent of and in the following manner:
 - a. First to the unpaid Assessment amount;
 - b. Next, to interest accrued;
 - c. Last to late fees, returned item fee, collection costs and attorney’s fees incurred by or on behalf of the Association.
5. **PARTIAL PAYMENTS AND APPLICATION OF FUNDS:** Partial payments will not prevent the accrual of interest on the unpaid portion of the Assessment. The owner will still be considered to be delinquent upon making partial payments.
6. **OWNERSHIP RECORDS:** All collection notices and communications will be directed to those persons shown by the records of the Association as being the Owner of the Unit

(Payment of HOA dues, continued:)

for which Assessments are due and will be sent to the most recent address of such Owner solely as reflected by the records of the Association. Any notice or communication directed to a person at an address, in both cases reflected by the records of the Association as being the Owner and address for a given Unit, will be valid and effective for all purposes pursuant to the Declaration and this Assessment Collection Policy until such time as there is actual receipt by the Association of written notification of any change in the identity or status of such Owner or its address or both.

7. NOTIFICATION TO OWNER:

- 30 Days Delinquent – Late notice. A payment by a member is deemed delinquent if it is unpaid thirty (30) or more days after the due date. A late notice will be sent via regular first-class mail, and a Collection Notice Fee will be charged to the Owner’s account. Interest will be charged at Eighteen Percent (18%) per Annum, the rate specified in the Declaration.
- 60 Days Delinquent – Intent to Lien Notice. No sooner than Sixty (60) days beyond the due date, the Association will send a notice of intent to Lien to the Owner making formal demand for immediate payment of all outstanding amounts. The Intent to Lien notice be sent via regular mail. All fees associated with this letter, including Intent to Lien fee, will be charged to the Owner’s account.
- 90 Days Delinquent – Recordation of Lien. Ninety (90) days after the due date, if an Owner fails to pay in full the entire amount covered by an Intent to Lien notice by the date specified, a written notice of lien will be prepared and recorded with the County Clerk: A lien fee will be charged to the Owner’s account.

Current information for dues payment procedures, where to mail checks or set up your online payment portal is available in the owner’s section at www.tierradezia.com Call the office for a password.

LEGAL FEES

Pursuant to the Declaration, Article 5.11, in any event that the Association must take action to collect unpaid assessments, foreclose a lien or recoup money for any Owner caused damage, the Owner shall be required to pay the costs and expenses of such proceeding, all reasonable costs of collection incurred by the Association before litigation, and all reasonable attorney’s fees. Finance charges will be assessed on past due fees of all types, including legal fees. (see previous section.)

SERVING ON THE BOARD OF DIRECTORS

Per a July 1st, 2004 Board resolution, prospective board members must meet the following requirements:

- 1) They must bring skills and/or experience that are complementary to the existing board e.g. architectural, legal, administrative, etc. and demonstrate same at interview.
- 2) They agree to read the Covenants (Green Book) within 30 days of joining the board.
- 3) They be versed in Robert's Rules of Order. For more information, visit www.robertsrules.com
- 4) They agree to read the minutes from current year and get up to speed on the history and issues.
- 5) They agree to take on a specific role, responsibility or project such as Master Plan Committee, Website Committee, etc.
- 6) They have and use email.
- 7) They intend to run for the board next year as well. [They intend to serve a minimum of two terms.]

ANNUAL MEETING & VOTING

Our Annual Meeting is typically held on a Saturday morning in early February. Topics such as the current budget and plans for the coming year are discussed and voting for Board members takes place. Owners may designate a Proxy if they cannot attend the meeting. More information on voting procedures is included in the notice sent regarding the meeting date.

Section 3

Maintenance Requests, Suggestions & Emergency Procedures

MAINTENANCE REQUESTS

Maintenance requests and suggestions/complaints are required to be submitted online, due to the volume received.

- It is preferable that the homeowner or unit property manager does this, and the forms can be found on www.tierradezia.com on the Owner's Login page.

Please use the applicable form and fill it out completely. The office will receive an email that your form has been submitted and will follow up with you by the end of the next business day or sooner, in the case of emergency. This is the fastest method and there is no need to follow up with calls or emails.

If you do not have access to a computer, please use the form at the end of this manual (Appendix D.) More forms can be found outside the office in the flyer box. After hours you can put it through the slot, and we will respond by the next business day.

SUGGESTIONS & COMPLAINTS

Suggestions may be submitted online in the homeowner's portal, or there is a suggestion box in the laundry room. There are forms in the flyer box in front of the office, and one is at the back of this manual (Appendix E)

INTERACTIONS WITH THE BOARD, STAFF, CONTRACTORS & WORKERS

As of a July 15th, 2019, Board Resolution, "any resident, either owner or renter, interfering with, attempting to direct, harassing or delaying any Tierra de Zia maintenance staff, office staff, contractors or any type of hired worker working at the direction of the property manager and/or Board, will incur a fine which will be billed to the Homeowner. This includes asking any of the above workers to perform any type of work, do favors, or give any type of advice during the time in which they are billing Tierra de Zia." Any Board member who is harassed, threatened, or abused by any TDZ resident, for enforcing the rules and regulations of TDZ, will

(Interactions with the Board, Staff, Contractors & Workers, continued:)

result in a significant fine, up to and including immediate legal proceedings to evict such individual from the property.

EMERGENCIES

Please refer to our emergency guidelines. They are posted on our website, on the back of the maintenance form and at the end of this manual (Appendix F)

If you see any suspicious activity, **please call 911**, our Security Company or any of the tip lines listed on the emergency guidelines sheet. If you ever do call 911 or security, please also call the office to let us know as well so we can stay up to date.

IMPORTANT CONTACTS

Office: 505/474-4042
Office email: tdzcondooffice@gmail.com
Website: www.tierradezia.com
Chavez Security After hours: 505/424-4270

For more numbers, please turn to the Emergency Sheet Appendix C

Section 4

Living in the Tierra de Zia Community

Tierra de Zia is truly a one of a kind place, with beautiful greenspace and water features in the heart of Santa Fe. As we share our community with one another in relatively close quarters, we remind you that a little kindness and understanding can go a long way. The Board continues to work hard to improve all aspects of our TDZ community. We need your cooperation and help to ensure that we meet this goal. Please keep in mind:

DISPUTES BETWEEN OWNERS/RESIDENTS

The purpose of the Association is to enforce our community policies as set forth in our governing documents and this manual. We hope that our community policies, along with a healthy dose of mutual respect and good neighbor practices, will keep disputes between residents to a minimum.

Beyond our role in enforcing our Community policies/Bylaws, the Association **will not** mediate disputes between homeowners and/or residents. If mutually agreeable solutions cannot be found, we suggest you seek the services of an independent mediator.

ILLEGAL ACTIVITY

Declaration, Article 3.9(f) No Violation of Law

“No Owner and no Owner’s guest or Occupants shall do anything or keep anything in or on the Property which would be in violation of any statute, rule, ordinance, regulations, permit or other validly imposed requirement of any governmental body.”

Pursuant to the above: Illegal activity of any kind, including, but not limited to: suspicious activity such as delivery of illegal substance, illegal drug usage, sales or manufacture; prostitution; human trafficking; fighting; domestic violence incidents; child abuse; animal abuse; harassing or threatening other residents or staff; or willful property damage of any kind will be subject to a **call to the proper authorities, immediate fines, up to and including eviction or foreclosure procedures. Landlords will be notified immediately if the unit is renter or guest occupied and are expected to take action in the best interest of the Tierra de Zia community.**

SMOKING IN UNITS, COMMON & LIMITED COMMON AREAS

Declaration, Article 3.9(i) No Noxious, Offensive, Hazardous or Annoying Activities

“No odor shall be emitted on any part of the property that is noxious or offensive to others. Determination with respect to whether or not a particular activity or occurrence shall constitute a violation of this subparagraph shall be made by the Board and shall be final.”

Tierra De Zia is a smoke-free community effective March 15, 2020. **Current residents** who registered as smokers before February 15, 2020 were grandfathered in. Owner residents and roommates who did not register as smokers by February 15, 2020 as per previous notice, have relinquished their right to be grandfathered in and now subject to the current non-smoking policy.

Upon move-out of an Owner or Renter who is a registered smoker, or upon sale of the Unit, the Unit will become smoke-free. Therefore:

- Smoking on any LCEs (patios, balconies or stairways) are prohibited except in the current designated smoking areas. Currently, outside the laundry facility. The other area will be across from the arroyo, near the upper pond, where the horsehead sculpture stands (wait for the announcement in the newsletter).
- Smoking on pathways, at the pool, ponds or any Common Element not so designated as a smoking area is prohibited.
- To prevent fire at TDZ, cigarettes must be properly extinguished before discarded. Tossing or leaving cigarette butts on TDZ grounds is prohibited.
- The smoking ban includes, but is not limited to tobacco products, pipes, vaping or e-cig devices of any type, cigars, hookahs and any marijuana or other recreational drugs.

We ask that registered smokers who have been grandfathered in to:

- Refrain from smoking with doors and/or windows open. Close your bathroom door(s) to prevent smoke from traveling through fan/vent into other units.
- Use a HEPA air filtration device in your unit and/or turn on your bathroom fan. Remember to turn off your fan when you are finished.

MEDICAL MARIJUANA

In line with our smoking ban, Tierra de Zia Condominium Association places the following parameters on use of medical marijuana in accordance with State of New Mexico regulations:

- Pursuant to New Mexico State Law, **Users must provide the Office with a copy of their state issued Medical Cannabis Card**
- Smoking, burning or vaping the medical marijuana is prohibited.

Pets

PET POLICIES

We welcome certain types of pets at Tierra de Zia, in accordance with the following policies:

- No more than two pets per unit. Dogs may be no more than 60 pounds each.
- “Pets” refers to domesticated dogs, cats, rabbits and birds. No reptiles, rodents, mini horses, mini goats, mini sheep or pigs may be kept on the Property. No livestock of any kind may be kept on the Property.
- No poultry or fowl may be kept on the Property.
- No animals may be raised for commercial purposes on the Property. No animal shall be birthed on the Property.
- No animal shall be kept or housed in a truck bed parked in any parking areas or common areas of the Property.
- No animal shall be allowed to relieve themselves in the Limited Common Areas (patios) of downstairs units and at no time shall they be allowed to relieve themselves on any stairway or LCE balcony or balcony on any second-floor unit. Any pet relieving themselves, by accident or otherwise in said areas, must be cleaned immediately.

Tierra de Zia is within the limits and boundaries of the City of Santa Fe and subject to all laws and ordinances enacted therein. As such, Tierra de Zia residents and guests should consider themselves bound by the following City of Santa Fe regulations regarding any pets they may have that are permissible within the Property (see list above.) ***These City regulations are:***

- *All dogs and cats over the age of three (3) months must be vaccinated against Rabies.*
- *All animals within the city limits must be physically restrained at all times. Voice command is not an acceptable form of restraint. The only exception to this is to utilize a designated dog park.*
- *All dogs and cats over the age of three (3) months must be licensed through the Santa Fe Animal Shelter and Humane Society.*
- *All dogs and cats over the age of six (6) months must be spayed or neutered unless proper permits and licenses have been purchased from City Animal Services and the Santa Fe Animal Shelter and Humane Society.*
- *All animals must be provided with proper food, clean water, structurally sound shelter, shade, ventilation, necessary medical care, and basic grooming.*
- *Do not confine animals within a motor vehicle, especially in extreme weather.*
- ***Pet owners MUST clean up after their animals and dispose of their waste properly. Animals tearing trash or destroying others’ properties are also considered nuisances.***
- *Animals are not to disturb the public peace unreasonably.*

PET PROCEDURES

- Service animals: The Association adheres to the Fair Housing Act and the Americans With Disabilities Act. Service animals are defined as: “an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability.” The Association will not ask for documentation of training; however, the Association may ask you to provide a doctor’s note recommending your use of the animal in question. All service animal owners are still expected to abide by all restrictions not affecting the animal’s ability to provide support (like leash and waste clean-up rules)
- Visiting animals: Please provide all applicable documentation listed above to the Association office anytime a visiting pet is on the Tierra de Zia Property for a period of over 5 days. All rules for Tierra de Zia pets apply to any visiting pets including number, types and cleaning up after them.

FURTHER POLICIES REGARDING PETS

Per the Tierra de Zia Condominium Declarations page 15, Section 3.9(j): “An Owner is responsible for any damage caused by his or her animal(s) and shall be obligated to clean up after his or her animal(s) on the Property. Any expenses incurred by the Association with respect to any such damage shall be assessed to such Owner as a Special Expense.” In accordance with this, the Board adopted the following resolutions. **No first warnings** will be given for these violations:

A. Tierra de Zia Board Resolution September 11, 2017:

Fines will be levied for the first instance of either:

- 1) A dog off leash
- 2) Not cleaning up after a dog or cat

Per the Bylaws of Tierra de Zia Master Condominium Association Article 5.3 (f) and (g) the Board of Directors has a fiduciary duty to “protect and defend the premises from loss and damage by suit or otherwise.” The Board is also charged with maintaining a safe environment.

B. Tierra de Zia Board Resolution October 14, 2019

Regarding:

- 1) Vicious or potentially dangerous dogs or other animals
- 2) Removal of such dog or animal from all Tierra de Zia Property

(October 14, 2019 Board Resolution, continued:)

No owner who possesses a dog or other animal shall permit, allow, or cause the dog or other animal to run, stray, be uncontrolled or in any manner be in, upon, or at large upon any part of the Common Areas, including parking areas, unless it is restrained by a substantial leash no longer than six feet and under the control of a responsible adult. Usage of any Tierra de Zia common area is subject to the rules and regulations posted in that specific area and the dog or other animal must be accompanied at all times within the enclosure.

Notwithstanding the foregoing, no domestic dogs or other animals shall be within any Common Area that are deemed by the Board to be vicious or potentially dangerous dogs or other animals. A dog or other animal shall be deemed "vicious" for purposes of this Section if, 1) it has bitten a person (however, a dog or other animal may be vicious even though it is not proven to have bitten any person); 2) in an aggressive manner, it inflicts severe injury on or bites or kills a human being or animal; or 3) it is previously determined to be and currently listed as a potentially dangerous dog or other animal (as determined by the Board of Directors or local governmental authority) and, after its owner or keeper has been notified of this determination, it continues to engage in behavior deemed potentially dangerous. For purposes of determining if a dog or other animal is "vicious," "severe injury" means any physical injury to a human being that results in muscle tears, disfiguring lacerations, or requires multiple sutures or corrective or cosmetic surgery.

A dog or other animal shall be deemed "potentially dangerous" for purposes of this rule if: 1) on two separate occasions within the prior 36-month period, it engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog or other animal are in any part of the Tierra de Zia Property; 2) it bites a person or animal causing a less "severe injury" than as defined above; or 3) on two separate occasions within the prior 36-month period, it has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog or other animal; 4) the dog or other animal has run loose or, if leashed, was not under the control of a responsible adult on two occasions.

The Association shall have the right to cause a dog or other animal found to be in violation of any provision of this Section to be removed from the Tierra de Zia Condominium Community Property and to enforce this Section pursuant to the terms the original Declaration or any other provision or amendment thereto.

All Board decisions regarding removal of dogs or other animals deemed "vicious" or "potentially dangerous" are final. In accordance with revisions to the New Mexico Condominium Act that have been immediately adopted by a Tierra de Zia Board Resolution on March 4, 2019, regarding enforcement of covenants and dispute resolution:

"Notice and a hearing are not required for violations that pose an imminent threat to public health or safety.

Section 5

Renting Your Unit

Declaration, page 13, Section 3.9(c)

“Units may be rented or leased by their owners pursuant to a written lease or agreement, and all Occupants occupying Units do so subject to the terms and provisions of the Declaration. All Occupants are subject to the Rules and Regulations in this Manual, and any that may be enacted by the Board in the future.”

GUIDELINES FOR LANDLORDS AT TDZ

- Notifying the HOA Office of New Tenant:
Upon renting your unit to a new tenant, please be advised that you **must notify the HOA office within seven (7) business days of their move in date**. They will be required to attend an orientation within thirty (30) days of their move in date. Please let them know that this orientation is a mandatory requirement so that they are informed of the rules and regulations of TDZ. Owner/tenant should contact the office two weeks prior to move in date regarding requirements on installation of internet, parking assignment, etc. Failure to attend an orientation will result in a fine for each thirty (30) day period in which they do not attend, beginning after 30 days. The regular fee for the orientation will be billed to the Homeowner. Please see the Fee Schedule attached to this document, and online for the most current amounts.
- Professional Management Preferred
The Association cannot assist with managing aspects of your rental property such as, but not limited to, showing your unit, letting contractors in or out, handling renovations, giving door keys to your tenants, or taking deliveries. We strongly suggest engaging the services of a property management company who can do all this and more, especially if you no longer live in the Santa Fe area.
- Background Checks
The Association requires the use of background checks for prospective tenants.

SHORT TERM RENTALS, OR WITHOUT A LEASE IS PROHIBITED

Declaration, Section 3.9(c)

“No lease shall be for a period of less than thirty (30) days.”

- No Unit shall be rented on a nightly or weekly basis through, or in the manner of an AirBnB, VRBO, Craigslist or similar vacation rental type websites, either public or private.
- Owners who rent their units without a lease is prohibited.
- TDZ Association requires that owners provide a copy of the new lease to the HOA office no later than two weeks prior to the tenant move in date, and provide any subsequent lease renewals within two weeks of the renewal date. The signed lease from both parties must include the Unit number, the name of the tenant, contact info (telephone & email), and length of the lease term.

Section 6

Compliance

MAINTENANCE & APPEARANCE OF UNITS

Declaration, page 13, Section 3.8

“Each Owner shall repair, replace and maintain:

- (a) All interior areas of his Unit including but not limited to: interior walls, appliances, hot water heaters, electrical fixtures and wiring, switches, plumbing fixtures, pipes and lines, faucets, showerheads, plugs, heating systems and fixtures, which are situated within the Unit, excluding, however, replacement of common water and sewer lines necessitated by a cause other than the act or omission of the Owner or his Occupant;
- (b) All glass, windows, doors, vestibules and entryways which are appurtenances solely to his Unit;
- (c) All fixtures and utilities installed within the Unit commencing at the point where such utilities enter the Unit;
- (d) Any and all Limited Common Elements appurtenant solely to his Unit; and
- (e) Any damage to the common Elements resulting from his misuse, carelessness or negligence or that of his Occupants.”

APPROVED PAINT/STAIN & EXTERIOR ELEMENTS

Pursuant to the above, here are the approved selections for exterior colors, trims, windows and doors.

- Windows are to be **casement style** with no grilles or inserts and must be aluminum clad in a bronze color. Jeld Wen from Home Depot, Pella, Marvin, Andersen or Sierra Pacific all make approved models. Double hung styles may be approved in certain situations.
- French doors and entry doors must be painted with “Tierra de Zia” from Dunn Edwards, except Units in the Triangle. This paint available by calling the office. No door may be white, wood tone or any other color than “Tierra de Zia.”
- All exterior wood trim including lintels and deck railings must be stained with Cabot Oil stain and sealer Natural.
- All fences must be stained with Behr Redwood Natural Semi Transparent (or similar)
- Storm doors **MUST** be Sandstone or similar beige color. They must not be white.

FENCING



- Fences must be approved prior to installation and must be stained with the approved stain color (see below.)
- Repair and maintenance of the fence is the responsibility of the homeowner.
- Fences must be in the style pictured above. No coyote, picket, chain link, wire, or any other type of fencing is allowed. No interior fences may be installed.
- Slats must be no more than ¼ inch width apart. Height shall be no more than six (6) feet.

APPROVED INTERIOR FLOORING SELECTIONS

Community Documents “Disclosure Statement, October 23rd, 2001” states:

“In the interest of reducing noise between floors, to the extent that existing flooring is replaced by Owners of **second floor units**, hard surfaces including, but not limited to: brick, Saltillo tile or ceramic tile (except in kitchens and bathrooms) **shall not be permitted.**”

A Board resolution on October 14th, 2019, further clarifies that **hardwood flooring is not allowed to be installed in upstairs units**. However, the Board reserves the right to review, following a 30-day request notice from the unit owner, to approve or deny the installation of a noise barrier over the actual padding of a laminate or wood flooring.

WASHERS & DRYERS IN UNITS

Pursuant to a June 2007 Board resolution, there is a moratorium on installing washers or dryers in any units.

MAKING IMPROVEMENTS TO UNITS- THE PROCESS

Declaration Section 3.7

Additional Sections: 3.8; 3.9(d); 3.9(g-i); 3.9(k-p); 3.11

In addition to provisions outlined in the above-named Section(s), any proposed interior or exterior project, including, but not limited to: Fencing or modification of any Limited Common Area; interior improvements/changes; flooring changes (*see Approved Flooring*), replacement of windows or doors and any electrical or plumbing work **MUST** be approved prior to beginning any project. Refer to Maintenance & Appearance Section for approved material, colors and styles prior to making your request.

- Approval process
 - Plans and materials specifications must be submitted to the office at least 5 working days prior to a board meeting in order to be considered for approval, along with the approval application that is at the end of this manual.
 - The approval may take up to 30 days, please plan and schedule accordingly.
 - Plans must include detailed drawings and/or photos and materials specifications that include the manufacturer, color, size, etc. of any element visible from outside the unit.
 - All Santa Fe County and City building codes must be met. Any required permits are the responsibility of the homeowner and/or contractor.
- Include estimated length of project. Projects lasting longer than 21 days may incur a supervisory fee.
- Include details about your contractor(s.) ALL work must be done by licensed and bonded professional contractors and their license number must be on the Approval Application.
- Construction Process
 - Please let the office and your immediate neighbors know what days the work will take place. Door tags are available in the office for your use.
 - **Workers may not begin until after 7:30am and must end activity by 5:00pm**
 - Workers must park in visitor parking, although we realize that loading/unloading may occur in proximity to the unit for brief periods.
 - Any and all construction debris, trash and/or weeds/brush **MUST** be taken offsite. No such materials may be placed in or around any TdZ dumpster.
 - No loud music, smoking, or any other disruptive activity may occur. Impact to the community must be minimized.

(Construction Process, continued:)

- Completion Process
 - All Common Areas and Limited Common Areas are to be left in same or better condition when the job is finished. Any damage done by construction crews to Common Areas or Limited Common Areas will be the responsibility of the homeowner for whom they are working. Any needed repairs in such instance will be billed to the homeowner.
 - **All work must be completed to the satisfaction of the TdZ Condominium Association. Please schedule a walkthrough with the office a few days prior to completion.**
 - **Work not completed to Association satisfaction may result in fines and/or loss of Member in Good Standing status until the conditions are brought into compliance.**

Section 7

Fees & Fines

“Pursuant to the Declaration, Article 4.2(l) The Association may levy reasonable fines. Further, the Association will have a lien against the Unit(s) of the violating Owner in accordance with the provisions of 47-7C-16, N.M.S.A. 1978”

Please refer to the Community Documents “Declaration” for the full text.

RIGHTS WHEN FINED

On March 4th, 2019, the Tierra de Zia Board of Directors formally adopted the revisions made to the New Mexico Condominium Act.

“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.”

Fees & Fines Schedule are attached to this document. It is also available online at www.tierradezia.com in the Owner’s login section.

Appendix Forms

All of the following forms are also available in the office or at www.TierradeZia.com



POOL RULES

- **NO LIFEGUARD ON DUTY SWIM AT YOUR OWN RISK**
- **NO DIVING**
- **NO RUNNING, JUMPING OR HORSEPLAY**
- **SHOWER BEFORE ENTERING POOL**
- **DO NOT ENTER POOL IF YOU HAVE HAD DIARRHEA WITHIN THE PAST TWO WEEKS OR HAVE OPEN CUTS**
- **DIAPER AGE CHILDREN MUST WEAR SWIM DIAPERS**
- **NO DIAPER CHANGING ON POOL DECK**
- **NO GLASS OR SHATTERABLE CONTAINERS**
- **GUESTS MUST BE ACCOMPANIED BY A RESIDENT**
- **NO MORE THAN TWO GUESTS PER RESIDENT**
- **POOL CAPACITY: 28 PERSONS**
- **NO ANIMALS (SERVICE ANIMALS EXCEPTED)**
- **NO FOOD, GUM OR TOBACCO USE IN POOL**
- **NO SMOKING**
- **CHILDREN UNDER 14 MUST HAVE ADULT SUPERVISION**

POOL HOURS **7:00 AM– 9:00 PM**

TIERRA DE ZIA ASSOCIATION NOT RESPONSIBLE FOR INJURY, DAMAGE OR LOSS
SECURITY CAMERAS IN USE ON PROPERTY

Tierra de Zia Plant List

Revised August 2019

Approved plants for Common and Limited Common Areas*

Please seek Board approval before planting in or abutting Common Areas.

Grasses and Perennials

Blue Grama Grass	Bouteloua gracilis
Pink Wild Snapdragon	Penstemon palmeri
Blanket Flower	Gaillardia pulchella
Purple Verbena	Glandularia pinnatifida var. ciliata
Baby White Aster	Chaetopappa ericoides
Yarrow	Achillea millefolium
Hairy Golden Aster	Heterotheca villosa
Purple Aster	Machaeranthera bigelovii
Little Bluestem	
Desert Four O'Clock	Mirabilis multiflora
Scarlet Globemallow	Sphaeralcea coccinea
Gooseberry Globemallow	Sphaeralcea grossulariifolia
Wild Hyssop	Agastache cana
Scarlet Bugler	Penstemon barbatus
Mexican Hat	Ratibida columnifera
Rocky Mountain Penstemon	Penstemon sp

Shrubs and Trees

New Mexico Privet	Forestiera pubescens var. pubescens
Big Sage	Artemesia tridentata
Yellow Bird of Paradise	Caesalpinia gilliesii
Mountain Mahogany	Cercocarpus montanus
Fernbush	Chamaebatiaria millefolium
Chamisa or Rabbitbrush	Chrysothamnus nauseosus
Apache Plume	Fallugia paradoxa
Pinon Pine	Pinus edulis
One-Seed Juniper	Juniperus monosperma
Dogwood	Cornus stolonifera
Claret Cup Cactus	Echinocereus triglochidiatus
Creeping Mahonia	Mahonia repens
Rhus trilobata	
Four-Wing Saltbush	Atriplex canescens
Tree Cholla	Opuntia inbriata
Ponderosa Pine	Pinus ponderosa
Smooth Sumac	Rhus glabra
Three-Leaf Sumac	Rhus trilobata
Golden Currant	Ribes aureum
Soap Tree Yucca	Yucca elata

(TdZ Plant List continued:)

Approved Flowers and Shrubs for Limited Common Areas ONLY

Please consider drought tolerant plants such as:

Dusty Miller, California Poppy, Zinnia, Salvia, Snapdragons, Moss Roses (Portulaca)

Other approved LCE plants:

Sunflowers, Russian Sage, Lavender, Rosemary and other herbs

A word about vegetables: Small container gardening is permissible; if you have bigger aspirations, please look into a space in the community garden. They are available each February on a first come, first serve basis.

Roses and Forsythia are also permissible as feature plants.

PLEASE NOTE:

Please be considerate of your neighbors.

- Planting anything near walkways known to attract bees is not permitted for obvious reasons.
- Planting anything near walkways with thorns or spiky leaves is also not permitted.
- Tierra de Zia does not use herbicides in any Common Areas. We hope that our residents will refrain from those practices in their LCEs as well.



Maintenance Request Form

PLEASE USE THIS FORM FOR SPECIFIC MAINTENANCE ISSUES ONLY
IF THIS IS AN EMERGENCY, PLEASE SEE THE BACK OF THIS FORM.
ALL REQUESTS WILL BE RESPONDED TO BY CLOSE OF FOLLOWING BUSINESS DAY.

Name _____

* Indicates required information. Please fill out this form completely in order that we can better serve you.

Tierra de Zia HOA 2600 West Zia, Building G, Santa Fe, NM 87505
505-474-4042 tdzcondooffice@gmail.com



Comments/Concerns

PLEASE USE THIS FORM FOR QUESTIONS, COMMENTS & CONCERNS ONLY
IF THIS IS AN EMERGENCY, PLEASE SEE THE BACK OF THIS FORM.
ALL REQUESTS WILL BE RESPONDED TO BY CLOSE OF FOLLOWING BUSINESS DAY.

Name _____

* Indicates required information. Please fill out this form completely in order that we can better serve you. Tierra de Zia HOA 2600 West Zia, Building G, Santa Fe, NM
505-474-4042 tdzcondooffice@gmail.com

EMERGENCY PROCEDURES

We hope that none of our residents ever have to experience an emergency situation. With that said, we have created some guidelines to assist our residents if an emergency should arise.

Examples of what would constitute an emergency are:

A fire – in your unit or out on the property: **Call the FIRE DEPT or 911**

A break in the water lines inside the walls or out on the property: **Call the City of Santa Fe Water Division Emergency Phone Number 505 955-4333 and call the office. If after hours call a plumber.**

A domestic violence situation: **Call 911**

A break-in: **Call 911** if you spot an intruder. **Call Dispatch 505 428-3710** if you come home and find that your unit was broken into.

A prowler: **Call 911** if you spot an intruder. **Call Dispatch 505 428-3710** if the intruder is leaving/ has left the property.

Someone is hurt or injured or being assaulted on the property: **Call 911**

A vehicle accident: **Call 911** if someone is injured. **Call Dispatch 505 428-3710** if no one is injured.

Someone is drowning in the pool: **Call 911 There is a dedicated 911 phone in the laundry room, just pick it up and it connects directly to 911** - there are 2 life preservers beside the pool that you can toss in to anyone in distress in the pool.

A dog or a wild animal is running loose on the property: **Call Animal Control 505 992-1626**

Drug activity, drug trafficking: **Call Drug Tip Hotline 505 428-3737 IMMEDIATELY**

Loud noise coming from another unit or from a party — **Call Chavez Security 505 204-4270 or Call Dispatch 505 428-3710**

**We ask that you also contact the office to notify us (anytime) that an emergency call was made so that we can follow up. If you are renting your unit you should always contact the unit owner or their property manager to alert them of the problem.*

In our arid climate, the most important disaster to be on the alert for is fire. If you see anyone shooting off fireworks or attempting to set a fire anywhere on the property, please contact the **Fire Dept 505 955-3700**. If you see anything on the property or in our surrounding area that is smoldering or on fire, contact the Fire Dept immediately. There are two fire extinguishers mounted on the walls beside the BBQ area. Please don't hesitate to use them if this would extinguish a small fire.

Examples of what is not an emergency :

A canale has water pouring off of it — **Call the Office 505 474-4042**

A swamp cooler waterline is dripping— **Call the Office or call the plumber(afterhours)**

A water heater or a tub or a toilet is leaking— Contact the resident in the unit with the leak and **Call the Office or call a plumber**

A toilet or a sink is stopped up— **Call a plumber**

A plumbing cleanout line is backing up— **Call the Office and call the plumber**

The pool has become cloudy or filled with debris— **Call the Office**

A dog is barking and no attempt is being made to quiet the animal — **Call Animal Control 505 992-1626 and call the Office**

EMERGENCY NUMBERS

CSI Chavez Security, Inc (our Security Co.) 505 204-4270

Fire Dept. 505 955-3700

Police Dept. Emergency Dial 911

Dispatch 505 428-3710

Crime Stoppers 505 955-5050

Drug Tip Hotline 505 428-3737

Animal Control 505 992-1626

***AFTER-HOURS TIERRA de ZIA HOA EMERGENCY CONTACT —**

BEST OPTION: email tdzcondoffice@gmail.com

Second option: Call the office at 505-474-4042

**TIERRA DE ZIA UNIT IMPROVEMENTS
APPROVAL APPLICATION**

REQUEST DATE _____

UNIT NUMBER _____

HOMEOWNER NAME _____

MAILING ADDRESS _____

TELEPHONE _____

EMAIL _____

CONTRACTOR _____ RCVD GUIDELINES? Y N

TELEPHONE _____ CONTRACTOR LICENSE # _____

PROJECT START DATE _____ ESTIMATED END DATE _____

DESCRIPTION OF PROJECT (ATTACH PHOTOS, PLANS & MATERIALS SPECIFICATIONS)

OFFICE USE ONLY:

BOARD APPROVAL DATE _____

SIGN OFF DATE _____

Tierra de Zia Condominium Association 2600 West Zia, Bldg G, Santa Fe, NM 87505

505/474-4042 tdzcondoffice@gmail.com

Tierra de Zia
Policies & Procedures Manual

Unit #: _____

Name: _____

I have been given a copy of the manual and have read it.

Signature: _____

Date: _____