



PHPOA Newsletter Summer 2023

INSIDE this Issue: Who we are, What we do and What can we do for you, Difference between HOA and PHPOA, Where to reach us, How to join the community effort.

The Picacho Hills Property Owners Association (PHPOA) is a volunteer group of owners centered on protecting property values while striving to make our community a better place to live; to enhance the safety, well-being, and beautification, the sense of belonging, and community pride.

We offer member socials, merchant discounts deals, learning seminars, and community projects, Great American Clean-Up, Food Drive, etc.

Your \$75 yearly membership dues allow you to participate in all activities and perks offered. Please join today! Contact: phpoanews@gmail.com

SUMMER FUN:

LUNCH AND LEARN at Picacho Hills Country Club every second Tuesday of the months of June, July, August beginning 11:00a.m.

This summer we'll focus on Forensic Science. Investigate your inner 'Super-Sleuth'. More details available at www.picachopoa.org events tab.

NEW LANDSCAPING ON PICACHO HILLS SOUTH DRIVE: Your PHPOA is working hard to beautify the community.

What Can the PHPOA Do for You? — Margie Herberger

What is the difference between an HOA and the PHPOA? This question can be confusing to homeowners. A Homeowners' Association (HOA) is an organization of homeowners within a development with elected officers and a Board of Directors who oversee the

properties' compliance with the Protective Covenants and Restrictions (PC&Rs) of the development. These organizations

set budgets and require annual dues for services such as street paving, landscaping of common areas within the development, irrigation, electricity on signage, and other neighborhood expenses.

However, many neighborhood developments in Picacho Hills do not have an HOA that is active, so they have no Board to oversee compliance with PC&Rs. In that case, new builds might exceed height restrictions, walls may not be built to lot restrictions, landscaping may interfere with neighbors' sight lines, etc. For this reason, new buyers should make sure they know whether their home/property is part of an active or inactive HOA. It makes a difference.

That said, the Picacho Hills Property Owners' Association is not an HOA. It is a voluntary association open to residents of all developments in Picacho Hills. Its mission is to improve the quality of life in our community.

In general terms:

- PHPOA helps provide a safe community by communicating with county and law enforcement officials on community problems and needs.
- PHPOA helps maintain an attractive community with two annual Clean Up days, landscaping maintenance in common areas along main roadways, and a Master Landscape Plan for those areas.
- PHPOA helps encourage a sense of belonging with social events and a Neighborhood Directory.

PHPOA has an elected Board that determines its budgetary allocations, based on the above principles. There is an Annual Meeting each year, where members meet to socialize and to address concerns and questions. PHPOA puts out a newsletter and emails to keep members informed of neighborhood initiatives. Membership costs only \$75/year, which can be easily recouped in savings through the members-only Merchant Discount program.

Visit our website at www.picachopoa.org for more information.

Homeowner Association FAQs - HOA and PHPOA

—Paul Migliore, PHPOA President

The PHPOA often receives requests from Picacho Hills residents asking us to intervene in matters of neighborhood maintenance, such as view obstructions. Usually, these matters are governed by neighborhood homeowner association (HOA) covenants, controls, and restrictions (CC&Rs) included with each owner's title documents. If the neighborhood HOA is active, enforcement of these covenants is the role of the HOA Board of Directors. If the HOA is inactive, however, neighborhoods have little persuasive power to convince residents to abide by local restrictions. There are more than thirty

neighborhoods in Picacho Hills, each with its own homeowners' association and covenants. However, most HOAs are inactive.

Covenant-controlled communities can be controversial. When covenants are understood and conscientiously enforced, communities live in harmony. But developers sometimes bend the rules to allow for exceptions to sell properties. Homeowners can be reluctant to serve on boards of directors or design review committees. Covenant violations, if allowed to stand, can become de-facto standards. The consequences of lack of enforcement may vary from unsightliness to discontent, to conflicts with neighbors, to diminished property values. Some covenant violations that neighbors have brought to the attention of the PHPOA are as follows: trees that obstruct views, solar panels extending far above roof lines, trash trailers parked in driveways, homes in disrepair or having overgrown weeds. When asked to intervene, the PHPOA can appeal to the property owner to remedy the situation, but that does not ensure compliance. What can be done? Well, if you believe that a health, safety, or public-nuisance issue exists, please contact Doña Ana County Codes Enforcement, Central Dispatch at (575) 526-0795 to request that a compliance officer inspect the location. You may remain anonymous if you wish.

If your own HOA is inactive and you have concerns about your neighborhood, I urge you to investigate the process of re-activation. Recruit neighbors to help.

Know that it will take time and that you may incur expenses for legal advice. But you will find that it is not an overbearing commitment, and you will regain control of your neighborhood. Here is some information you might find helpful. On behalf of our members, the PHPOA retained an attorney to evaluate the situation and to review the covenants of several HOAs.

A summary of his findings follows:

- Individual homeowners may enforce their CC&Rs. Some documents expressly give this right while others are silent on the matter.*
- Some CC&Rs establish a design review committee while others defer to the board of directors.*
- Homeowners should carefully review their CC&Rs, along with any existing articles of incorporation and bylaws. The buyer's realtor or title company should have provided these documents. You may call the County Clerk for more information at (575) 647-7421.*
- The homeowner's title policy should have the recording data for the officially governing CC&Rs.*
- A formally established HOA should be listed on the New Mexico Secretary of State website. Bylaws may be more difficult to find.*

CHECK OUT ALL THE MERCHANTS OFFERING DISCOUNTS TO PHPOA MEMBERS on the website: www.picachopoa.org

Use your current (hot pink 2023) membership card at participating merchants all year and tell them THANKS for supporting our community!

"What goes around, comes around."

IT'S EASY TO JOIN THE EFFORT - \$75 Annual PHPOA dues. Visit our website at www.picachopoa.org. Click on the MEMBERSHIP tab for more information.

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We are a non-profit organization. We do not discriminate against any group or entity. We do not sell members' personal information.