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Nina Villa Homeowners Association
c/o Shawn Mason, Community Manager
15010 N. 78thth Way, Ste. 206
Scottsdale, AZ 85260

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CAPTION HEADING:

**CRIME FREE RESOLUTION OF NINA VILLA
HOMEOWNERS ASSOCIATION**

DO NOT REMOVE

This is part of the official document.

When Recorded Return To:

SEP 28 2019

Nina Villa Homeowners Association
c/o Shawn Mason, Community Manager
The Management Trust
15010 N. 78th Way, Ste. 206
Scottsdale, AZ 85260

AUG 15 2019

**CRIME FREE RESOLUTION OF
NINA VILLA HOMEOWNERS ASSOCIATION**

Nina Villa Homeowners Association (the "Association") adopts the following Resolution in an effort to reduce criminal activity in the community. Adopting this Resolution does not mean that this community is completely free of crime, nor is this Resolution intended to guarantee, assure, and/or warrant that this community is completely crime free. Nothing in this Resolution shall create or assign liability to the Association or its Board of Directors for any damages arising from violations or this Resolution.

The Association and owners of real property therein, are governed by the (1) the Declaration of Covenants, Conditions and Restrictions recorded on October 19, 2001 at Instrument No. 2001-0974966, Official Records of the Maricopa County Recorder's Office ("CC&Rs") and any amendments thereto, (2) Articles of Incorporation, (3) Bylaws and (4) Rules and Regulations (collectively referred to herein as "Governing Documents").

The CC&Rs and Arizona law grant a general power to the Board of Directors to adopt, amend, and repeal rules related to criminal activity, health and safety and other nuisance issues. Arizona law also provides that the Association may (1) maintain its property in a reasonably safe condition; (2) take reasonable measures to protect against foreseeable activities creating danger, including criminal attacks, on the land it controls; and (3) ensure members are free from unreasonable interference in the enjoyment of their individual lots or units and the common property.

Therefore, pursuant to the Governing Documents and Arizona Law, the Board of Directors for the Association hereby adopts the following Resolution:

CRIME FREE RESOLUTION

1. Notice. Owners shall notify any prospective Tenant(s) and other Occupant(s), 18 years of age or older, that the Association is governed by this Resolution.
2. Disclosure. Within ten (10) days prior to the move-in-date, in addition to a fee of \$25.00, Owners or their agents are required to submit the following information to the Association:

- a. Name(s) and contact information for any Lessee(s) and other Occupant(s) or sublessee(s) over 18 years of age.
- b. Beginning and ending dates of the tenancy; and
- c. Vehicle(s) description and license plate numbers

The Association shall impose a \$15.00 fine per lease for the failure to timely provide the above Tenant(s) information.

3. Background Checks. Prior to renting to any Tenant, or allowing the permanent residence of any Occupant, Owner shall conduct a background/criminal investigation on all prospective Tenant(s) and Occupants 18 years of age or older to ensure said individual is not a person who is required to be registered pursuant to A.R.S. § 13-3821 and which is classified as level two or level three offender. The Association has the right, but is not required, to verify the information through its own background/criminal investigation and if found to be false or misleading, may demand immediate eviction of the individual. The Owner shall not be required to disclose its background check to the Association.

4. Offenders. Pursuant to A.R.S. § 33-1806.01(H). Owners cannot rent their real property to, or allow it to be used by, a person who is required to be registered pursuant to A.R.S. Section 13-3821 and who is classified as level two or level three offender.

5. Criminal Abatement. Pursuant to A.R.S. § 33-1806.01(I), all Owners of rental property shall abate criminal activity in their Dwelling Unit. Owners cannot rent their real property to, or allow it to be used by, any person convicted of or having plead guilty or no contest within the last two (2) years to any misdemeanor or felony criminal offense involving:

- a. assault,
- b. battery,
- c. burglary,
- d. weapons,
- e. gangs.
- f. theft,
- g. prostitution,
- h. drug manufacturing or distribution,
- i. violence; or
- j. crime against persons or property

An Owner, Tenant, Sublessee, or occupant who allows a person who has been trespassed off the Association property to enter or remain in a Dwelling Unit located in the Association violates these Rules and must be immediately evicted.

Owners cannot rent their real property to, or allow it to be used by any person ever convicted of, or having pled guilty or no contest to:

- a. any crime against children;
- b. any sex crime.
- c. arson,
- d. murder; or
- e. manslaughter.

6. Crime Free Lease Addendum. Each Tenant shall sign, as part of his or her lease, a Lease Addendum that incorporates the terms of this Resolution. If an Owner's Tenant violates the Lease Addendum, the Owner shall use reasonable efforts, including court action, to terminate the tenancy pursuant to the Arizona Residential Landlord and Tenant Act. Owners may use the Association's form attached hereto as Exhibit A or a form approved by the (1) the National Association of Residential Property Managers ("NARPM"), or (2) International Crime Free Association, found at www.crime-free-association.org/lease_addendums_az_english.htm.

7. Penalties and Opportunity to be Heard. Any Owner that fails to comply with these Rules shall be given notice and an opportunity to be heard before the Board of Directors on the matter. Should the Owner's violation be supported, and the Owner refuse to initiate eviction proceedings, the Owner shall be subject to a \$500 fine to be assessed every 10 days until good faith eviction proceedings are initiated. The \$500 per 10 day fine shall be waived if a court of competent jurisdiction holds that the tenant did not engage in criminal conduct sufficient to be evicted.

CERTIFICATION

I HEREBY CERTIFY that the foregoing is true and correct and was regularly presented to and adopted by the Board of Directors of the Association at a meeting duly called and held ~~at~~ on the _____ day of _____, 2019, at which a quorum was present and voted, and that such Resolution is duly recorded in the minutes book of this corporation.

NINA VILLA HOMEOWNERS ASSOCIATION

Lisa Marguis
Michele Pritchard

Sedwick

By: _____

Its: _____

STATE OF ARIZONA)
 ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 20th day of August, 2019, by Lisa Pritchard, its _____, on behalf of the Corporation.



Notary Public

My Commission Expires: Feb 23rd 2021