



Mar - Apr 2024 Newsletter

Greetings

The Board held its bi-monthly meetings on March 13, 2024 and the following are a few of the topics that were discussed. This newsletter is being distributed later than normal. There were two issues (Short-Term Rentals and Commercial and Recreational Vehicle Parking) that were discussed at the meetings that needed legal clarification before we distributed this newsletter.

Update on Annual Meeting

The Annual Member's Meeting and Board Elections will be held May 8, 2024. The Association was unsuccessful in securing a meeting room at the elementary school as we have done in the past. The school district has changed their policy of renting out rooms at schools following the COVID pandemic. As a result, the Association will continue to hold this year's Annual Meeting by way of the Zoom teleconference platform. Information on how to access the Zoom meeting can be found on the Vision website homepage for Estrella Vista HOA.

Short-Term Rentals

At the March 2024 Board Meeting one of the members brought up a concern about the posting in the January-February Newsletter of the Association not allowing short-term rentals. The concern centered on a change to the Arizona Statutes which was believed to supersede the Declaration's section prohibiting short-term rentals. To help clarify the issue the Board decided to send the concern to the Association's legal advisor for advice. The advice the Association received was that the Arizona Statute does not supersede nor prevent the Association from enforcing the provisions of the Declaration's prohibition of short-term rentals. As mentioned in the January-February Newsletter, section 8.2 of the Declaration prohibits the use of any home within the Association for a bed and breakfast, any business, or any other similar uses. Under section 8.13 of the Declaration homeowners may lease their homes on

a non-transient basis only. The Association will reach out to the homeowners of properties known or suspected of being transient-leased properties to end their short-term rental operations.

Commercial and Recreational Vehicle Parking

A member questioned the Board concerning the prohibition of parking commercial or recreational (C/R) vehicles in the driveway on a full-time or recurring basis. To help clarify the issue the Board decided to send the concern to the Association's legal advisor for advice. The advice the Association received was that the Declaration only allows the parking of Family vehicles on a full-time or recurring basis in the drive of any lot. Family vehicles include the following: *(i) non-commercial pickup trucks with a manufacturer's capacity rating of three-fourths (3/4) ton or less with attached camper shells so long as the truck and camper shell are no more than eight (8) feet in height, measured from ground level; (ii) small motor homes of not more than eight (8) feet in height and not more than eighteen (18) feet in length; and (iii) any commercial pickup truck with a manufacturer's capacity rating of three-fourths (3/4) ton or less that is not equipped with a camper, camper shell, or work equipment in the truck bed will be treated as a "Family Vehicle,".*

The Declaration grants the Board the right to approve certain limited types of C/R vehicles for parking within the community. However, the Declaration is very specific and clear that any full-time, recurring, or overnight parking of a permitted C/R vehicle can only be within a garage or Recreational Vehicle Parking Area. There will be no exception or waiver granted for the full-time, recurring, or overnight parking of a vehicle in the driveway upon any lot if that vehicle does not meet the definition of a "Family Vehicle". This does not affect the permission the Association may grant on a temporary or non-recurring basis for certain C/R vehicles to be parked in the driveway for a short term basis only. The new Association rule concerning the parking of C/R vehicles has been updated and should be made available before the Annual Members Meeting.

Architectural Committee

The Board reached out to the five individuals who volunteered to be on the Committee to set a time and date to meet. However, the Board did not receive any response from these individuals. The Board is still seeking volunteers to serve on the Committee and will be sending out another notice before the next Open Board meeting.

Architectural Guideline Update

The new Architectural Design Guideline is now in effect and is posted on the Vision website. We encourage everyone to review and become familiar with the new Guideline by downloading a copy from the Vision website.

Bulk Trash

Association members as a whole are doing a much better job of not placing bulk trash out for pickup too soon. However, there are still a few households that are placing bulk trash out anywhere from two-to-four weeks before the scheduled pickup date. The new Association rule establishes bulk trash will not

be placed out any earlier than 6:00 am on the Saturday prior to the scheduled pickup date. The Association inspectors are making this a priority area to look for during their inspections.

Water Conservation Plan (Five-Year Water Conservation Plan)

The Estrella Vista HOA Water Conservation Plan (previously known as the Five-Year Water Conservation Plan) was finalized is available for review on the Vision website. The Plan outlines and provides a guide the Association may use in reducing the water consumption and costs over the next 10 years. We encourage everyone to review and become familiar with the new Conservation Plan by downloading a copy from the Vision website.

Violation and Enforcement Policy

The Board is currently evaluating possible changes to the enforcement policy. Specifically, the Board is looking into placing a limit on the number of notices and monetary penalties sent out for certain violations. The change would also include establishing a more definitive policy or rule on when to enact the right of self-help. Arizona statutes require HOA’s to give homeowners sufficient time to correct the violation or to provide a written response to challenge the notice. The current policy has been in effect for the last five years. This policy is based on the principle of issuing a notice of violation every 14 days with an increase in penalty until the fourth notice where the monetary penalty is limited to \$100. Each subsequent violation for the same issue is capped at \$100 and there is no limit established to how many notices can be sent. The downside to this policy is that if the homeowner does not correct the issue by the time the second (14th day) or third (28th day) notice is sent, it gives the appearance that nothing is being done to correct the issue. In some cases, continuing to issue subsequent notices is not having the desired effect of encouraging the homeowner to correct the issue in a timely manner. The table below lists the number of first time, non-monetary notices that have been sent out since the beginning of the year. This list is growing every week with new first-time notices being sent out, especially for weeds in the landscaping. If the new change requires the Association to enact the right of self-help, the cost for such actions would inevitably be passed on to the homeowners.

Issue	Number of Notices since Jan 1, 2024
Weeds in landscape gravel	73
Overnight parking	46
Trash container in view	23
Holiday decorations	8
Vehicle parking	4
Trailer parked in view	4
Bulk Trash in view	4
Weeds in grass	3
Items in view	3
RV parked in view	2
Overgrown tree	2
Wall in disrepair	1
Vehicle parked in granite	1
Total	174

Thank you all once again. We look forward to seeing and hearing from you at the Annual Members Meeting.

Victor Pattarozzi
EVHOA President