



## GUIDELINES FOR OWNERS WHO RENT TO TENANTS

It is an unfortunate reality that tenants as a group tend to be less proprietary than occupant Owners and on occasion do not take the residential “quiet enjoyment” concept of The Reserve as seriously as the Owners and the Board would wish. Owners are encouraged to choose tenants carefully and stress that being a “good neighbor” is an essential component of the lease. The Board strongly suggests that you perform a professional background check on your prospective tenant(s), as the Documents of the Association hold you, the Owner, ultimately responsible for the actions of your tenants and their guests. It is also suggested that you request a copy of your prospective tenant’s credit report to help you determine that prospect’s ability to meet his or her financial obligation to you. There are commercial services that will do this for you for a fee. If you are using a licensed management company, this may be part of their service and you should insist on it to protect your own interest, as well as to better serve the community.

The Association will not act as a property manager for Owners. Any leasing of a Unit by an Owner must be done by the Owner directly or through the Owner’s contract with a local, New Mexico licensed property-management company.

Any Owner wishing to lease his or her unit must provide documentation from the Owner and the tenant to the Association’s office including a photocopy of the signed lease agreement and any attachments thereto, copies of the Association’s Regulations accepted and acknowledged by the tenant, and an acknowledgement by the Owner of his or her responsibility for all financial obligations to the Association, including water reimbursements monthly.

The Governing Documents of the Association require that a lease cannot be for a period of less than 30 days.

The Board strongly suggests that your lease agreement include wording addressing the following items:

- Your tenant is advised to carry renter’s insurance.
- Your tenant will report all water leaks, gas leaks, plumbing problems or electrical issues to The Reserve at Santa Fe office as well as to you.
- Whether pets are allowed or disallowed, what type and how many. *The Declaration limits pets to two household pets of gentle disposition not exceeding 25 pounds each.*
- How many occupants are allowed, and the name of each occupant.

- Parking pass(es) and gate access card(s) for your tenants' use are issued by The Reserve at Santa Fe and shall be surrendered by your tenant to The Reserve at Santa Fe upon move out.
- Failure to abide by The Reserve at Santa Fe's Rules and Regulations is to be considered a breach of the lease and may result in immediate termination of that lease and eviction if not cured or resolved in a timely manner. You may access the Rules and Regulations on-line at [www.reserveatsantafe.org](http://www.reserveatsantafe.org) or you may call the office at 505-988-1919 to request a copy.

You supply your tenant with the following items:

- Unit key(s)
- Mailbox key(s)
- Storage closet key(s)
- Common Area key. *Keep in mind that if you have a tenant in your unit you relinquish your right to use the facilities because use of the common facilities is an occupancy privilege, not an ownership privilege. Therefore, if you have leased your Unit to a tenant, you may not use the pool, laundry, fitness center or other common areas.*
- A copy of Rules and Regulations of The Reserve at Santa Fe Condominium Association as amended from time to time.

You KEEP the following items which were issued to you by The Reserve at Santa Fe:

- Gate card(s) issued to you by The Reserve at Santa Fe

You RETURN the following items to the Association Office that were issued to you by The Reserve at Santa Fe:

- Pool and fitness center pass. Do NOT give your pass to your tenant(s).
- Parking permit(s). Do NOT give your parking permit(s) to your tenant(s).

Your tenant must come by The Reserve at Santa Fe Association office prior to move in to register their lease (a copy must be provided to the Association at this time). At that time, your tenant will be required to provide certain information to the Association; to sign releases of liability with the Association; and to accept responsibility for the following items:

- Parking pass(es)
- Gate card(s)
- Pool Pass

Please inform your tenant to call the Association Office at 505-988-1919 to make an appointment to register with us. Walk-ins may not be able to be accommodated due to scheduling conflicts. Appointments require approximately 30 minutes of your tenant's time and can be scheduled Mondays through Fridays between the hours of 9am and 5pm only. Upon termination of a lease, your tenant will need to make an appointment to return their passes to the office. As a Unit Owner, you will be charged for any cards or passes that are not returned to the Association by your tenant at the end of their lease. The Reserve at Santa Fe Board of Directors advises that you NOT return your tenant's deposit until you have checked with the office to ensure that your tenant has returned all passes and cards.

As a landlord, you are strongly encouraged to file a “Landlord Standby” notice with Public Service Company of New Mexico (“PNM”) and New Mexico Gas Company. These documents automatically put the electric service and gas service into your name when a tenant takes it out of their name, thus ensuring that utilities are never disconnected in your Unit. If you fail to file this document (and provide confirmation to the Association office) and damage should occur to the building your Unit is located in because of lack of heat in the Unit, you will be held liable for all damages incurred to your unit, neighboring units or the building. A copy of these notices can be obtained from the Association office or online at PNM’s website and New Mexico Gas Company’s website.

It is important that you, as an Owner, understand that water, sewer and refuse are billed independently by National Water and Power. The Owner is responsible for paying water, sewer and refuse. You do not have an obligation to the City of Santa Fe for these billings; your obligation is to The Reserve at Santa Fe Condominium Association, via National Water and Power. Owners are responsible to The Reserve at Santa Fe Condominium Association for billings from National Water and Power. The Association will not place the National Water and Power billing in your tenant’s name. If you wish to hold your tenant responsible for those charges, the Association suggests that you clearly define that obligation in your lease.

When renting to tenants, insurance is a three faceted affair involving the Association’s coverage, your Unit coverage and your tenant’s contents coverage. Please contact the insurance professional of your choice for further clarification, and review Article 6 of the Bylaws.

Although there are no City, County, State or Federal limitations regarding the number of occupants allowed in a Unit, the U.S. Department of Housing and Urban Development (“HUD”) suggests the following limits: Two occupants in a one-bedroom domicile, and Four occupants in a two-bedroom domicile.

Please refer to section 3.3 of the Declaration for further clarification of the Owner’s duties when leasing the Owner’s Unit.

Remember, access to the common facilities (pool, hot-tub, fitness center and laundry center) is an occupancy privilege, not an ownership privilege. If you have rented your Unit to tenants, your tenants have access to the facilities, and you relinquish your access rights and you must return your pool/fitness center pass to the office.

And finally, please inform your tenants that large “18-wheeler” moving vans cannot access the property. The largest vehicles recommended are 26 foot vans. If the moving company cannot accommodate that size restriction, they will need to unload on Calle Mejia and shuttle household goods in and out of the property.

**No Owner may transfer his or her rights and obligations to the Association by lease or other instrument to a tenant.**