

# SANTA FE COUNTY CLERK'S OFFICE

## FOR IMMEDIATE RELEASE

Santa Fe – July 19, 2013

### **New Code Requirements Regarding Homeowners Associations**

Geraldine Salazar, Santa Fe County Clerk, would like to announce that the 2013 Legislative session resulted in the passage of Senate Bill (SB) 497, which created the New Mexico Homeowner Association (HOA) Act to require *all* homeowner associations to record certain documents in the Clerk's Office according to a timetable.

The new law requires HOAs organized after July 1, 2013 to record a "notice of homeowner association" within 30 days after the date on which the HOA's declaration were filed with the Public Regulation Commission. HOAs organized prior to July 1, 2013, are required to record the Notice before June 30, 2014. HOA that fail to record the notice forfeit authority to charge an assessment, levy a fine for late payment, or enforce a lien for nonpayment until the Notice is recorded. The definition section of the HOA Act provides a definition for the term "declaration," and another section provides that recording of a "declaration" constitutes notice in the office of county clerk in which any part of the property is located that would satisfy the perfection of a lien.

Please note: the Homeowner Association Act does not apply to a condominium governed by the Condominium Act.

Please note also that the HOA Act does not require clerks to develop "notice of homeowner association" or HOA "declaration" forms. Accordingly, the Santa Fe County Clerk's Office does not offer forms for these required documents. Instead, the Clerk's Office only records documents appropriately presented for recording by an HOA.

The required contents of a Notice of Homeowner Association are contained in Section 4 of the bill that created the HOA Act. Here is a link to that bill:

<http://www.nmlegis.gov/Sessions/13%20Regular/final/SB0497.pdf> .

The Clerk's staff cannot give legal advice on whether or not the document(s) being recorded are correct, complete or legally sufficient. County Clerk Geraldine Salazar recommends that HOAs contact a local attorney with expertise in land use documents for assistance.

For further information, please contact the Santa Fe County Clerk's Office at 505-986-6280

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