

Facts of the case

My wife and I are the original owners, who had the home built, located at Lot #1-175, 18600 W. Pioneer St, Goodyear, AZ 85338. This home was built by Taylor Morrison in November 2015. Taylor Morrison is the creator of the CC&Rs for the Las Brisas Community. During the planning and options phase of our home building process, we opted for the 2" Faux Blinds to be placed on all windows (see Tab A, page 4 option WCUG00020).

Taylor Morrison did not place any window blinds or coverings on the garage door glass cutouts.

I installed tint material on the garage door glass cutouts approximately May 2022, to assist with cooling the south facing garage in the summer.

In July 2024, the Las Brisas Community changed management companies from AAM to City Property. No violations had been received up to this time.

On August 19, 2024, I received a violation from the City Property community manager citing section 5.10 "Windows" of Article 5 "USE RESTRICTIONS" on page 19 of the CC&Rs, Section "SECURITY DOORS, SCREEN DOORS AND SUNSCREENS" of Section "DESIGN GUIDELINES" on pages 8-9 of the Association Rules and Design Guidelines, Section "WINDOWS" of Section "DESIGN GUIDELINES" on page 10 of the Association Rules and Design Guidelines and provided a picture of my garage door (Tab B).

On August 28, 2024, I requested a hearing on the violation received from community manager (Tab C).

The initial violation was unclear, and further clarification was provided on August 29, 2024, by the community manager. The violation was for having reflective material on the garage door glass cutouts (Tab C).

The requested hearing was held on October 15, 2024, I argued the garage door does not fall under section 5.10 "WINDOWS" as there is a specific section for the garage door, 5.12 "GARAGE AND DRIVEWAYS". The CC&Rs do not provide any definition for a window, and I explained there are two (2) restrictions under 5.10 "WINDOWS" which must be met if applying to the garage door. The first restriction is "within ninety (90) days of occupancy of the Residential Unit each owner shall install permanent suitable window treatments that are Visible from Neighboring Property. The second restriction states "no reflective materials, including, but without limitation, aluminum foil, reflective screens or glass, mirrors or similar style items, shall be installed or placed upon the outside or inside of any window". Section 5.12 "GARAGES AND DRIVEWAYS" under the CC&Rs, is the only place which has the garage door listed in the CC&Rs and does not have any restrictions for the garage door concerning materials (TAB D). No decision was made during this hearing.

On October 23, 2024, I received a denial letter from the HOA Board for the violation and in the letter, it requested I submit an Architectural design waiver for the reflective tint material on the garage door glass cutouts (Tab E).

On October 29, 2024, I submitted an Architectural Design request based on the letter from the HOA Board dated October 23, 2024 (TAB F).

On December 2, 2024, the Architectural Design Committee denied the request stating, "Reflective material are expressly prohibited" (TAB G).

I requested a hearing with the HOA Board on December 9, 2024, for Architectural Design Committee denial letter (TAB H).

On December 17, 2024, I was scheduled for a hearing with the HOA Board but was unable to present due to the facilitator having technology issues. I was unable to meet with the HOA Board to address my Architectural Design Committee denial. I emailed the Community Manger on this issue and was told a HOA Board would be sending a decision the next day (TAB I).

On December 18, 2024, my request was denied again by the HOA board (TAB J).

On December 18, 2024, I emailed the Community Manager expressing my arguments pertaining to the denial received on December 18, 2024, for HOA Board consideration (TAB K).

On January 12, 2025, I emailed the Community Manager the options list from our home building sheet showing I opted for the 2" Faux Blinds on all windows for the house, and Taylor Morrison did not place any window blinds or coverings on the garage door glass cutouts (Tab L).

I argue to the Arizona Department of Real Estate that my HOA is incorrectly applying the limitations under 5.10 "WINDOWS" to the garage door and using personal opinions to create violations, instead of common sense with utilizing the CC&Rs as they are written. The garage, and the garage door, are listed under 5.12 "GARAGE AND DRIVEWAYS" and do not have any restriction on materials.

It is unreasonable and unrealistic to apply CC&R 5.10 "WINDOWS" to the garage door since doing so would require both restrictions listed under CC&R 5.10 to be applied. It is unrealistic for homeowners to place window coverings on their garage door. This would add additional weight to the garage door which may cause a garage door malfunction as they are not built to have such an item placed on them. Additionally, Taylor Morrison, the builder, and creator of the CC&Rs, did not place any covering on the garage door glass cutouts, even when as the homeowner I paid for the option for "ALL WINDOWS" to have 2" Faux Blinds.

I request the HOA Board remove all violations, penalties, and fees associated with this incorrect usage of the CC&Rs for my home.