PEOPLES HOUSING PROJECT

Peoples Housing Project
225 San Pedro Dr. NE
(505) 545-9578
Email: abqPHP505@gmail.com

08/14/2023

RE:
PacifiCap Property Management
4528 Carlisle Blvd. NE
Albuquerque, NM 87109

Sawmill Community Land Trust
990 18th St NW
Albuquerque, NM 87104

This letter is to inform you that we, the undersigned tenants, have formed the Sawmill Tenants Union, an organization of tenants affiliated with the People's Housing Project. This union is formed in the spirit of the Sawmill Community Land Trust Guiding Principles that support, "citizen participation, community organizing and community discussion and decision making."

The tenants of Artisans Apartments formed this union in response to the deteriorating condition of the Artisans buildings and individual units. PacifiCap Property Management and the Sawmill Community Land Trust do not remedy maintenance issues within a reasonable amount of time.

These conditions are direct violations of the Sawmill Community Land Trust Guiding Principles that make clear, "we are committed to providing **high quality affordable** housing for income-qualified individuals and families forever." sawmillclt.org/about/guiding-principles/

Though we are aware of some recent efforts by PacifiCap to remedy some maintenance issues, we remain skeptical of PacifiCap's commitment to tenants given their dismissive attitude with tenants and lack of urgency to make repairs to guarantee the health, safety, and required accommodation of residents within a reasonable amount of time. On behalf of the Sawmill Tenants Union and all tenants of the Sawmill Artisans Apartments, we request you promptly remedy the following issues and all issues materially affecting the health and safety of tenants and making units uninhabitable:

I. **Maintain the elevator in building #1 to be consistently ADA and FHA compliant:** All buildings with one or more elevators are required to be accessible and functioning. When the elevator is not working it not only materially affects the health and safety of tenants but also violates the Fair Housing Act and the Americans with Disabilities Act which require all units to be accessible. Disabled tenants are forced to use stairs or are stuck in

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their apartments or on the bottom floor. Residents have witnessed disabled tenants trying to use the stairs and being put in danger. For years the elevator has been out of compliance. Citation: https://adatile.com/ada-requirements-for-apartment-buildings/

II. **Offer Long Term Leases NOW:** Tenants are being denied long-term leases. Many are only offered month-to-month leases that do not guarantee housing security for tenants.

III. **Install 4-way Stop Sign and Speed limit signs:** There are not adequate stop signs nor any speed limit signs upon entering the complex, leaving a dangerous intersection for pedestrians. As the apartment complex houses families, we are even further concerned by the safety risk posed by a lack of signage. See attached photos.

IV. **Fix broken Air Conditioning units:** Several tenants are living in unsafe conditions because the AC systems do not keep units at habitable temperatures.

V. **Fix unsafe roofs:** Poor maintenance of AC units are causing leaks so severe that water is entering some apartments from the roof, putting the health and safety of tenants at risk. Active leaks cause mold. This violates city Code Sections: 14-3-3-1, 14-3-4-3 which requires apartments to have a safe roof. Refer to N.M. Stat. § 47-8-20(4).

VI. **Address safety hazards in common areas**: Rocks, glass, bird feces, and dog feces are found in common areas: on walkways between units, on stairs, stair rails, bushes, in rocks and in the dog area. "The landlord must keep common areas clean, sanitary and safe," Code Section: 14-3-5-11. Refer to N.M. Stat. § 47-8-20(3). See attached photos.

VII. **Address trash overflowing in dumpsters:** Dumpsters are not dumped frequently enough and trash blows on the apartment grounds creating a health and safety hazard which also attracts cockroaches and other pests. Trash services need to be more frequent.

VIII. **Fix all water heaters:** The water heater is not supplying adequate hot water to tenants. Hot water does not last long enough for tenants to take showers.

IX. **Fix all fire hazards:** Lint buildup from laundry endangering residents. See attached photos

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Tenants request that PacifiCap Property Management respond to abqPHP505@gmail.com within 24 hours of receiving this letter to confirm receipt.

Furthermore, in order to ensure accountability and to provide further testimony regarding the stated issues, the Sawmill Tenants Union demands the presence of one representative of PacifiCap Property Management and one representative of Sawmill Community Land Trust at an in-person tenant meeting to be held at 7:00 PM on Monday August 21st in front of the leasing office at the Artisans Apartment complex. **If we do not hear confirmation of your presence at this meeting, we will assume you do not intend to remedy the above uninhabitable conditions, and we will move forward to pursue collective direct and legal action.**

In regards to tenants organizing for safe, clean housing that meets community needs, owner retaliation is prohibited. **Universal Citation:** NM Stat § 47-8-39 (1996 through 1st Sess 50th Legis)

47-8-39. Owner retaliation prohibited.

A. An owner may not retaliate against a resident who is in compliance with the rental agreement and not otherwise in violation of any provision of the Uniform Owner-Resident Relations Act by increasing rent, decreasing services or by bringing or threatening to bring an action for possession because the resident has within the previous six months:

(1) complained to a government agency charged with responsibility for enforcement of a minimum building or housing code of a violation applicable to the premises materially affecting health and safety;

(2) organized or become a member of a residents' union, Union or similar organization;

(3) acted in good faith to exercise his rights provided under the Uniform Owner-Resident Relations Act, including when the resident makes a written request or complaint to the owner to make repairs to comply with the owner's obligations under Section 47-8-20 NMSA 1978;

(4) made a fair housing complaint to a government agency charged with authority for enforcement of laws or regulations prohibiting discrimination in rental housing;

(5) prevailed in a lawsuit as either plaintiff or defendant or has a lawsuit pending against the owner relating to the residency;

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(6) testified on behalf of another resident; or

(7) abated rent in accordance with the provisions of Section 47-8-27.1 or 47-8-27.2 NMSA 1978.

B. If the owner acts in violation of Subsection A of this section, the resident is entitled to the remedies provided in Section 47-8-48 NMSA 1978 and the violation shall be a defense in any action against him for possession.

C. Notwithstanding the provisions of Subsection A of this section, the owner may increase the rent or change services upon appropriate notice at the end of the term of the rental agreement or as provided under the terms of the rental agreement if the owner can establish that the increased rent or changes in services are consistent with those imposed on other residents of similar rental units and are not directed at the particular resident, but are uniform.

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Signed,

The Sawmill Tenants Union

Doris Hargrave, #1106

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Nicolas Packard [nvhmvn]

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Robin McBean



