

**BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC.**  
**ACC DENIAL LETTER AND APPEAL HEARING POLICY**

STATE OF TEXAS                   §  
   §  
COUNTY OF HARRIS           §

WHEREAS, Braeburn Valley West Civic Association, Inc. a Texas nonprofit corporation (the “Association”) is the governing entity for Village West, a Subdivision in Harris County, Texas (the “Subdivision”); and

WHEREAS, the Association is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration for the Subdivision; and

WHEREAS, all terms used herein that are defined in Chapter 209 of the Texas Property Code shall have the meanings as defined in the statute; and

WHEREAS, Section 209.00505 of the Texas Property Code was added to establish procedures that a property owners association must follow when notifying an owner of a denial of an application submitted to the architectural review authority for the Association and to provide a hearing process which enables an owner receiving a denial to appeal the denial; and

WHEREAS, to the extent any existing governing document or dedicatory instrument does not conflict with this Policy or Section 209.00505 of the Texas Property Code, such provision remains in full force and effect; and

WHEREAS, this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to Restrictive Covenants; and

WHEREAS, this ACC Denial Letter and Appeal Hearing Policy is applicable to the Subdivision and Association.

NOW, THEREFORE, in light of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Subdivision and the Association the following *ACC Denial Letter and Appeal Hearing Policy*:

1. A decision by the architectural review authority denying an application or request by an owner for the construction of improvements in the Subdivision may be appealed to the Board.
2. A written notice of the denial must be provided to the owner by certified mail, hand delivery, or electronic delivery.
3. The notice must:
  - a) Describe the basis for the denial in reasonable detail and changes, if any, to the application or Improvements required as a condition to approval; and

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- b) Inform the owner that the owner may request a hearing on or before the 30<sup>th</sup> day after that date the notice was mailed to the owner.
  4. An owner shall request a hearing appealing a denial by delivering a written request for a hearing to the Association's address or electronic mail address provided on the most recently filed management certificate.
  5. The Board shall hold the hearing not later than the 30<sup>th</sup> day after the date the Board received the owner's request for a hearing and shall notify the owner of the date, time, and place of the hearing not later than the 10<sup>th</sup> day before the date of the hearing. Only one hearing is required under this subsection.
  6. The Board or the owner may request a postponement. If requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties.
  7. During the hearing, the Board or the designated representative of the Association and the owner or the owner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the owner's application or request for the construction of improvements, and the changes, if any, requested by the architectural control committee in the denial notice provided to the owner.
  8. All hearings will be held in private. The Board will consider and vote upon the outcome of the hearing in an open meeting for which notice was provided to the members. The Board may affirm, modify, or reverse, in whole or in part, any decision of the architectural review authority as consistent with the Declaration. The Association will provide the owner with a written notice of the decision regarding the matter of the hearing.
  9. The Association or the owner may make an audio recording of the meeting.

This Policy is effective upon recordation in the Public Records of Harris County, Texas. Except as affected by Section 209.00505 and/or by this Policy, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.



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e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$26.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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