



Laura Richard
Laura Richard, County Clerk
Fort Bend County Texas
Pages: 3 Fee: \$ 24.00

BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.
ACC DENIAL LETTER AND APPEAL HEARING POLICY

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS, Brightwater Homeowners Association, Inc. (the “Association”), is the governing entity for Lakeside Meadow at Brightwater, Sections 1 and 2, Lakeshore at Brightwater, Sections 1 and 2, Lakeshore Park at Brightwater, Section 1, Southshore at Brightwater, Section 1, Lakeshore Point at Brightwater, Section 1, Brightwater Estates, and Brightwater Point Estates, additions in Fort Bend County, Texas, according to the maps or plats thereof, recorded in the Map Records of Fort Bend County, Texas, at Slide Nos. 1267/B, 1355/A, 672/B, 1042/A, 1442/A, 671/B, 1259/B, 1260/B, and 1356/A, respectively, along with any amendments and replats thereto, (the “Subdivision”); and

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

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

WHEREAS, Section 209.00505 of the Texas Property Code was added to provide hearing procedures that a property owners associations must follow with respect to informing an owner of a denial of an application submitted to the architectural review authority for the Association and providing for a hearing process to enable an owner receiving such a denial to appeal the denial;

WHEREAS, to the extent this policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this Policy controls over such provision. To the extent any existing governing document or dedicatory instrument does not conflict with this policy, such provision remains in full force and effect; and

WHEREAS, this Dedicatory Instrument constitutes 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 these Restrictive Covenants;

NOW THEREFORE, in view 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 policies, rules, and regulations:

1. A decision by the architectural review authority denying an application for 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 denial notice must:
 - a. describe the basis for the denial in reasonable detail and describe changes, if any, to the application or improvements required as a condition to approval; and
 - b. inform the owner that the owner may request a hearing on or before the 30th day after the date the disapproval notice was mailed or delivered to the owner.
4. An owner desiring a hearing appealing a denial shall request such a hearing in writing, either by mail, electronic mail or hand delivery. Such request must be delivered to the Association's address or electronic mail address provided on the most recently filed management certificate.
5. The board shall hold a hearing not later than the 30th day after the date the board receives 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 10th day before the date of the hearing. Only one hearing is required.
6. During a hearing, the board or the designated representative of the property owners' 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 review authority in the notice provided to the owner.
7. 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.
8. All hearings will be held with the owner 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.
9. The property owners' association or the owner may make an audio recording of the meeting.
10. The board as appropriate, may affirm, modify, or reverse, in whole or in part, any decision of the architectural review authority.
11. The Association will provide the owner with a written notice of their decision regarding the matter of the hearing.

CERTIFICATION

“I, the undersigned, being a Director of the Brightwater Homeowners Association, Inc., hereby certify that the foregoing was adopted by at least a majority of the Brightwater Homeowners Association, Inc.’s board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present.”

By Diane Mauricio

Print name: Diane Mauricio

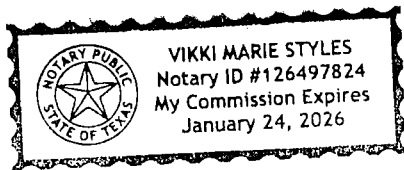
Title: President,
Brightwater HOA

ACKNOWLEDGEMENT

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BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 23rd day of March, 2022.



Vikki Marie Styles
Notary Public, State of Texas