

VILLAGE OF BISCAIYNE BAY HOMEOWNERS ASSOCIATION, INC.
ARC DENIAL LETTER AND APPEAL HEARING POLICY

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

WHEREAS, Village of Biscayne Bay Homeowners Association, Inc., a Texas nonprofit corporation (the “Association”) is the governing entity for Village of Biscayne Bay, a Subdivision in Brazoria 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 ARC 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 *ARC 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
 - b) Inform the owner that the owner may request a hearing on or before the 30th 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 30th 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 10th 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 review 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 Brazoria 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.

CERTIFICATION

I, the undersigned, being the President of the Village of Biscayne Bay Homeowners Association, Inc. hereby certify that the foregoing Policy was adopted by at least a majority of the Village of Biscayne Bay Homeowners Association, Inc.'s Board of Directors at a properly noticed, open Board meeting, at which a quorum of the Board was present.

Approved and adopted by the Board of Directors on the 28th day of June, 2022.

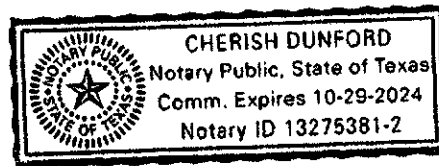
DocuSigned by:
Jennifer Doest
JENNIFER DOEST, President of Village of Biscayne Bay Homeowners Association, Inc.

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Before me, the undersigned authority, on this day personally appeared Jennifer Doest, President of Village of Biscayne Bay Homeowners Association, Inc. a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 28th day of June, 2022.

Cherish Dunford
Notary Public, State of Texas



AFTER RECORDING, RETURN TO:

BSG | SEARS
BENNETT
& GERDES, LLP

6548 GREATWOOD PKWY.
SUGAR LAND, TEXAS 77479

FILED and RECORDED

Instrument Number: 2022041646

Filing and Recording Date: 07/13/2022 01:23:30 PM Pages: 4 Recording Fee: \$34.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

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