**Bella Housa Village Homeowners Association**

**Architectural Policies and Procedures**

**(Adopted: 8/8/2017)**

**Introduction**

This document describes the policies and procedures which will be followed by the Association’s Board of Directors and Architectural Control Committee (ACC) when promulgating and enforcing the adopted Architectural Control Standards of the Association (ACS). These policies and procedures shall in all cases defer to and be superseded by the ***Declaration of Covenants, Conditions, Restrictions and Reservations for Bella Housa Village*** (CCR) and the ***Bylaws of Bella Housa Village Homeowners Association*** (Bylaws),

**Article 1: Architectural Control Committee Jurisdiction and Scope**

* 1. Section 5.1 of the CCR identifies the scope of the ACC as it applies to construction and exterior alterations or repairs to all homeowner property and structures. All elements of Section 5.1 are hereby adopted implicitly into the Standards and are thereby subject to the procedures defined below, including Article 2, which describes plan submittal and review.
  2. Sections 6.1 through 6.3 of the CCR establish standards for use and maintenance activities. These activities include things such as waste control, parking, yard upkeep, etc. These activities are hereby also adopted under the jurisdiction of the ACC and its Standards, and although they are not subject to the plan submittal and review policy, they are subject to the violation enforcement policies and procedures described below.

**Article 2: Architectural/Building/Use Plan Submittal and Review**

To ensure that any intended construction, additions, alterations, repairs, amenities, or use will be compliant with architectural control standards, the CCR stipulates as below that plans be submitted ahead of time. See all applicable Sections of the CCR under Article 5.

* 1. In the event that violations to the Standards escape notice upon plan review or plans are not submitted ahead of time and violations are later discovered, the enforcement policies and procedures described below shall be implemented.

**Article 3: Violation Discovery**

As stipulated in the CCR, every attempt should be made to determine ahead of time if proposed changes of any kind may violate the Standards. However, it is recognized that this cannot always be the case.

* 1. At any time, any member of the Association (Complainant) may submit notice to the Board or the ACC of a potential violation of the Standards. Contact information for Board and ACC members shall be made available to all Association members for this purpose.
  2. A member of the Board or the ACC shall acknowledge receipt of such notification in a timely manner, and investigate and confirm the issue. It shall be the sole responsibility of the investigating member to interpret the applicable standards and determine whether the issue does or does not constitute a violation. The investigating member is encouraged but not required to consult with other members of the ACC in making such determination. Such determination shall be made in a timely manner, and the investigating member shall respond with the determination back to the complainant.
  3. If the determination is that no violation is in evidence, the rationale for this determination shall be provided to the complainant.
  4. The complainant may appeal the determination to the ACC at large. The ACC shall review all such appeals by special meeting and render a final ruling.
  5. To the extent practical, the investigating member shall collect chronological facts and violation evidence in a “Details of Discovery” document, including but not limited to items, such as:
* Date and time Complainant made first submittal
* Date and time submittal was acknowledged
* Date and time determination was made
* Photos or other evidence
* Reference to applicable Standard
* Date and time of response to Complainant

**Article 4: Enforcement**

In the event that an investigating member determines the existence of a violation, the Board shall be notified, and the case referred to the Board for enforcement as described below. The “Details of Discovery” document shall accompany the notification.

* 1. First Notice: The designated Enforcement Officer of the Board shall issue a First Notice of Violation to the property owner within 48 hours of notification from an investigating member. This notice shall be in writing, and can be accompanied by verbal notice if practical. Notice shall state that the violation should be remedied as soon as possible, and shall include reference to the applicable Standard(s) and these Policies and Procedures, especially noting time line and potential fines.
  2. Second Notice: If the violation is not remedied within the given remedy interval, then a second notice shall be issued by the Enforcement Officer. The remedy interval for each particular violation is stated in the applicable Standard. The second notice shall be in writing. This notice shall remind the property owner of the remedy interval, and that if the violation is not remedied before the end of this second interval, then a fine may be levied to accompany the third notice.
  3. Third Notice/Fines: If the violation is not remedied by the end of the second remedy interval, then a fine may be levied. A third notice shall be sent in writing which describes the fine amount, schedule, and payment options. The notice shall include reference to Policies stated in the CCR regarding enforcement and collection of fines.
  4. All other stipulations/procedures regarding enforcement and collection of fines appearing in the CCR and/or Bylaws such as arbitration, etc. shall also be followed.