

Mission Statement of the Architectural Control Committee (ACC) : The mission of the Architectural Control Committee (ACC), appointed annually by the Heathlake Board of Directors, is to:

- Review Home Improvement Requests submitted to Graham Management by Heathlake homeowners and issue approvals or denials in a timely, consistent, and uniform manner based upon: (a) our Covenants, Conditions, and Restrictions (CC&Rs) commonly known as our deed restrictions, (b) the Texas Property Code, (c) any applicable laws.
- Assist homeowners in the Home Improvement Request process and help them arrive at successful conclusions.
- Help protect Heathlake Community property values.
- Stay informed and knowledgeable regarding our CC&Rs, amendments, interpretations, the Texas Property Code, and any laws affecting the work of the ACC.
- Assist Heathlake Board members (especially newer members) in understanding the ACC function and process and help maintain an efficient and cost effective relationship with Graham Management.

Project review process by the ACC – See Flow Chart

ACC Appeal Process

The ACC is the fact finder, develops the file, and presents their position before the Board. In this way, it is much like an adversarial process, but the Board acts as an appellate authority, detached from the fact finding. Where a rejection for project request is determined, a clear statement supported by fact to the extent it is possible shall be submitted to Graham Management for responding to the homeowner /requestor along with any constructive recommendation if there is an alternative solution that would comply with the deed restriction area of concern. The ACC will work in a manner to assist and seek solution with the home owner if there are alternative remedies to a project request that has been not approved. The homeowner should seek this assistance before deciding to escalate to an appellate process. Clear written and verbal advice provided from the ACC as to the rationale for a project rejection is intended to help the homeowner, but also a reference to the Board should an appeal arise.

The homeowner presents his or her view at the same proceeding based upon the documents that should already be in the appeal file we receive from Graham, and the Board makes the decision based upon a considered view of both sides. The Board has 30 days from receiving an appeal to review the case and take final decision: otherwise the appeal defaults in favor to the home owner.

Contrary to what has been thought, the Board is not the fact finder, and the ACC has power to make exceptions to the Deed Restrictions in appropriate cases, but these need to be well-documented and kept so that we know why and how the exception was granted for that home. The Board can also do this but should reserve judgment based upon each unique situation after it is fully developed and presented. Therefore each packet has to be documented and supported by both the ACC and the Homeowner, and all evidence should be forwarded to Graham for inclusion in it.

Piecemeal development by Board members who have some but not all evidence is discouraged.

If an appeal file is incomplete, it is not considered ripe for review and should be referred to the ACC for further development.

NOTE: Graham or the Board should provide the Deed violation report to the ACC on a monthly basis, who will review and provide its recommendations to the Board ACC liaison on the efficacy or propriety of purported violations. While there is a Board member liaison to the ACC, no Board member may serve on the ACC.