

6th Avenue West Homeowner Association

Operating Procedures

Architectural Control Committee

1. **Purpose** – The purpose of these Operating Procedures is to define the processes to be followed by both Homeowners and the Architectural Control Committee (ACC) in submitting requests for New Building or Building Alteration Approval/Review, Submitting Neighborhood Compliance Requests and the process to be used in resolving any disputes between a homeowner and the ACC.
2. **Definitions** –
 - a. 6th Avenue West Homeowners Association, Inc. – (SAWHOA) A non-profit corporation with voluntary membership of homeowners in the 6th Avenue West community that has been organized to enhance the community in whole.
 - b. Architectural Control Committee – (ACC) A committee of the 6th Avenue West HOA that is responsible for fulfilling the duties and responsibilities of the ACC as described in the Protective Covenants associated with each property within the developed portions of Sixth Avenue West, Filings 1, 2, 3, 4, 5 and 6, Jefferson County, Colorado. The ACC's primary objectives are to inform homeowners of existing community standards established within the Protective Covenants or existing governmental regulations and to encourage homeowner compliance with the Protective Covenants and existing governmental regulations.
 - c. Architecture and Planning Vice President – An Officer of the 6th Avenue Homeowners Association and a member of the ACC.
3. **Forms** –
 - a. Sixth Avenue West Architectural Control Committee (ACC) Neighborhood Guidelines – This document defines the community standards for many common items and provides information to homeowners as to ACC Review/Approval requirements.
 - b. ACC Review/Approval Form – This form is used by homeowners to initiate the process of obtaining ACC approval for new building or alterations to existing buildings and properties as identified in the Sixth Avenue West Architectural Control Committee (ACC) Neighborhood Guidelines.
 - c. Neighborhood Compliance Request Form – This form is used to initiate the process by which the ACC will investigate, review and encourage homeowner compliance with established Neighborhood Guidelines.

**** These forms are located on the 6th Avenue West HOA website at <http://www.sawhoa.com>.**

4. Process for Homeowners to Obtain ACC Review/Approval

- a. To initiate ACC Review/Approval, a homeowner must submit request via the ACC Review/Approval Form.
 - i. In addition to the form the homeowner should also include any drawings, site plans, or project descriptions that would be either necessary or helpful in reviewing the request.
 - ii. The form and all supporting documentation should be submitted to the ACC Chairman.
 1. Homeowners may submit requests to other members of the ACC or Board Member of the 6th Avenue West HOA, who will forward to the ACC Chairman.
 - iii. Request for ACC Review/Approval should be made in a timely manner by the homeowner. The review process could take up to 30 days. Homeowners are encouraged to submit requests earlier than 30 days prior to initiating any improvement projects to ensure there are no unnecessary delays in the project.
- b. When the ACC Chairman receives the information, he/she will note such as follows and take the following steps:
 - i. Acknowledge to the homeowner receipt of the ACC Review/Approval form.
 1. If additional information is needed the homeowner will be requested to provide additional details so a proper review can be completed.
 - ii. Create and complete an ACC Contact sheet with unique file number. This form resides with the ACC Chairman and is used to document conversations and communications with a homeowner on a particular request.
 - iii. Update the Summary Contact sheet with basic information to maintain a log of all official contacts between homeowners and the ACC.
 - iv. Forward the information (or summary of request) to other members of the ACC for comment and feedback on the request. This information is to be forwarded within 4 days, and should be responded to in another 4 days by members of the ACC.
 - v. If a consensus response cannot be determined by the members of the ACC that are able to respond (vacations, illness) the Chairman may request a meeting of the ACC to review the matter. Additionally, the Chairman may request the homeowner to attend the meeting to address particular issues.
 - vi. Ultimately, the ACC Chairman must make a determination on the request. This decision must be provided to the homeowner in writing (e-mail communications are acceptable) within 30 days from the date all requested information was provided to the ACC.
 - vii. The ACC Chairman will update ACC Contact Sheet with final determination and retain on file.

- viii. In the absence of the ACC Chairman (vacation, illness, etc...) another member of the ACC may be designated to perform these functions by a quorum of members of the ACC.
- c. Homeowners may appeal any decision or portion of a decision to the 6th Avenue West Homeowners Association at the next regularly scheduled meeting of the Board of Directors. Homeowners that wish to appeal a decision should notify the President of the Board of Directors to ensure the appeal is added to the agenda of the next scheduled meeting.

5. Process to Initiate Neighborhood Compliance Request Form

- a. The ACC does not actively monitor the 6th Avenue West community to ensure all homeowners comply with established guidelines. Therefore, it is up to the community as a whole to help maintain the established guidelines of the community. The ACC will respond to any situation that is properly brought forward to the ACC.
- b. Homeowners that would like the assistance of the ACC to resolve issues deemed as non-conforming should complete the Neighborhood Compliance Request Form.
 - i. This form requires the name, street address, contact information and signature of a member of two separate households.
 - 1. Name and personal information will be confidential and will not be shared with any party that did not see the original request.
 - 2. When completing the form include as much detail as to the nature of the non compliance as possible to ensure that the issue is clear and the desired outcome is known.
 - ii. The form and all supporting documentation should be submitted to the ACC Chairman.
 - 1. Homeowners may submit requests to other members of the ACC or Board Member of the 6th Avenue West HOA, who will forward to the ACC Chairman.
- c. When the ACC Chairman receives the information he/she will note such as follows and take the following steps:
 - i. Acknowledge to the homeowners receipt of the Neighborhood Compliance Request Form.
 - 1. If additional information is needed, the homeowners will be requested to provide additional details so a proper review can be completed.
 - ii. Create and complete an ACC Contact sheet with unique file number. This form resides with the ACC Chairman and is used to document conversations and communications with a homeowner on a particular matter.
 - 1. This file will contain information regarding communications with the address noted as not complying with community guidelines.

- iii. Update the Summary Contact sheet with basic information to maintain a log of all official contacts between homeowners and the ACC.
- iv. Will notify the President of the Sixth Avenue Homeowners association as to the nature and location of the non compliance issue.
- v. Forward the information (or summary of information) to other members of the ACC for comment and feedback on the matter. This information is to be forwarded within 4 days, and should be responded to in another 4 days by members of the ACC.
- vi. The ACC chairman or a designated committee member will contact homeowner(s) that are identified as not complying with community guidelines, either by telephone or in person, to verify the condition and to seek a resolution that would bring the condition into compliance.
 - 1. Such contact will be cordial in nature, discussing what is perceived as being non-complying, confirming non conformance and seeking a resolution and time frame to the matter.
 - 2. The ACC can only encourage homeowners to bring the condition into compliance. There is no authority or power of the ACC regarding “enforcement” of community guidelines.
 - 3. In the event that the ACC Chairman cannot schedule a meeting with the homeowner the matter will be treated as Unresolved as noted below.
- vii. Following the meeting with the homeowner, the ACC Chairman will make a determination as to the status and request of the Neighborhood Compliance Request submitted. The ACC Chairman may request a meeting of the ACC to review this matter in more detail.
 - 1. Compliance – If the ACC Chairman determines that the homeowner complies with established community guidelines, written notification of this determination (e-mail) will be sent to the originating parties.
 - 2. Non-Compliance With Corrective Action Taken By Homeowner– If the ACC Chairman determines that the homeowner does not comply with established community guidelines, but the homeowner agrees to bring condition into a conforming state, the ACC will document the steps to be taken by homeowner and the timeline by which such steps are to be completed and notification of this determination will be sent to:
 - a. Homeowners that originally filed the Request for Compliance.
 - b. Homeowner deemed to be non-compliant.

- c. President of the Board of Directors for the 6th Avenue West Homeowners Association.
 - d. All members of the ACC.
 - e. Upon determination by the ACC Chairman that compliance has been achieved, the file will then be closed by the Chairman of the ACC and so noted in all documentation.
3. Non-Compliance Without Corrective Action Taken By Homeowner – If resolution between the homeowner and the ACC cannot be established, the ACC Chairman will send the following notifications indicating resolution could not be established:
- a. Homeowners that originally filed the Request for Compliance.
 - b. President of the Board of Directors for the 6th Avenue West Homeowners Association so the issue may be added to the agenda of the next scheduled Board of Directors Meeting.
 - c. All members of the ACC.
 - d. The ACC Chairman may choose to send a letter to the non-compliant homeowner requesting in writing that corrective action be taken. Copies of this letter should be sent to each of the above.
 - e. The Contact File will remain open until resolution is achieved or until steps to be taken by the Board of Directors are determined.
- viii. In the event that the Board of Directors is asked to review a matter that cannot be resolved by the ACC and the homeowner directly to the satisfaction of both parties, the Board of Directors will consider the matter in Executive Session at the next regularly scheduled meeting.
- 1. An invitation will be sent to the homeowner to address the board directly regarding the matter.
 - 2. A representative of the ACC will also be requested to be present to review the matter.
 - 3. The Board of Directors may take several actions based on the matter being reviewed and properly approved motion to the effect.
 - a. Determine the homeowner does comply with community standards. In such cases the matter will be deemed closed and the ACC Chairman will provide notice to the original complainants of the decision.
 - b. Determine the homeowner does not comply with community standards but such condition does not warrant further action. In such cases the matter

will be deemed closed and the ACC Chairman will provide notice to the original complainants of the decision.

- i. The original complainants may pursue additional remedies through JEFFCO or take legal action to enforce the Protective Covenants.
- c. Determine the homeowner does not comply with community standards and that JEFFCO officials are to be notified of the condition that does not comply with county standards.
 - i. The original complainants will be notified of the decision and the file will be closed by the ACC Chairman.
- d. Determine the homeowner does not comply with established community standards and that an attorney should be engaged to send a strong letter demanding compliance.
 - i. Once compliance has been achieved the file will be closed by the ACC Chairman.
- e. Determine the homeowner does not comply with established community standards, and the level of non-compliance rises to a level that a legal action should be brought against the homeowner on behalf of the members of the Homeowners Association and members of the community in whole.
 - i. The original complainants will be notified of the decision, and steps will be taken by the President to initiate legal action.

6. Process to Amend This Procedure and Related Forms.

- a. From time to time, it may be necessary to amend this procedure and/or any related forms to meet changes to Protective Covenants, Governmental Regulations, correct grammatical errors, or further clarification.
- b. ACC Review/Approval Form –
 - i. The ACC may amend this form as it sees fit with a simple majority vote of the ACC.
 - 1. Upon alteration of this form the ACC Chairman shall notify the administrator of the SAW HOA website to have the new form posted on the website replacing the previous form.
- c. Neighborhood Compliance Request Form –
 - i. The ACC may amend this form as it sees fit with a simple majority vote of the ACC.
 - 1. Upon alteration of this form the ACC Chairman shall notify the administrator of the SAW HOA website to have the

new form posted on the website replacing the previous form.

- d. 6th Avenue West HOA Operating Procedure Architectural Control Committee-
 - i. Revisions to this procedure must be approved by the 6th Avenue West Homeowners Association Board of Directors. A simple majority vote of a properly called motion at any regular or special meeting of the Board of Directors is sufficient to amend these operating procedures.
 - 1. Upon alteration of this procedure the ACC Chairman shall notify the administrator of the SAW HOA website to have the new procedure posted on the website replacing the previous procedure revision.
- e. Architectural Control Committee Neighborhood Guideline-
 - i. Revisions to this form must be approved by the 6th Avenue West Homeowners Association Board of Directors. A super majority vote (66%) of a properly called motion at any regular or special meeting of the Board of Directors is sufficient to amend this form.
 - 1. Upon alteration of this form the ACC Chairman shall notify the administrator of the SAW HOA website to have the new form posted on the website replacing the previous form.