



# Fairmont Park Homes Association, Inc.

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## **Homeowner Appeal Hearing Process** **Adopted 12/19/2016**

In instances where homeowners choose to appeal penalties imposed by the Fairmont Park Homes Association, the appeal process will be conducted as follows:

### **Homeowner's Request for Hearing**

A homeowner choosing to appeal a fine or penalty or overturn an architectural review ruling shall request such a hearing by written notification to the property manager.

### **HOA Response to Hearing Request**

Upon the receipt of a hearing request, the property manager shall place the matter on the agenda of the next regular HOA Board meeting and shall send written notice acknowledging the receipt of the homeowners hearing request. Such acknowledgement shall include the date, time, and location of the meeting during which the hearing will be heard.

### **Hearing Officers**

The board President shall act as chairperson of the hearing panel, unless he or she is the appealing homeowner, in which cast, the Vice President shall serve as the chairperson. Other board members will act as the hearing panel and shall make decisions based on the facts presented during the hearing. The board may choose to employ someone who is not on the board to serve as recording secretary of the hearing. Such person shall not play any other role during the hearing.

### **Hearing Process**

- a) If the meeting is to be held in Executive Session, the President shall recess from regular session for the purpose of conducting the hearing.
- b) The Hearing Chairperson shall call the meeting to order and indicate, for the purpose of the record, those parties who are in attendance and will participate in the hearing.
- c) The Property Manager shall be charged with responsibility of presenting a short, factual presentation of the history of the violation and fines or penalties assessed. Such presentation shall include all pertinent documents related to the situation at hand.
- d) Board members may choose to ask clarifying questions of the Property manager relating to the history or documents presented.

- e) The appealing homeowner will then be provided the opportunity to make a short presentation, outlining reasons why the fine or penalty should not be assessed. Such presentation shall include any pertinent documents related to the situation at hand.
- f) Board members may choose to ask clarifying questions of the appealing homeowner relating to the facts or circumstances behind the appeal.
- g) The Property Manager shall be given an opportunity to respond to the issues that have come up in the presentation by the homeowner.
- h) The appealing homeowner shall be given an opportunity to respond to issues that were brought up in the final presentation by the Property Manager.
- i) The board shall then conduct such discussion as necessary to clarify the issues.
- j) The President will recess the Executive Session and reconvene the regular session before entertaining a motion.
- k) After such a motion has been properly made and seconded, the board shall vote.

#### **Notification of Hearing Results**

After a decision has been made, the appealing homeowner shall receive written notification of the board decision.

#### **Finality**

Action by the board shall be final. No further appeal to the board shall be available.

#### **Witnesses**

Use of witnesses by either presenter is discouraged. Testimony required to support either presentation should be accomplished through affidavit, with such affidavits becoming part of the hearing record.

#### **Representation**

The process is designed to be informal. Appealing homeowners shall be encouraged to represent themselves. Should the homeowner choose to be represented by counsel, such homeowner shall notify the board at least one week in advance and the Property Manager may choose to be represented by counsel.