

GEM ESTATES MHV ASSOC., INC  
39415 Elgin  
Zephyrhills, FL

BYLAWS ADVISORY & COMPLIANCE COMMITTEE POLICY

(BACC)

PURPOSE:

Field questions concerning Bylaws and Association Restrictions.

Help anyone requesting assistance with the permitting process for construction or parcel changes.

Receive, investigate and review building permit applications and submit them to the Board of Directors with suggested recommendations for approval or disapproval.

Investigate alleged infractions of the Association Bylaws, or reasonable rules of the Association, by any resident(s) of the park, renter(s) or guest(s), and recommend a course of action to the Board of Directors.

Hold non-compliance hearings when needed, consistent with Florida Statutes.

MEMBERS

The chairperson and committee shall be appointed by the Board of Directors. The committee shall consist of at least three members who are not officers, directors, or the spouse, parent, child, brother or sister of an officer or director.

PERMITTING

Building permit applications can be obtained from the Association secretary, or from the forms file outside the office/storage room door, by the homeowner requesting to make changes. Routine questions for assistance may go directly to the BACC committee.

The BACC committee must verify that permit application and site plan meet Association Bylaws and Restrictions. Return verified permit and detailed site plan, with BACC recommendations to Board of Directors at their next board meeting. On project completion, revisit the property and ensure that completed project complies with site plan as approved by the Board of Directors.

During the summer, the BACC committee is authorized to investigate permit requests and make recommendations to the Board. If the proposed project complies with the Bylaws, the BACC committee may recommend that the Board approve. Only when informed by the President or designated member of the board in writing will the property owner be authorized to go forward with the project. All BACC approved permit applications will be discussed at the first BOD meeting in the fall. If the BACC committee recommends the permit applications be approved, the board may vote to accept the permit requests en masse.

NOTE: These permits pertain to park regulations and requirements only. Property owners must be advised it is their responsibility to get any required Pasco County permits.

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COMPLIANCE

In the event there is a perceived infraction of the Bylaws and Restrictions, any resident or board member may submit a written, signed complaint to be considered by the Board of Directors.

Upon receipt of the complaint, the Board of Directors will turn all documentation it has to the BACC committee to investigate the validity of the complaint and make recommendations at the next Board of Directors meeting.

If the Board of Directors deems it necessary, a letter will then be sent certified to the alleged non-compliant(s) citing the alleged infraction. If the alleged non-compliant(s) does not comply within the allotted time, the Board will schedule a compliance hearing with the BACC committee.

The hearing will be scheduled not less than fourteen (14) days after receipt of the certified letter by the alleged non-compliant(s). At the hearing, the alleged non-compliant(s) will have the right to be heard and present a defense.

Any member of the committee shall recuse himself or herself on any issue(s) involving his or her own parcel or behavior. The Board of Directors will appoint another member to join the BACC Committee during execution of the current member's issue(s).

All compliance meetings must be recorded, and approved minutes given to the Association secretary for filing.

BACC, by majority vote, may recommend taking further action or take no action against the alleged non-compliant(s).

If the BACC committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed by the Association. A BACC majority vote will send all recommendations to the Board of Directors for further action or consideration.

At least three members of the committee must be full-time residents (if possible) to ensure their ability to function year-round.

Revised 3/11/24

**GEM ESTATES MHV ASSOC., INC.**

**INFRACTION PROCEDURE FORM**

1. Investigate validity of the complaint
2. Draft a letter to send, certified to the alleged non-compliant(s) citing the alleged infraction, suggested remedies, and a limited time to comply.
3. If there is no reply in the allotted time, BACC Committee shall schedule a hearing date.
4. Hearing will be scheduled not less than fourteen (14) days after receipt of the certified letter.
5. Notice of the date and time of hearing will be posted at least seven (7) days of the hearing.
6. At the hearing, the alleged non-compliant will have the right to be heard and present a defense. Hearing shall be open to the Association membership and member comments will be allowed at the direction of the chairperson. BACC, by majority vote, may recommend a fine, suspend privileges, or take no action against the alleged non-compliant.
7. If BACC by majority vote, does not approved a proposed fine or suspension, it may not be imposed by the Association. If a majority of BACC votes to impose a fine or suspension, the recommendations shall be sent to the Board of Directors for further action and/or consideration.

## BACC Committee Inquiry

Infraction: It has come to the attention of the Board of Directors that your household might be in violation of Article III-Ownership that states "The Association is a community for residents fifty-five (55) years of age or older. A spouse may be a resident and owner so long as his or her spouse is fifty-five (55) or older. Exceptions shall be made for those who inherit their interest. However, no more than twenty (20) percent of the occupancy may be less than age fifty-five.

**Guests who are under the age of fifty-five (55) are limited to no more than thirty (30) days of visitation per consecutive twelve (12) month period."**

Also under our Restrictions #16 it states: **"No minor child, nor any person under the age of fifty-five (55) (except as provided in Article III) shall reside at any home for more than thirty (30) days per consecutive twelve (12) month period.**

If you have a someone living in your home under the age of 55 the BACC Committee will be investigating this infraction. Please feel free to contact a member of the committee to discuss the possibility of this infraction. The members of the committee are: Marlin Thomas, Tim Loftus, Cliff Leonard, Bob Riggs and Ellen Raymond.

I am enclosing a form showing the steps the BACC committee will follow regarding any complaint of an infraction.

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BACC Committee Member

Delivered to: \_\_\_\_\_