THE CITY OF HOUSTON
Legal Department

Deed Restriction Enforcement

A deed restriction is:

- A Covenant
- Runs with the Property
- Affects the Owners or Tenants of Real Property
- Limits Use of Properties within the Subdivision

Where deed restrictions may be found:

- Written restrictions may be found in a:
  - Plat map;
  - Deed;
  - Separately filed instrument; or,
  - Amendments to any of the above documents.
- A property owner may have received copies during the purchase of the property.
- Civic Associations frequently distribute copies or make them available on their web-site.

Copies of deed restrictions may be obtained from:

- The office of the Harris County Clerk maintains real property records and is located in the Harris County Civil Courthouse, 201 Caroline, 3rd Floor, Monday through Friday, 8:00 a.m. to 4:30 p.m. The main telephone number is 713-755-6899.

- The City of Houston does not maintain deed restriction records.

Deed restrictions may be enforced by:

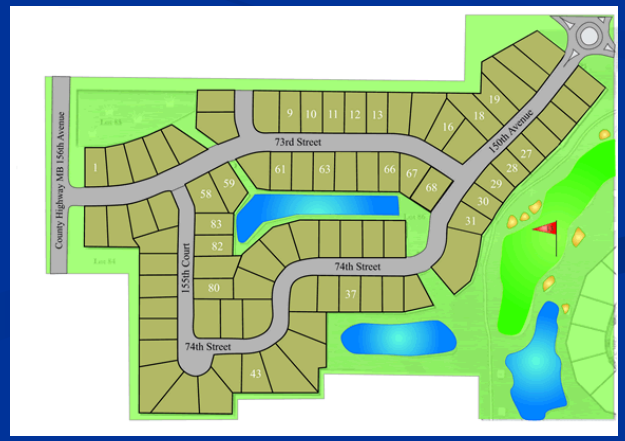
- A property owner within the subdivision;
- Your homeowners association or civic club; or,
- The City Attorney may enforce some deed restrictions.

The City is authorized to enforce certain private restrictions.

- Houston has been granted limited authority to enforce deed restrictions. (Tx. Loc. Govt. Code 212.151, et. seq.)
- Land use regulation is a critical component of a City's governmental function.
- Some cities regulate land use through zoning laws.
- Houston enforces the land use restrictions created by residents.

Common Restrictions:

- Limit a property to residential or commercial use or a combination of both.
- Establish the number and types of buildings allowed on lots; single family dwellings, multi-family, or commercial buildings.
- Create set back lines.
- Prohibit certain activities; noxious, offensive, lewd.
- Create architectural requirements.
- Require regular maintenance of homes and yards.



Restrictions enforceable by the City:

- Houston Ordinance 10-553 allows the City Attorney to enforce:
  - Use (residential v. commercial)
  - Building Setbacks
  - Size of lots or size, type, and number of structures on a lot.
  - Orientation of a structure.
  - Construction of fences that require a building permit: masonry and concrete over 4 feet, all other materials over 8 feet.

A note about use restrictions:

- Commercial Activity may include commercial trucks stored and dispatched from the home (dump trucks,18-wheelers)
- Use can include the type of residential use: single family or multifamily

The City is not authorized to enforce all restrictions.

- The following are samples of restrictions that are not enforced by the City:
  - Submission of plans;
  - Architectural Controls;
  - Automobiles parked on the grass;
  - Inoperable vehicles;
  - High grass; and
  - Animals
- Just because it is not enforceable by the City does not mean it is unenforceable.

The City Attorney's Office assists in enforcement.

- The Neighborhood Services Section investigates complaints from residents and enforces written deed restrictions on behalf of the City at no charge.

- The City Attorney cannot represent property owners or civic associations and cannot provide legal advice to residents.

STEP 1: COMPLAINT

Deed Restriction Complaints are accepted via phone, fax, mail, email or through the City's website:

Neighborhood Services Section

Deed Restriction Enforcement Team

P.O. Box 368

Houston, Texas 77001

Deed Restriction Hotline: (832) 393-6333

Fax: (832) 393-6259

E mail: drcomplaints@houstontx.gov

Website: houstontx.gov

Each Complaint Must Include:

Correct Address of Violation

Type of Violation

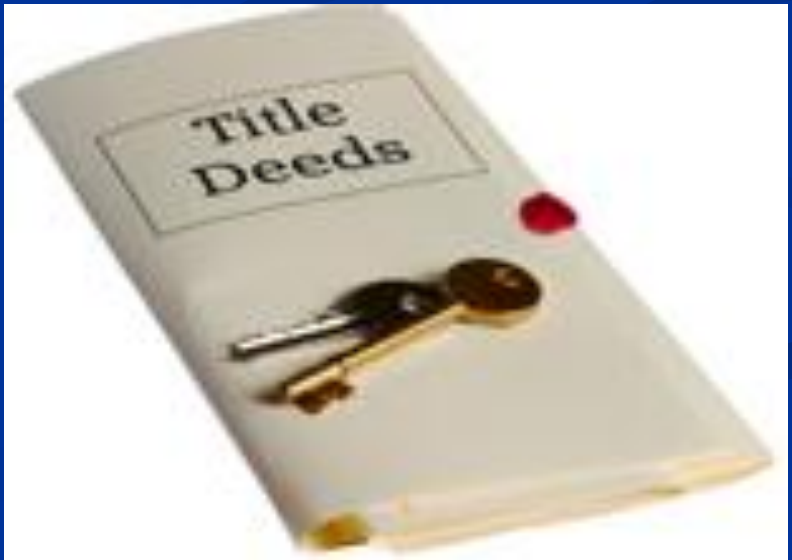
Complainants may choose to remain anonymous

Neighborhood Services Section

- Each complaint is assigned by Council District, to a Deed Restriction Enforcement Team Attorney (Council Liaison).
  - District A: Louis Rossitto 832-393-6292 louis.rossitto@houstontx.gov
  - Districts D, G and H: John Hamilton 832-393-6306 John.hamilton@houstontx.gov
  - Districts C & I: Mandy Prichard 832-393-6271 mandy.prichard@houstontx.gov
  - District E: Yolanda Woods 832-393-6275 yolanda.woods@houstontx.gov
  - Districts B & F: Arva Howard 832-393-6274 arva.howard@houstontx.gov
  - Districts J & K: TBA

STEP 2: INVESTIGATION

- Is the deed restriction enforceable by the City?
- Are there valid and enforceable deed restrictions?
  - A title review is conducted to determine the real property records related to the property.
  - An accurate address is critical to obtaining correct title.
- Are the deed restrictions being violated?
  - Evidence may include:
    - Photos from residents and city investigators
    - Business listings
    - Advertising
    - Witness Statements
    - Activity Logs
    - Construction Plans



STEP 3: ACTION

1. Warning Letter:
If the violation is substantiated: A deadline for compliance, liability for civil penalties, explanation of violation

2. Follow up Investigation:
If no compliance, gather evidence to show violation continuing.

3. Litigation:
May be filed after sufficient evidence is obtained unless there are ongoing settlement negotiations.

Most violations cease with a warning letter.
Many times a warning letter results in new evidence that requires further investigation.

Litigation may be necessary if there is clear evidence that the violation has continued after the warning letter.

Not every investigation will result in litigation.

What property owners can do to protect their property:

- Ensure that deed restrictions say what you mean them to say. Have a private attorney review them if you are unsure if the restrictions accomplish your goals.
- Enforce restrictions regularly.
- Make sure that changes, renewals, and modifications to restrictions comply with applicable laws and the terms of the restrictions themselves.
- Enlist the aid of a competent private attorney. If funds are not available for legal counsel, low cost or free legal assistance may be available.

Houston Volunteer Lawyer Program:

713-228-0732

Houston Lawyer Referral Services:

713-237-9429

Lone Star Legal Aid:

713-652-0077

If the City Attorney's Office is unable to assist you, the following may be contacted:

- Residents and Civic Clubs
- Other City Departments: Call 311 to report problems. Ask for tracking number for updates.
- Construction Without Permits: Public Works and Engineering,
  713-837-0050
- Parking and Noise: Police Department,
  713-884-3131
- Weeds, Abandoned Cars and Houses:
  Department of Neighborhoods,
  311
- Bandit Signs: Sign Administration,
  713-218-5801
- Animals: B.A.R.C.,
  713-229-7300