

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



Deed restrictions may be found at:

- 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.

A copy 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

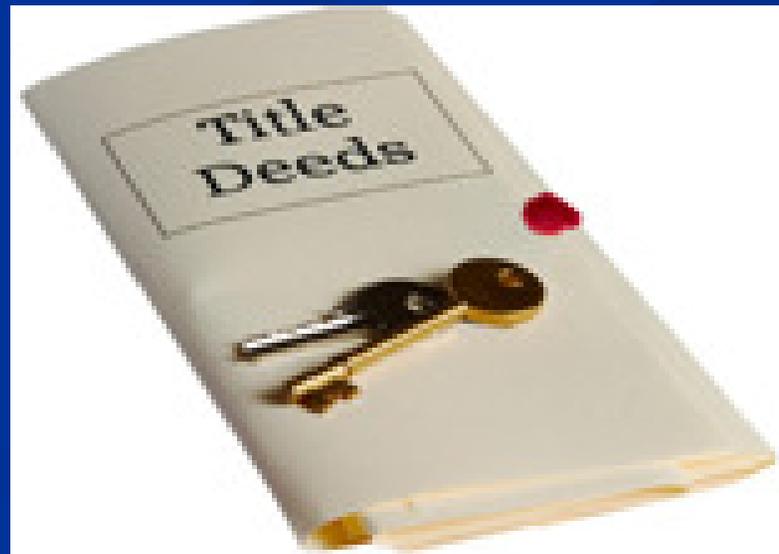
Complainants may choose to remain anonymous

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: Stephanie Cohen 832-393-6306
stephanie.cohen@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

STEP 2: INVESTIGATION

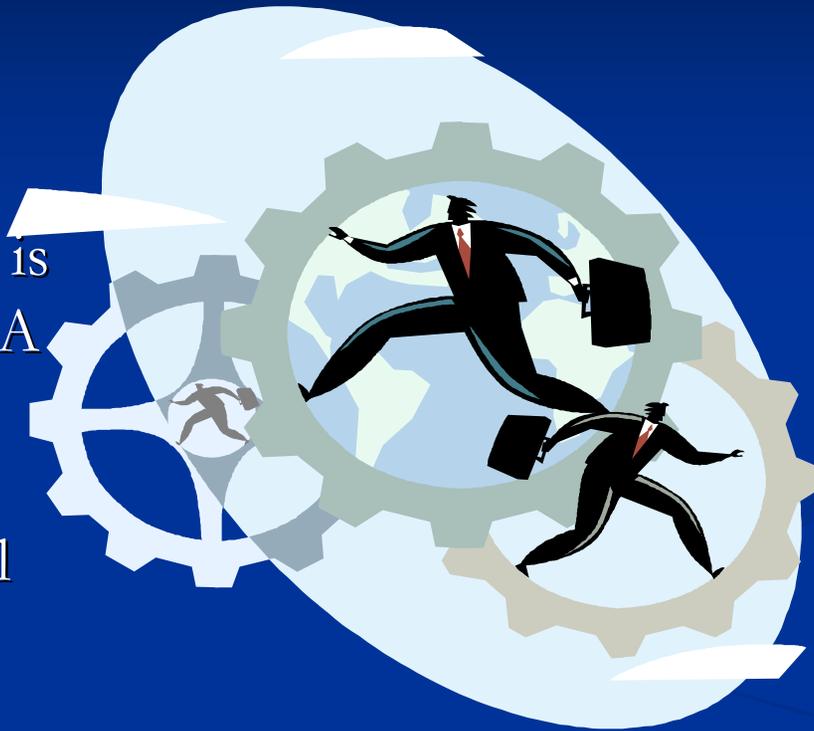
- Is the deed restriction enforceable by the City?
- Are there valid and enforceable deed restrictions?
 - A title review is conducted to determine the real property records related to the property.
 - An accurate address is critical to obtaining correct title.
- Are the deed restrictions being violated?
 - 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.