



**SUMMERFIELD ESTATES HOMEOWNERS ASSOCIATION, INC.
ACC POLICIES IN COMPLIANCE WITH TEXAS PROPERTY CODE**

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS Summerfield Estates Homeowners Association, Inc., (hereinafter the "Association") is a Texas nonprofit corporation and the governing entity Summerfield Estates, Sections 1-6, additions in Fort Bend County, Texas, according to the maps or plats thereof, recorded in the Real Property Records of Fort Bend County, Texas, under Instrument Nos. 1175534, 1171770, 1176288, 1176285, 1176553, and 1176554, respectively, along with any replats, supplements, and amendments thereto (hereinafter the "Subdivision"); and,

WHEREAS in 2021, the Governor of the State of Texas signed Senate Bill 1588 into law, thereby amending the Texas Property Code; and,

WHEREAS Section 202.022 of the Texas Property Code was amended to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of pool enclosures; and,

WHEREAS Section 202.023 of the Texas Property Code was amended to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of security measures; and,

WHEREAS Sections 202.018 of the Texas Property Code was amended to more specifically define the degree to which property owners within Texas property owners' associations may maintain religious displays on their property; and,

WHEREAS Section 209.00505 of the Texas Property Code was added to provide hearing procedures that a property owners' associations must follow with respect to informing a property owner of a denial of an application submitted to a property owners' association's architectural review authority and providing for a hearing process to enable a property owner receiving such a denial to appeal the denial; and,

WHEREAS to the extent these *ACC Policies in Compliance With Texas Property Code* conflict with any existing governing document or dedicatory instrument of the Association or Subdivision, these *ACC Policies in Compliance With Texas Property Code* shall control by virtue of such contrary provision being pre-empted by State law; and,

WHEREAS to the extent any existing governing document or dedicatory instrument does not conflict with these *ACC Policies in Compliance With Texas Property Code* or the Texas Property Code, such provision remains in full force and effect, including requirements that application for and approval of improvements be obtained prior to installation; and,

WHEREAS this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, in view of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Subdivision the following *ACC Policies in Compliance With Texas Property Code*:

I. SWIMMING POOL ENCLOSURE POLICY

Pursuant to Section 202.022 of the Texas Property Code, an Owner may install and maintain a swimming pool enclosure on their property to the extent it satisfies the criteria in paragraph one below and complies with the regulations set forth in paragraphs two through six below.

1. "Swimming Pool Enclosure" shall mean a fence that:
 - a. surrounds a water feature, including a swimming pool or spa;
 - b. consists of transparent mesh or clear panels set in metal frames;
 - c. is not more than six feet in height;
 - d. is designed to not be climbable; and,
 - e. that conforms to, and is in compliance with, all municipal and county rules, regulations, and ordinances.
2. All Swimming Pool Enclosures must conform to applicable state and local safety requirements.
3. No Owner may install a Swimming Pool Enclosure prior to submitting a written application to, and receiving written approval from, the Association's architectural review authority, called the Architectural Committee (hereinafter the "ACC").
4. All Swimming Pool Enclosures in the Subdivision must completely surround the relevant water feature.
5. All Swimming Pool Enclosures must consist of black transparent mesh set in black metal frames, or clear panels set in black metal frames. However, alternative materials and styles of Swimming Pool Enclosures may be considered by the ACC on a case by case basis if in harmony with surrounding structures and compatible with the architectural design and appearance of the subdivision
6. All Swimming Pool Enclosures, and all Swimming Pool Enclosure components, must be maintained in a state of good repair. Any Swimming Pool Enclosure, and/or any component

of any Swimming Pool Enclosure, that deteriorates, becomes rusted, becomes discolored, and/or becomes unsafe, must be immediately replaced and/or repaired.

II. SECURITY MEASURES POLICY

Pursuant to Section 202.023 of the Texas Property Code, a property owner may install security measures, including but not limited to, a security camera, motion detector, or perimeter fence, to the extent such measure complies with the regulations set forth below.

1. An Owner is prohibited from installing a security camera in a place other than on the Owner's private property.
2. No chain link fences, barbed wire/razor wire fences, concertina wire fences, welded wire fences, post and rail fences, chicken wire/mesh fences, wood lattice fences, composite wood fences, vinyl fences, or louver fences are permitted in the Subdivision under any circumstances.
3. Any security perimeter fence to be installed at or behind the front building line (and as to corner lots, the front and side street building lines) must meet all Association requirements in its dedicatory instruments relative to materials, height, location and appearance for privacy fencing, including, but not limited to, the following requirements:
 - a. No such security perimeter fence to be installed at or behind the front building line may exceed eight (8) feet in height.
4. Any security perimeter fences to be installed forward of the front (or side street) building line are subject to the right of the ACC to require different types of fencing front of the building line than the type behind the building line (including without limitation the type of material, color, style and design) and must comply with regulations to be established by the board of directors of the Association, if any.
 - a. Any security perimeter fences to be installed forward of the front (or side street) building line must be constructed within three (3) feet of the front (or side) lot line, except that if such construction would place the security perimeter fence within any easement and/or right-of-way, then such security perimeter fence must be installed on the Owner's Lot within two (2) feet of the easement and/or right-of-way at issue.
 - b. All security perimeter fences installed forward of the front (or side street) building line must be constructed of wrought iron, black in color, and no security perimeter fence installed forward of the front (or side street) building line may be higher than six (6) feet.
 - c. Decorative features may not be installed on, placed, or present on, security perimeter fences installed forward of the front (or side street) building line.

- d. No more than one (1) security perimeter fences installed forward of the front (or side street) building line shall be permitted on any one Lot.
5. No security perimeter fence may be constructed of living, organic, and/or plant material of any kind (including artificial material resembling living, organic, and/or plant material).
 - a. However, thorny plants (including but not limited to rose bushes) may be planted on an Owner's property at the base of Owner's security perimeter fence.
6. No electrified fences are allowed in the Subdivision under any circumstances.
7. No Owner may install a security camera such that the security camera's primary field of view, or a large part of same, consists of a neighboring homeowner's Lot.
8. No Owner may install a motion detector such that the motion detector's primary area of coverage, or a large part of same, consists of a neighboring homeowner's Lot.
9. In the event any Owner's security camera requires, includes, and/or utilizes a light of any kind, in no event shall such light be permitted to interfere with any neighboring homeowner's quiet enjoyment of their Lot.
10. No Owner may install a security measure that is visible from any street in the Subdivision until they have submitted a written application to, and received written approval from, the ACC.

III. RELIGIOUS DISPLAY POLICY

Pursuant to Section 202.018 of the Texas Property Code, a property owner or resident may display or affix on the Owner's or resident's property or dwelling, one or more religious items, subject to the following regulations:

1. No Owner may display or affix a religious item that:
 - a. is not motivated by the Owner's or resident's sincere religious belief (the Association should not attempt to discern a person's motive or sincerity of belief beyond that stated by the Owner or resident);
 - b. threatens the public health or safety;
 - c. violates a law other than a law prohibiting the display of religious speech;
 - d. contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content.

2. In order to facilitate the swiftest possible approval of applications, the Association's ACC recommends Owners consider the following suggestions and strongly recommends Owners incorporate these suggestions into their applications:
 - a. Refrain from affixing, attaching, and/or placing, any religious items, upon the roof of any dwelling or outbuilding on Owner's Lot;
 - b. Refrain from including electronic lighting of any kind;
 - c. Refrain from constructing, installing, and/or placing any religious items larger than six feet in height and/or is larger than six feet in width.
3. No Owner may display or affix a religious item on property owned or maintained by the Association.
4. No Owner may display or affix a religious item in violation of any applicable building line, right-of-way, setback, or easement.
5. No Owner may display or affix a religious item to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

IV. ACC DENIAL LETTER AND APPEAL HEARING POLICY

1. A decision by the ACC denying an application for request by an Owner for the construction of improvements in the Subdivision may be appealed to the Board.
2. A written notice of the denial must be provided to the Owner by certified mail, hand delivery, or electronic delivery.
3. The denial notice must:
 - a. describe the basis for the denial in reasonable detail and describe changes, if any, to the application or improvements required as a condition to approval; and
 - b. inform the Owner that the owner may request a hearing on or before the thirtieth (30th) day after the date the disapproval notice was mailed or delivered to the owner.
4. An Owner desiring a hearing appealing a denial shall request such a hearing in writing, either by mail, electronic mail or hand delivery. Such request must be delivered to the Association's address or electronic mail address provided on the most recently filed management certificate.
5. The board shall hold a hearing not later than the thirtieth (30th) day after the date the board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the tenth (10th) day before the date of the hearing. Only one hearing is required.

6. During a hearing, the board or the designated representative of the property owners' association and the Owner or the Owner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the Owner's application or request for the construction of improvements, and the changes, if any, requested by the ACC in the notice provided to the owner.
7. The board or the Owner may request a postponement of the hearing. If requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties.
8. All hearings will be held in private. The board will consider and vote upon the outcome of the hearing in an open meeting for which notice was provided to the members.
9. The Association or the Owner may make an audio recording of the meeting.
10. The board as appropriate, may affirm, modify, or reverse, in whole or in part, any decision of the ACC.
11. The Association will provide the Owner with a written notice of their decision regarding the matter of the hearing.

CERTIFICATION

"I, the undersigned, being a Director of Summerfield Estates Homeowners Association, Inc., hereby certify that the foregoing *ACC Policies in Compliance With Texas Property Code* were adopted by at least a majority of Summerfield Estates Homeowners Association, Inc.'s board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present."

By: *Leigh Ann Gombac*

Print name: *Leigh Ann Gombac*

Title: *President*

ACKNOWLEDGEMENT

STATE OF TEXAS

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COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the *23rd* day of *September*, 2021.

[Signature]
Notary Public, State of Texas

