

Dear Aunt Rosie,

We just moved here and getting to know the place. It really is a nice neighborhood and we have made so many new friends. I've been reading your letters and although I've learned a lot, I confused about how it all works. This is our first home in a controlled neighborhood. ANONYMOUS

Dear ANONYMOUS,

Welcome to the neighborhood, I'm so glad you like it. I'll try to explain things as best I can. It all started when the developers built this neighborhood. Under Texas law, they established a Declaration of Covenants, Conditions and Restrictions. We just say Deed Restrictions. All buyers in the development get a copy at closing and sign a pledge to comply with the community restrictions. Also, created at that time were the Bylaws. This document sets forth the duties and powers of elected Directors to the governing Board. Directors are elected at the annual Homeowners Meeting. Their two-year terms of office are staggered so that three terms come to an end in one year and two terms come to an end in the next year. The Board of Directors, we just say BoD, hires attorneys, contractors, management companies, auditors, sets the operating budget, enforces the Deed Restrictions and makes disposition of issues that arise from Homeowners who attend the monthly meetings. One of their duties is to appoint committee members to an Architectural Control Committee, we just say ACC.

The ACC promulgates guidelines and approves or disapproves applications from residents to make Exterior Modifications. If an application for Exterior Modification is denied, the Homeowner can appeal the decision to the BoD.

The Management Company (Sterling) is hired by the BoD to do the accounting, keep records, a myriad of administrative work, and to inspect the community. They make a drive-by every two weeks and note discrepancies. If you leave your trash can out too long, they send you a letter.

The Municipal Utility District (MUD) is a quasi-governmental organization that provides water, sewer and garbage collection and is responsible to see that our rain water detention ponds are operational (not the fountains) so the water goes in and out and the integrity of the slopes. The MUD for Section 4 is Windfern Forrest Utility District (WFUD) and the MUD #261 services Sections 1,2,3. Presently both MUD Boards use the same contractor (TOPS) for water/sewer maintenance.

Simple, no?

Dear Aunt Rosie,

I got one of these letters from Sterling. They say that that I did not submit an Exterior Modification Application and that my new gazebo does not conform with the Architectural Control Guidelines. What can they do to me? If they fine me, I won't pay. And, I won't remove my new gazebo. ANONYMOUS

Dear ANONYMOUS,

Oh my! The very reason that a community sets up an approval process is to avoid this kind of unpleasant situation. The signs at the entrance, "Deed Restrictions Strictly Enforced," is to let people know that this is a Deed Restricted Community. Many homeowners and buyers want to live in a controlled community rather than in unincorporated Harris County.

You can always go to a Homeowners meeting and plead your case or look for some accommodation or compromise. If this fails, the HOA can levy fines for as long as the noncompliant condition exists. Unpaid fines will eventually be deducted from the seller's proceeds when the home is sold.

Dear Aunt Rosie,

In one of your letters, you spoke of the Association fining residents. Is this true? ANONYMOUS

Dear ANONYMOUS,

Yes, it is true. The fine policy is available on this website. It is lengthy but includes for example for which a homeowner can be fined:

- Tree removal w/o approval. first violation
- Failure to file Exterior Modification Application and commencing work w/o approval
- Failure to cease and desist upon notice
- Failure to submit Exterior Modification Application within 10 days of Notice of initial violation
- Each subsequent failure to cease and desist

Dear Aunt Rosie,

I'm going to the HOA meeting to appeal the denial of my ACC application. Any tips for me? ANONYMOUS

Dear ANONYMOUS,

Yes, I do have some tips.

Appeal hearings are regularly taken up as part of the business at the regular monthly HOA meeting. BOARD OF DIRECTOR APPEALS. In the event that the application is denied by the ACC, the applicant may within thirty (30) days submit an appeal to the Board of Directors. The Board of Directors shall review the appeal at one of its next two (2) meetings following the date upon which the appeal is received and notify the applicant of the Board's decision. All decisions of the Board of Directors shall be final.

1. Be courteous and respectful. Hostility dissuades but reason persuades. Your elected Board members are your neighbors who have taken on weighty responsibilities without compensation. They will listen to you and give you fair consideration. Ground your case in the interpretation of the governing documents, i.e., Deed Restrictions and/or Architectural Guidelines.
2. "It was like that when I bought the house," is not an acceptable argument. The governing documents are controlling. In recent years, the BoD has taken additional steps to reduce this type of complaint. At closing, the title company is required to obtain a Resale Certificate from

the community Management Company (Sterling) indicating that the home complies with the Deed Restrictions. The Management Company has instituted a pre-sale inspection procedure to ascertain if a Certificate can be issued. Consequently, a home cannot be sold (no closing) unless it complies with the Deed Restrictions of the community.

Sterling will also indicate any unpaid fines or assessments to be deducted from the seller's proceeds. Dues paid in the year of sale will be prorated between seller and buyer.

3. "Look at these photos of other homes that have the same condition as that I am applying for," normally will not wash. The BoD is not at liberty to discuss outstanding compliance issues of other homeowners with you. The mere fact that you can furnish examples of non-compliance does not in itself negate the Deed Restrictions or Architectural Guidelines. Further, the BoD may very well issue non-compliance letters for conditions which have been newly revealed to them.
4. Seek a compromise. Sometimes, half a loaf is better than none.

Dear Aunt Rosie,

I have to replace my fence. I like my neighbor's fence and plan to have the same kind of fence erected on my property. Am I good to go? ANONYMOUS

Dear ANONYMOUS,

No, please don't do that. You can't be sure that your neighbor has an approved fence. Maybe that fence does not comply or maybe a variance has been issued. If your neighbor has a problem with his fence, you don't want the same problem. It's best to follow the fence requirements in the Architectural Guidelines. All new or replacement fences require an approved Exterior Modification Application.

BTW, the Association has quite a few on-going resolution issues with residents. Just because a condition exists in the community doesn't mean that condition is approved or will be approved. Be safe and use the approval process.

Dear Aunt Rosie,

Sterling told me to take down my sign. I'm confused. I see all kinds of signs in this neighborhood. How come my sign has to go? ANONYMOUS

Dear ANONYMOUS,

The community has a "no signs" policy. However, certain signs are permitted. It's all covered in the Architectural Guidelines found on this website. BTW, you can also find Flags & Flag Poles, Burglar Bars, Children's Play Structures, Rainwater Recovery Systems, Exterior lighting and much, much more.

Dear Aunt Rosie,

I've heard the Association makes a big deal about roof replacement. I've got that in front of me and need to know the details. ANONYMOUS

Dear ANONYMOUS,

In this community, we all live under the same roof, so to speak. I mean with the color and all. Here's what you need to know.

Submit a Roof Application and get approval before any work commences. The requirements for roofs are listed on the application.

Dear Aunt Rosie,

My neighbor has put a religious symbol on the front of his home. Is this allowed? ANONYMOUS

Dear ANONYMOUS,

It depends. Religious Signs and Displays are allowed in accordance with Texas Statute 202-018, 1. The display must be motivated by the Owner's or Resident's "sincere religious belief." 2. The religious item cannot threaten public health or safety. 3. The religious item cannot violate the law. 4. The religious item cannot contain language, graphics or other display that is patently offensive to a passerby. 5. The religious item must be located on the entry door or entry door frame and cannot extend past the outer edge of the door frame or the entry. 6. The maximum space allotted to a religious item or combination of religious items shall be no more than 25 square inches. 7. The Association may remove any item that does not conform to the Statute.

Let's not be confused about holiday decorations such as Christmas, Easter, Fourth of July, Veteran's Day, Thanksgiving and so on and so on. Outdoor decorations sometimes include religious messaging and symbols of the season. Outdoor decorations during the season are okay but must be taken down within a reasonable time after the season. For example, Christmas decorations must be taken down by the 15th of January.

Dear Aunt Rosie,

There is a lady in my cul-de-sac who is running a hair styling business in her front parlor. At first it was just an avocation and we didn't mind so much. But as her business has grown, my neighbors, my family and I must negotiate a steady stream of customer cars in and out and parked in an already crowded cul-de-sac. Had I known that this was allowed I would never have purchased this home. ANONYMOUS

Dear ANONYMOUS,

I'm sure that you can find many home offices and self-employed residents that run businesses from their home. Electronic communications have advanced rapidly and facilitated a work-from-home mentality. I feel that the BoD would not have a problem with people who work from their homes. But, if a business, or any activity becomes an annoyance or a nuisance, it should be reported to Sterling Management for confirmation. The Deed Restrictions say at Article X, Section 6, "No activity, whether for profit or not, which is not related to single-family residential purposes, shall be carried on upon any Lot. No noxious or offensive activity of any sort shall be permitted, nor shall anything be done, on any portion of the Properties which may be or become an annoyance or nuisance to the neighborhood." Report the address to Sterling and let them take a look at the situation.