



## Deed Restriction Compliance Notice

Beginning Tuesday, June 15, 2004, all building permit applications will be verified for deed restrictions.

In order to protect neighborhood character and property values, the City of Houston is cooperating with citizens to ensure building permits are not issued in violation of deed restrictions.

The building permit application needs to have the correct legal description, including the subdivision name, and the Deed Restriction Affidavit on the back of permit must be filled out. Customer Service Representatives will check the subdivision listed on your permit application against a database index of restrictions. All construction projects must be in compliance with a community's deed restrictions if any exist at the project's site.

**If your information does not match what is reported in the database, your permit application will be sent to the City's Legal Department to verify compliance. This may delay your project.**

You may not purchase a building permit without signing a sworn deed restriction affidavit stating that you are aware of and agree to abide by deed restrictions pertaining to your project. If you knowingly or unknowingly sign the deed restriction affidavit under false pretenses, you could be subject to municipal court citations, fines, and the removal of the structure or violating portion thereof.

### **To locate your property description including subdivision name:**

1. The legal description can be found on the title to your property; or
2. You can go to [www.hcad.org](http://www.hcad.org) and click on Records. Under Real Property click on Property Address. Follow the directions and put in the address of your property. After the computer retrieves your address, click on the account number and it will pull up more data including the legal description. If you can't find it by specific address, you may have to do a range search. Any nearby property should give you the subdivision name.

### **To research restrictions, you can:**

1. Check to see if a Notice of Restrictions was provided at closing (required by title insurance in recent years).
2. Obtain a copy of the restrictions from either Harris County Clerk's office (713- 755-6411) or through the appropriate homeowners association or civic club. (In both cases, there may be a charge for copying.)
3. Contact a title abstract company to obtain a copy of the restrictions or a letter stating that there are no restrictions (this is a fee-based service).

## WHAT ARE DEED RESTRICTIONS?

Deed restrictions are written agreements that restrict or limit the use or activities that may take place on a property in a subdivision.

These restrictions appear in the real property records of the county in which the property is located. They are private agreements and binding upon every property owner in a subdivision. All future owners become a party to these agreements when they purchase property in deed restricted areas.

One of the primary purposes of most deed restrictions is to preserve the residential character of a subdivision by keeping commercial and industrial facilities out. For people who prefer to live in a totally residential environment, deed restrictions are desirable. Deed restrictions may legally prohibit a person from operating certain types of businesses from their home. In Houston, when property is not governed by deed restrictions, a property owner may be free to operate a commercial business in the neighborhood.

Most deed restrictions have an average life span of 24-30 years. Some are drafted to be in effect in perpetuity. Many deed restrictions contain a provision for automatic renewal after the initial 24-30 year span, unless the owners take some action to prevent renewal. Other deed restrictions, after the initial term of 24-30 years, have to be renewed by written approval of a specified percent of the property owners.

Civic clubs may have copies of the subdivision's deed restrictions. If not, the County Clerk and title companies keep copies. If residents don't know the name of the subdivision where they reside, then they may obtain the information at the Office of the County Tax Assessor Collector.

The City of Houston wants to ensure that building permits do not violate any of the following provisions of deed restrictions:

- Authorized use of property
- No authorization for garage apartment
- Front setback
- Side/interior setback
- Rear setback
- Side street setback
- Minimum/maximum lot size
- Minimum/maximum building size
- Number or type of structures on a lot
- Height of structure on lot.