

Jester Homeowners Association (JHOA) Community Standards Compliance Policy

Board Adopted-September 16, 2025

Statement - JHOA Community Standards Compliance Policy

The Jester Homeowners Association (JHOA) Board is committed to preserving our neighborhood's character, safety, and property values as outlined in our Bylaws and Covenants, Conditions, and Restrictions (CC&Rs).

Our recently approved Community Standards Compliance Policy formalizes a fair, reactive process to address clear violations triggered by member complaints, enforcement will be rare and focused solely on what our governing documents already require, without proactive monitoring or new rules.

Under CC&Rs Article IV, Section 2, all improvements (e.g., structures, fences, signs) must be reviewed and approved by the Architectural Control Committee to ensure uniformity in development and sales.

The Architectural Control guidelines are publicly posted on our website along with bylaws and CC&Rs, covering essentials like single-family dwellings, height limits, and nuisance avoidance (Article III, e.g., no rubbish, noxious activities, or hazards like excessive brush in wildfire zones). Bypassing this approval process leaves us without recourse to protect the community's overall plan and values.

Our policy simply enables consistent handling of such cases through notice, a hearing opportunity, and reasonable fines (\$25 initial + \$25/day up to \$500 cap), all per Texas Property Code § 209.0061 and Bylaws Article IV, Section 10(a).

This is about protecting and improving property values for all of us in Jester. Questions? Contact your volunteer Jester Board of Directors at jesterhoaboard@jesterhoa.org, we're here to clarify and serve.

Adopted unanimously by the JHOA Board, September 16, 2025

How The JHOA Community Standards Compliance Policy Protects Neighbors and Ensures Due Process

The Community Standards Compliance Policy protects neighbors by providing a clear, consistent mechanism to address nuisances, CC&R infractions, and hazardous dumping that threaten safety, property values, and community standards, as authorized under Texas Property Code § 202.004(a). It promotes equitable treatment, preventing persistent violations from harming the community while encouraging compliance. Crucially, the policy ensures no fines are imposed without full due process:

- **Written Notice:** Initial notice with a 14-day cure period per Texas Property Code § 209.006(a)(b).
- **Mandatory Hearing:** No fines until a hearing is offered (minimum 10 days' notice), allowing homeowners to contest violations, per § 209.007(a).

Reasonable Fines: The \$25 initial fine, \$25/day, and \$500 cap are proportional, aligning with § 209.006(c)'s reasonableness requirement, as upheld in *Ladue v. Woodlake Square HOA*, 2015 WL 1291377 (Tex. App. Houston 2015)

This framework safeguards homeowners' rights, complies with constitutional standards, and protects neighbors by ensuring violations are addressed fairly, preventing unchecked harm like wildfire risks or aesthetic degradation.

Notification

Based on our longstanding governing documents, JHOA maintains community standards through a fair process for addressing CC&R violations, including nuisances and hazardous conditions.

Process Overview:

- Notice: Written notice sent with 14 days to correct.
- Hearing: Opportunity for a hearing if requested (minimum 10 days' notice).
- Fines (if unresolved): \$25 initial + \$25/day, up to \$500 cap.
- Next Steps: May include amenity suspension, self-help remedies, or liens at \$500 threshold.

This process ensures due process and protects our neighborhood.

Fine Schedule for CC&R Violations

Procedure and Fines

All notices shall be sent via certified mail, as required by Texas Property Code § 209.006, with actions documented in HOA records.

Step 1: Notice of Violation

- Action: Written notice sent, detailing the violation, corrective action required, compliance deadline, potential fines, and right to request a hearing.
- Timeline: 14 days to correct (subject to complexity for more serious issues).
- Citation: Texas Property Code § 209.006(a)(b) (requiring written notice and reasonable correction period).
- No Fine: No fines imposed during this period.

Step 2: Hearing Notice (If Unresolved)

- Action: If the violation persists, a second notice is sent, informing the homeowner of intent to impose fines and scheduling a hearing (minimum 10 days' notice).
- Timeline: Hearing held 10–14 days after notice.
- Citation: Texas Property Code § 209.007(a) (requiring hearing opportunity before fines).

Step 3: Initial and Daily Fines (Post-Hearing)

- Action: If the violation is upheld at the hearing (or homeowner waives hearing) and remains unresolved, an initial fine is imposed, with daily fines accruing until compliance or a cap is reached.
- Fine Amount: \$25 initial fine, escalating \$25 per day, up to a \$500 cap.
- Timeline: Fines accrue starting the day after the hearing decision, for up to 20 days to reach the cap.
- Notice: Updates sent every 5 days on accruing fines.

- Citation: Texas Property Code § 209.006(c) (authorizing fines after notice and hearing); reasonableness upheld in Texas case law (e.g., Inwood North HOA v. Harris, 736 S.W.2d 632 (Tex. 1987)).

Step 4: Additional Measures (If Unresolved)

- Action: If unresolved within 30 days of fines beginning:
 - Suspend non-essential amenities (e.g., pool access), if authorized by bylaws.
 - Perform self-help (e.g., cure violation) and bill homeowner, if permitted.
 - Send final demand letter (certified mail), demanding payment and compliance within 30 days, warning of lien.
- Citation: Texas Property Code § 209.006(c) (authorizing additional remedies).

Step 5: Lien (Last Resort)

- Action: If fines remain unpaid or violation persists after 60 days from fines beginning, and unpaid fines reach \$500, the HOA may file a lien.
 - Final notice sent 30 days before filing.
 - Board approval required (documented in minutes).
 - Lien filed with county clerk for fines plus legal fees.
- Resolution: Homeowner must pay to remove lien, typically before property sale.
- Limits: Foreclosure prohibited for fines alone.
- Citation: Texas Property Code § 209.0091 (fine schedule)

Step 6: Legal Action (Rare)

- Action: If violation persists, pursue lawsuit for compliance or debt collection.
- Citation: Texas Property Code § 209.008 (legal action as remedy).
- Special Cases
- Repeat Violations (within 6 months):
 - Shortened correction period (7 days).
 - Initial and daily fines start at the same \$25 initial, \$25/day rate but may accrue without cap extension.
 - Notice and hearing still required.
- Immediate Threats: 24-hour correction notice for safety hazards, with immediate self-help or legal action if unresolved.
- Citation: Texas Property Code § 209.006 (flexibility for repeat or urgent violations).