



<u>WWW.SOUTHWYCKTEXAS.COM</u>

BOARD OF DIRECTORS EMAIL: DIRECTORS@SOUTHWYCKTEXAS.COM

# BOARD OF <u>DIRECTORS</u> 2021

President, Rick Nelson (2023)

V.President, Vanessa Williams (2021)

Secretary, Sangeeta Bakshi (2021)

Treasurer, Helen Bilyeu (2023)

Director, John Fisher (2022)

Board meetings are the 1<sup>st</sup> Thursday of the month.

Check our website for Zoom information.

## Community Management Solutions, Inc. (CMSI) 2615 Bay Area Blvd. Houston, Texas 77058

Property Manager: Kathy Dooley Phone: 281-480-2563 Fax: 281-480-2608 Email: Kathy@CMSIsolutions.com



## TEXAS HOA LAW- 2021 LEGISLATIVE UPDATE

On May 31, 2021, the Texas Legislator has closed with a few bills enacted that will impact the operation of our association. We have included a link on our website so you can review these changes. Navigate to <u>http://www.southwycktexas.com/hoa---tx-property-code---law.html</u> and select the link next to 2021. The list is not lengthy and should be easy to understand.

HOUSE BILL 1659 – Reduced Application of Declaration Amendment Procedures under Chapter 209

HOUSE BILL 3571 – Protection of Security Measures

SENATE BILL 318 – Production and Keeping of Books and Records by Condominium Associations

SENATE BILL 581 - Protection of Displayed Religious Items

SENATE BILL 1588 – The Omnibus Bill:

Senate Bill 1588 has 27 separate sections that add or modify statutory provisions in Chapters 202, 207 and 209 of the Texas Property Code, including provisions identical to those in House Bill 3571 (Protection of Security Measures) and Senate Bill 581 (Protection of Displayed Religious Items). Due to the size and scope of Senate Bill 1588, it shall be summarized in separate sub-parts by topic.

Senate Bill 1588 adds Section 202.022 prohibits property owners associations from adopting or enforcing a restrictive covenant that restricts a property owner from installing on the owner's property a swimming pool enclosure that conforms to applicable state or local safety requirements

Senate Bill 1588 modifies Section 202.006 requires all **Dedicatory Instruments** of a property owners association to be recorded in the Official Public Records of the county in which its development is located.

Senate Bill 1588 modifies Section 207.006 property owners association with at least 60 lots or that is managed by a management company and it now requires such applicable property owners associations to maintain an internet website and to publish its Dedicatory Instruments on such internet website.

Senate Bill 1588 modifies Section 207.003 imposes restrictions on the amounts charged for a resale certificate (no more than \$375 for a resale certificate and no more than \$75 for an updated resale certificate) and modifies the numbers of days to cure a failure to timely produce a resale certificate (5 business days instead of 7 days) before a property owner may sue the property owners association and allows a court to award damages up to \$5,000 (instead of \$500) in such a lawsuit.

Senate Bill 1588 modifies Section 209.004 governs the filing of a management certificate by a property owners association that administers a subdivision development requires the management certificate to identify the recording data for the governing Declarations and all amendments thereto, the telephone and email address for the person managing the property owners association, the website address for the internet website on which the property owners association's Dedicatory Instruments are published, and the amount and description of any fees charged by the property owners association related to the transfer of property - now also requires the management certificate to be filed at the Texas Real Estate Commission and restricts a property owners association from holding a property owner liable for attorneys fees incurred in the collection of unpaid assessments or interest on the unpaid assessments if the property owners association has not timely recorded the management certificate in the county's Official Public Records or filed the management certificate with the Texas Real Estate Commission.

Senate Bill 1588 adds Section 209.00505 imposes new rules on the denial of an application by an architectural committee for a subdivision development with more than 40 lots and creates a procedure for appealing such a denial to the property owners association's board of directors - also restricts members of the property owners association's board of directors, and their spouses and household members, for serving on the architectural committee.

Senate Bill 1588 modifies Section 209.005 notices of a regular board meeting must be posted and sent to the registered email address of members of the property owners association at least 144 hours (instead of 72 hours) before the meeting. In addition, all amendments of the annual budget (instead of only those increasing the budget by more than 10%) have to be approved by the property owners association's board of directors at an open board meeting.

Senate Bill 1588 modifies Section 209.0052 requires property owners associations that propose to contract for services that will cost more than \$50,000 to solicit bids or proposals using a bid process established by the property owners association. Senate Bill 1588 modifies Section 209.006 creates new due process procedures that must be performed before a delinquent account may be reported to credit reporting services by a property owners association that administers a subdivision development - also restricts a property owners association from charging a property owner fees associated with reporting a delinquent account to a credit reporting service.

Senate Bill 1588 modifies Section 209.063 establishes a priority of payment schedule that must be followed by property owners associations that administer a subdivision development. As amended, payments received by a property owners association may only be applied to attorneys fees that are reasonable.

Senate Bill 1588 modifies Section 209.0064 requires written notice of a delinquent account be sent to property owners by a property owners association that administers a subdivision development before the property owner can be made liable for the fees of a collection agent. As amended, the written notice must provide property owners with 45 days (instead of 30 days) to cure a delinquent account before further collection action may be taken by the property owners association.

Senate Bill 1588 modifies Section 209.007 governs the procedure for conducting a hearing on a covenant violation by the board of directors of a property owners association that administers a subdivision development. As amended, Section 209.007 no longer permits the hearing to be first held by a committee appointed by the board of directors and it now requires the board of directors to designate a member of the board or other representative to present the property owners association's case at the hearing. In addition, Section 209.007 also requires the board of directors to provide the property owner a packet containing all evidence of the violation to be presented at the hearing at least 10 days before the hearing and it extends the hearing date automatically if the board fails to timely produce the packet of evidence.

Senate Bill 1588 modifies Section 209.016 - no longer requires redaction of sensitive personal information of a tenant from a lease agreement and authorizes a property owners association to require property owners who lease their property to submit to the property owners association contact information, including the name, mailing address, phone number, and email address, of each person who will reside at a property under a lease and the commencement date and term of the lease.

Senate Bill 1588 adds Section 209.017 authorizes property owners to sue a property owners association that administers a subdivision development in justice court for violations of Chapter 209 of the Texas Property Code.



Legislative Updates from the Texas Homeowners Association Law



## BRAZORIA COUNTY HOMESTEAD EXEMPTION

Have you applied for a homestead exemption? Do you even know if you have the homestead exemption? You can do a quick verification at the Brazoria County Appraisal District, https://www.brazoriacad.org/. Once on the page, click on the 'Property Search' button under the Welcome message. After clicking the button, you are taken to the Property Search page, where you can simply enter the last name or house address along with your street name and then hit the 'Search' button. A list of results is displayed. You can sort the data if you are presented with a long list by clicking on one of the headings (Owner Name or Property Address, for example). Once you identify your property, click on the 'View Details' link on the right of your data line. You are presented with Your property data. Under the 'Property' heading, look towards the bottom of this tab and on the righthand side. You should find 'Exemptions:'. If you see an 'HS' abbreviation, you have the homestead

exemption already. If you do not see that, and if you own the property and are eligible, you can apply for it. The primary requirements to get a homestead exemption are:

- 1. Complete the application process.\*
- 2. Own the property as of January 1st in the year in which you apply.
- 3. Occupy the property as your primary residence as of January 1st in the year in which you apply.
- 4. Verify that the applicant does not claim an exemption on another residence homestead in or outside of Texas.
- 5. Provide a copy of your driver's license or state identification card. A chief appraiser is prohibited by law from allowing a homestead exemption unless the address on the identification provided corresponds to the physical address of the property for which the exemption is to be applied.

\* There is an application process for receiving the exemption,

https://www.brazoriacad.org/residentialproperty-forms.html.

If you are:

- ✓ disabled person
- ✓ age 65 or older
- ✓ a surviving spouse of an age 65 or older individual
- ✓ 100% disabled veteran
- ✓ surviving spouse of a 100% disabled veteran - there are exemptions for you too. Who does not want to save money!

The form does require you to have Adobe Acrobat Reader to bring the .PDF file up in. The information on the form is easy to complete. The last page of the document gives explanations of what is asked on the form. Once you get an exemption, you **do not** have to fill the form again for this property.



## HALLOWEEN & CHRISTMAS DECORATING CONTEST

Be creative, be festive and celebrate with us!

Southwyck CAI will be hosting two holiday decorating contests. One for Halloween and another for Christmas. The contests are open to all residents of Southwyck CAI, and prizes will be awarded. Start thinking about and planning your displays now. Follow our website,

www.SouthwyckTexas.com, and go to the HOLIDAY CONTEST page starting August 30 for all detailed information. We will also post on our Southwyck Community Assoc., Inc Facebook page and Nextdoor. Dazzle us with your creativity. Rules & instructions will also be posted on our website and Facebook page.

**SIGNUP** by emailing us at directors@southwyckTexas.com with your:

Name

Address

Email

Phone number

We will send you a confirmation email so you know we received your email entry.

**Prizes will be awarded!** Check out our website for more details, http://www.southwycktexas.com/holiday-contest.html

# Christmas decorating contest coming soon. We will send out the information at the end of November.

#### APPROXIMATE SITE LOCATION



#### NEW LAND DEVELOPMENT

If you did not attend the Southwyck CAI August board meeting, you missed our guest speaker, Jennifer Evans, of Signature Companies, discuss the new development between 1128 and Magnolia. Ms. Evans provided us with three maps: aerial view, site plan, and elevation, which we have added to our new page, 'NEW LAND DEVELOPMENT' at <u>www.SouthwyckTexas.com</u>. The development will be multifamily residential apartments and retail. As we get more information, we will add it to this page.

#### START THINKING OF BEING ON THE SOUTHWYCK CAI BOARD

January is our annual meeting. We will have two board positions up for election. If you have ever thought you might like to make a difference in Southwyck, this might be a way for you to do that. We are only looking for homeowners that are serious about getting involved. If you are, attend a few meetings ahead of putting your name on the ballot to make sure you can fit our monthly board meetings into your schedule and learn what we do. Our meetings start at 6:30 pm and usually last to 8:00/8:30 pm. Meetings are currently by Zoom, which makes it easy to attend. We are looking for someone who:

- can get along with others
- shares their voice in the decision-making process
- is willing to help with community events and come up with ideas to bring our community together
- able to check emails once a day
- can handle criticism from disgruntled homeowners from time to time
- can maintain a relationship with section boards
- understands that we have to operate within a budget
- can help keep an eye on our property and report any issues our board needs to address
- willing to learn the difference between what the master handles and what the sections do
- is a problem solver



## YOUTUBE - PRO HOME COOK

#### https://www.youtube.com/channel/UCzH5n3Ih5kg QoiDAQt2FwLw

I thought I would share a YouTube channel that might interest some. I like the Pro Home Cook's channel because his videos are usually 20-25 minutes long. He talks about his subject matter and does not ramble off-topic as some YouTube video presenters do. I want to watch something that gets to the point! My interest is in cooking and encouraging myself to do more home cooking, eating healthy, and learning how to make something quick, exciting and tasty that I may never have tried. Michael, the presenter, does that. With Pro Home Cook, you will get a cooking lesson and learn some new cooking skills, which helps me to keep exploring new recipes, learn to cook with what I have on hand most of the time, and it keeps mealtime enjoyable, all while getting a better and healthier experience than going out. I have enjoyed his exploration of many different ethnic menus and sharing spices and sauces beyond what I am accustomed to in my cooking skills.

Cooking can be a great way to bond with the family who also learns these skills with you. I taught my kids how to cook early on. Do your kids a favor and include them in cooking the family meals to be confident cooks when they leave the nest. Cooking your meals saves money and is so much better for you than fast food! Also, do not be afraid of making mistakes. That is part of the learning process. We have to learn how to adapt to those mistakes. You will be a better cook for those mistakes.



#### SAFE EXCHANGE ZONE

The City of Pearland Police Department has a Safe Exchange Zone where you can safely exchange internet-based purchases from websites like Craigslist, Facebook Market, and such, to minimize the opportunity for an encounter to go wrong.

The Safe Exchange Zone initiative provides residents a safe area for prospective buyers and sellers to meet. The City of Pearland has designed a site in the public parking lot of the Public Safet Building located at 2555 Cullen Parkway as a Safe Exchange Zone for any legitimate exchange residents need – which included internet-based buyers and seller transactions. The Safe Exchange Zone is located on the Municipal Court side of the building (cemetery side).

The safety Exchange Zones are available to the public 24 hours a day, 7 days a week. The Safe Exchange Zone security extends into our police department lobby to provide an even higher layer of protection and shelter, which we encourage residents to utilize for buyer and seller transactions.

Remember when meeting up with unfamiliar individuals to not to provide personal or financial information.

## WHAT SHOULD YOU BE CAUTIOUS ABOUT WHEN FIRST LOOKING AT THIS EMAIL?

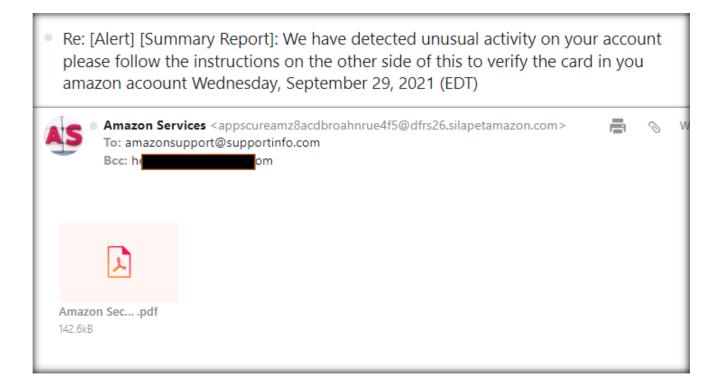
The email below claims to be from Amazon Services, but looking at the actual sender's address, it seems unusual and odd. This email is not from Amazon, but the domain address does contain 'amazon' to try and fool individuals. The Amazon domain will simply show up as '@amazon'. The subject matter for this email is urgent. There is also no text in the body of the email, and the only thing in the email is an attachment that I might think I need to click on to find out what has happened to my account.

What is clickbait? Clickbait typically refers to the practice of writing sensationalized or misleading headlines in order to attract clicks on a piece of content. It often relies on exaggerating claims or leaving out key information in order to encourage traffic.

So, in the case of the email example below, the subject matter is urgent ...' we have detected unusual activity on your account'. One might assume that the only choice is to click on the attached file, right? **NO!** Before you click on anything - files, links or buttons - look at the sender's actual email address. It shows '**appscureamz8acdbroahnrue4f5@dfrs26.silapetamazon.com**'. If this were genuine Amazon email, the domain would show @amazon and not @dfrs26.silapetamazon.com. Always check the domain address and do not click automatically on anything you see in an email.

If the email wants you to click on a button or link to send you to your account, **do not click on it**. Go to the account's website manually in a browser and see if any messages or information reflects a problem.

Should you receive an email asking you to send gift cards to your friend Amy Jones (or whoever a friend might be), look at the sender's email address. If it does not look like Amy's email address, do not click on anything and do not sent any gift cards. It is always best to contact your friend personally by phone and make sure they sent the email **BEFORE** sending any gift cards or money to this person.



#### 7 Ways to Spot Phishing Email - from https://cofense.com/knowledge-center/how-to-spot-phishing/

Socially engineered phishing emails often evade detection by email filters due to their sophistication. They have the right Sender Policy Frameworks and SMTP controls to pass the filter's front-end tests, and are rarely sent in bulk from blacklisted IP addresses to avoid being blocked by Realtime Blackhole Lists. Because they are often individually crafted, they can even evade detection from advanced email filters with Greylisting capabilities.

However, phishing emails often have common characteristics; they are frequently constructed to trigger emotions such as curiosity, sympathy, fear and greed. If a workforce is advised of these characteristics – and told what action to take when a threat is suspected – the time invested in training a workforce in how to spot a phishing email can thwart attacks and network infiltration by the attacker.

#### 1. Emails Demanding Urgent Action

Emails threatening a negative consequence or a loss of opportunity unless urgent action is taken, are often phishing emails. Attackers often use this approach to rush recipients into action before they have had the opportunity to study the email for potential flaws or inconsistencies.

#### 2. Emails with Bad Grammar and Spelling Mistakes

Another way to spot phishing is bad grammar and spelling mistakes. Many companies apply spell-checking tools to outgoing emails by default to ensure their emails are grammatically correct. Those who use browser-based email clients apply autocorrect or highlight features on web browsers.

#### 3. Emails with an Unfamiliar Greeting or Salutation

Emails exchanged between work colleagues usually have an informal salutation. Those that start "Dear," or contain phrases not normally used in informal conversation, are from sources unfamiliar with the style of office interaction used in your business and should arouse suspicion.

#### 4. Inconsistencies in Email Addresses, Links & Domain Names

Another way how to spot phishing is by finding inconsistencies in email addresses, links and domain names. Does the email originate from an organization corresponded with often? If so, check the sender's address against previous emails from the same organization. Look to see if a link is legitimate by hovering the mouse pointer over the link to see what pops up. If an email allegedly originates from (say) Google, but the domain name reads something else, report the email as a phishing attack.

#### 5. Suspicious Attachments

Most work-related file sharing now takes place via collaboration tools such as SharePoint, OneDrive or Dropbox. Therefore internal emails with attachments should always be treated suspiciously – especially if they have an unfamiliar extension or one commonly associated with malware (.zip, .exe, .scr, etc.).

#### 6. Emails Requesting Login Credentials, Payment Information or Sensitive Data

Emails originating from an unexpected or unfamiliar sender that request login credentials, payment information or other sensitive data should always be treated with caution. Spear phishers can forge login pages to look similar to the real thing and send an email containing a link that directs the recipient to the fake page. Whenever a recipient is redirected to a login page, or told a payment is due, they should refrain from inputting information unless they are 100% certain the email is legitimate.

#### 7. Too Good to Be True Emails

Too good to be true emails are those which incentivize the recipient to click on a link or open an attachment by claiming there will be a reward of some nature. If the sender of the email is unfamiliar or the recipient did not initiate the contact, the likelihood is this is a phishing email.

## SOUTHWYCK CAI COLLECTION POLICY

Partial payments will not be accepted from property owners unless such owners have signed a written payment agreement with the Master Association.

Collection Schedule: The following collection schedule is to be used as a general guideline; however, the Board of Directors reserves the right to vary from this schedule as necessary.

Southwyck CAI has two billing for assessment.

#### January 1 assessment:

• Delinquent February 1

(Collection Cost of \$50.00 assessed)

- Interest of 10% per annum begins to accrue February 1
- Mail late notice in February
- Mail certified letter in March

#### July 1 assessment:

• Delinquent August 1 (Collection Cost of \$50.00 assessed)

- Interest of 10% per annum begins to accrue August 1
- Mail late notice in August.
- Mail certified letter in September.

Once an account is delinquent for two consecutive payment cycles and you have not contacted our management company, the account will be turned over to the Association's attorney for legal action.

Payments received are applied in this order:

1. Priority of Payments

2. Payments received from property owners shall be applied in the following order

3. Delinquent Master Association assessments

4. Delinquent Section or Village Association assessments

5. Current Master Association assessments6. Current Section or Village Association assessments

7. Attorney's fees incurred by the Master Association associated solely with assessment collection

8. Collection costs incurred by the Master Association associated solely with assessment collection

Attorney's fees incurred by the Village Association associated solely with deed restriction enforcement, provided the Master Association's management company has been notified in writing of such fees at least thirty (30) days prior to the date a payment to be applied is received from the property owner;

Any other amounts owed to the Master or Village Associations, including, but not limited to, interest and late fees, if any.

The complete document files with Brazoria County can be found at our website at http://www.southwycktexas.com/ documents---forms.html under the **Southwyck CAI** – **Master:** heading in the middle of the page.

Delinquent assessment can cost you quite a bit more money if you do not make arrangements with Southwyck CAI. It is **ALWAYS** best **NOT** to ignore any letters from Southwyck CAI regarding assessments.

 If you do not understand items on your assessment invoice, contact Kathy Dooley, 281-480-2563 (office) or email, <u>Kathy@cmsisolutions.com</u>.

- If you can not remember if you paid your assessments, contact Kathy.
- If you have not received your assessments, contact Kathy. We send out assessment invoices well before it is due.

We are not responsible for any mail delays or losses. Assessments are still due every year at the same time for every assessment period. We send out friendly email blast reminders if you have provided us your email address to our property manager, Kathy Dooley. If you have not provided us your email address, please contact Kathy Dooley and ask her to add your email address to the Southwyck CAI eblast list. We do not sell or spam. You could, additionally, add the due date to your phone's calendar feature with a reminder set for days before then so your payment has time to arrive at our management company.

### PAYING YOUR ASSESSMENTS ONLINE

	ASSESSMENTS - DUES Information
About Us Assessments - Dues information	ALL assessment payments are to be paid to Southwyck CAI ONLY and never the section.
Neighborhood Amenities	Southwyck Community Association bills semi-annually in arrears for all sections. Once assessments have been paid to our management company, CMSI distributes the section portion of the assessments to the appropriate sections. All assessments are to be paid to Southwyck Community Association and NOT to the sections. Failure to send your payment to Southwyck Community Association will result in additional fees.
Homeowner's Association	
Documents & Forms	
Records/Minutes/Publications	
<b>Discussion Forum</b>	First 1/2 due July 1, which covers January to June. It is LATE if the payment is received AFTER July 31.
HOA - TX Property Code & Law	
News & Events	Second 1/2 due January 1, which covers July through December. It is LATE if the payment is received AFTER January 31.
Local Resources	Assessments are due in full the 15th of January or July depending on which 1/2 of the year we are at. Payment is to be made only to Southwyck CAI.
City of Pearland	

We do have information at our website, <u>www.SouthwyckTexas.com</u>, on how to pay your assessments online. Click on the '*Assessments – Dues information*' menu item on the left side of the home page. You will need to have several numbers from your assessment invoice to make an online payment through C-PropertyPay's site.

Management ID = 4010 for CMSI

Association ID = 200 for Southwyck CAI Property/Account Number

Your property number is unique to your property. Please review all numbers entered. We have many folks who end up making a payment to someone else's property because they do not enter the numbers correctly.

# NEVER MAKE AN ASSESSMENT PAYMENT TO YOUR SECTION.

Our governing document state that all payments are to be made to the master. All assessments must be paid to Southwyck CAI only and only to Southwyck CAI. We then distribute the Section's portion directly to them. If you pay your assessments to your Section, you can incur additional fees. Please do not be misled by any claims to the contrary.

From our BY-LAWS OF SOUTHWYCK COMMUNITY ASSOCIATION, INC. available for review at our website, <u>http://www.southwycktexas.com/documents---forms.html</u>. Scroll down to the 'Governing Documents:' heading and click on the link next to 'Southwyck CAI Bylaws'.

#### ARTICLE X

#### Assessments

As more fully provided in the Declaration, each member is obligated to pay to the Master Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinguency at the date of ten (10%) percent per annum, and the Master Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessment provided for herein by nonuse of the facilities or services provided by the Village(s) or Master Association or by abandonment of his Lot.



If you don't properly dispose of the unused or expired prescription drugs in your house, they might find a new one. Visit DEATakeBack.com for a collection

## site near you.

Unused or expired prescription medications are a public safety issue, leading to accidental poisoning, overdose, and abuse.

Pharmaceutical drugs can be just as dangerous as street drugs when taken without a prescription or a doctor's supervision.

The non-medical use of prescription drugs ranks second only to marijuana as the most common form of drug abuse in America.

The majority of teenagers abusing prescription drugs get them from family and friends — and the home medicine cabinet.

Unused prescription drugs thrown in the trash can be retrieved and abused or illegally sold. Unused drugs that are flushed contaminate the water supply. Proper disposal of unused drugs saves lives and protects the environment.

Take-back programs are the best way to dispose of old drugs. But if a program is not available:

- Take the meds out of their bottles;
- Mix them with something unappealing like used kitty litter or coffee grounds;
- Seal them in a bag or disposable container, and throw that away.

For more information on prescription drug abuse, go to:

- www.DEA.gov
- www.GetSmartAboutDrugs.com
- <u>www.JustThinkTwice.com</u>

Year-round Pharmaceutical disposal locations: <u>CVS Pharmacy:</u> 4489 County Road 94, Pearland or 2900 Broadway St., Pearland

<u>Walgreens:</u> 3287 Broadway St., Pearland

Day of the campaign: Stella Roberts Recycling Center 5800 Magnolia Parkway, Pearland Saturday, October 23, 2021 10:00 AM to 2:00 PM