

Brought to you by: East Houston Civic Club & Lone Star Legal Aid
In partnership with: Glenwood Forest Community Civic Club

Deed Restrictions Workshop

Tuesday, May 11, 2021



Today's Agenda

TIME	SESSION NAME	SPEAKER
6:05-6:15	Introductions	Mary Fontenot
6:15-6:25	The Deed Restrictions "Campaign"	PJ Jones
6:25-6:35	How to Promote Deed Restrictions	PJ Jones
6:35-6:45	Dealing with Rumors: HOAs, Home Foreclosures, etc.	PJ Jones
6:45-6:55	Q&A	Kimberly Lee
6:55-7:00	Break	
7:00-7:15	How do you create deed restrictions?	Caroline Crow
7:15-7:30	Amending deed restrictions / Changing existing restrictions	Ashea Jones
7:30-7:45	Expired Restrictions / Racial Covenants	Amy Dinn
7:45-7:55	Q&A	Samantha Salas
7:55-8:00	Closing Survey	Shannon Jenkins
8:00	Closing Remarks	PJ Jones

Introductions

Session 2: Tuesday, May 11, 2021

Speakers & Moderators

Amy Dinn

Caroline Crow

Ashea Jones

Kimberly Lee

PJ Jones

Samantha Salas

Shannon Jenkins

AMY DINN

Lone Star Legal Aid
Environmental Justice Team
Managing Attorney



LONE STAR
LEGAL AID



CAROLINE CROW

Lone Star Legal Aid

Environmental Justice Team

Staff Attorney



ASHEA JONES

**Lone Star Legal Aid
Community Advocacy Team
Staff Attorney**



**LONE STAR
LEGAL AID**





KIMBERLY LEE

**East Houston Civic Club
Board Member**



PJ JONES

**Glenwood Forest
Community Civic Club
President**





SAMANTHA SALAS

Lone Star Legal Aid

Environmental Justice Team

Paralegal



SHANNON JENKINS

**Glenwood Forest
Community Civic Club
Marketing & Media Relations**



Workshop Goals

1. To educate communities about deed restrictions.

2. To empower communities with knowledge about deed restrictions.

“Knowledge is power”

3. To inspire and motivate communities to protect their neighborhoods with deed restrictions, as an alternative solution to Houston’s lack of zoning.

4. To promote community collaboration to accomplish group-determined goals.

“Teamwork makes the dream work”

Workshop Rules

- 1) Please keep yourself muted if you are not speaking.
- 2) Please do not interrupt the presenters. At the end of each presentation, there will be time for questions. Feel free to put your question in the chat!
- 3) If you're calling-in, press STAR 6 [* 6] to mute or un-mute yourself.
- 4) If you are calling-in and are unable to access the chat feature on Zoom, please feel free to text questions to (512)-545-5054.

SESSION 1

6:15 - 6:25 PM

The Deed Restriction "Campaign"

PJ Jones, President of Glenwood Forest Community Civic Club



The Deed Restrictions "Campaign"

PJ Jones

President, Glenwood Forest Community Civic Club



What is a Campaign?

- A campaign is an organized course of action to achieve a goal.



Goal in this case is to successfully implement Deed Restrictions

Why a “Campaign”?

The structure of a campaign provides an easy-to-understand framework that communities can follow in order to be successful in their deed restrictions initiative.



I. PRELIMINARY RESEARCH AND GOAL SETTING

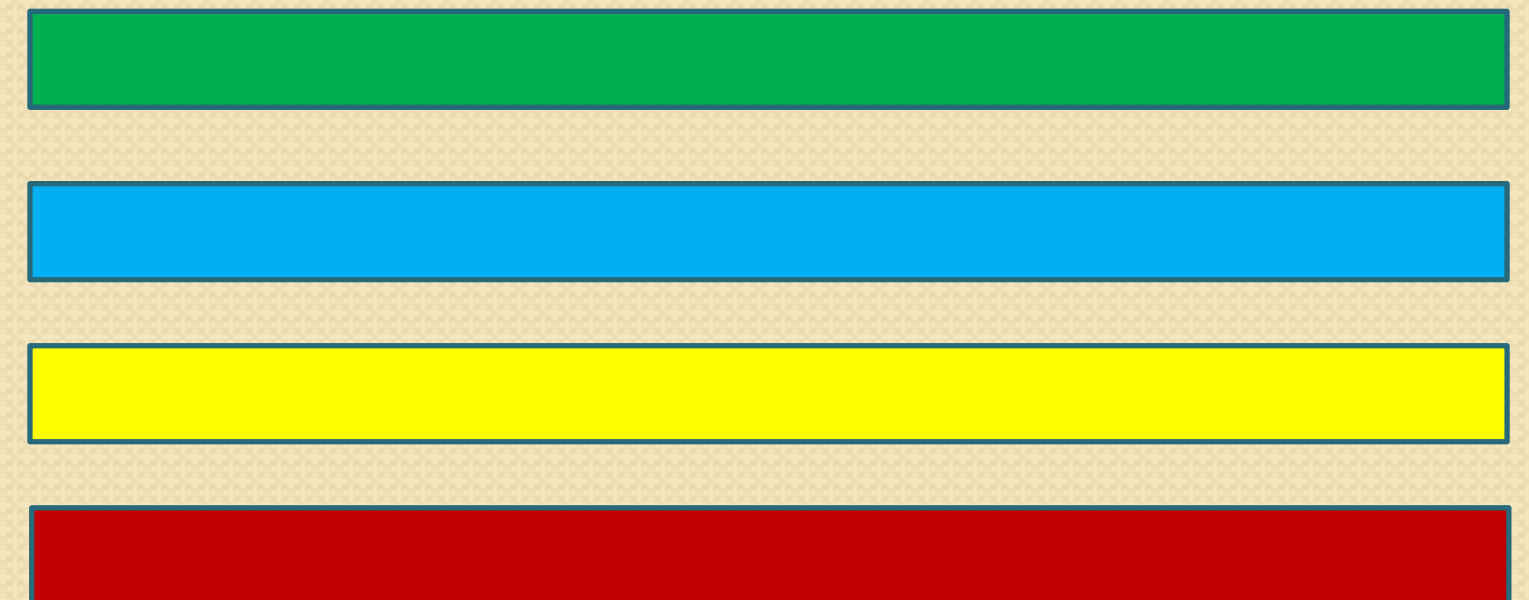
- **Preliminary Research includes but is not limited to:** Researching if your community has existing deed restrictions, identifying your coverage area, creating a list of property owners in your coverage area, & taking the temperature of your community.
- **Goal setting:** Some goals that you need to set are weekly or monthly goals for progress and determining how many property owners' signatures you need to reach your goal.



2. STRATEGIZE

Ways to strategize:

- Take the temperature of your community. Identify areas that need the most or least work.
- Focus on bringing your green residents together.
 - There is strength in numbers.
- Decide how you want to tackle the deed restrictions project.
 - multiple signature events in the community, door to door approach, combination of both signature events and door to door approach, etc.



3. PLAN

Now that you've strategized, you can begin the planning stage.

Step 1

- Schedule a kick off/planning meeting with your community leaders and green residents to decide on a date and location for your signature events or door to door approach.
- LOCATION IS KEY for the signature events!

Step 2

- Assess supplies needed for events (clipboards, tables, pens, notaries, etc.) -- Keep in mind the weather for these signature events (fans and pop-up tents for the summertime, heaters for the wintertime)

Step 3

- Divide up responsibilities so that all the burden isn't on one person.
- Use the strengths of your community members.

4. SET A POSITIVE TONE IN YOUR COMMUNITY



- Stay positive throughout the entire process!
- Maintaining positivity can do wonders for your initiative.
- Your community will feed off of your positivity and it will make the process a lot more enjoyable.

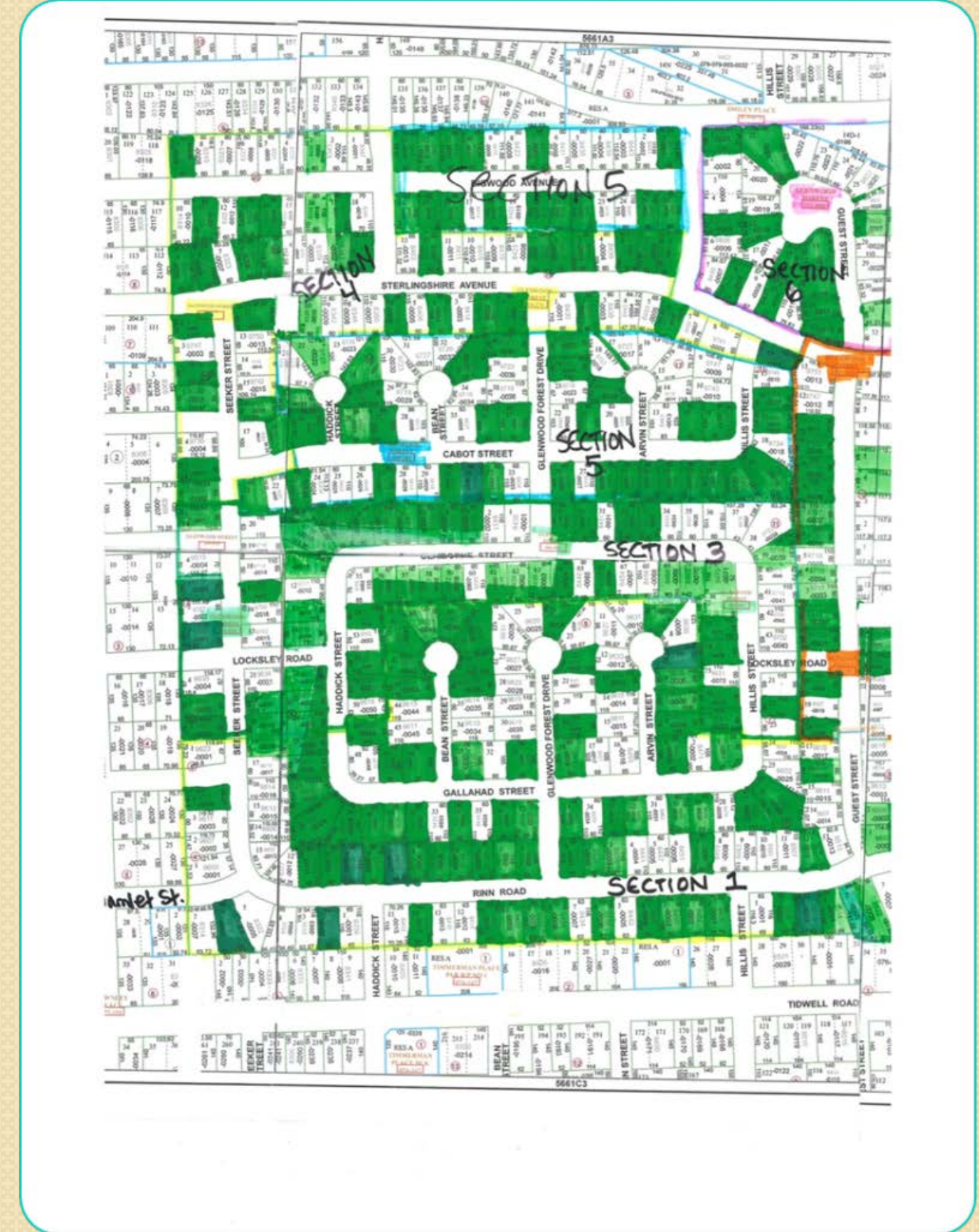
5. PROMOTE

- Develop promotional materials for your signature events or door to door approach.
- Be creative when developing these materials.
- Make sure the community has the right information.
- Know your community -- use a luring item or giveaway to attract the people.
 - FREE Items such as water, masks, snow cones, things for kids etc.
 - Glenwood Forest example: gave away free snow cones and waters.
 - Houston Gardens example: gave away free KN95 masks since the event was at beginning of COVID pandemic.



6. MONITORING AND REPORTING

- It is KEY to keep track of your progress as you move forward with your initiative. (charts, lists, maps, etc.)
- Keeping track allows you to see how much closer to your goal you are. The closer you get, the more momentum builds allowing you to stay positive and push through!
- Monitoring and Reporting also provides a good way of evaluating past activity allowing you to see when your plan has proven to be a success.



QUESTIONS?



PJ Jones

President, Glenwood Forest
Community Civic Club



SESSION 2

6:25 - 6:35 PM

How to Promote Deed Restrictions

PJ Jones, President of Glenwood Forest Community Civic Club



How to Promote

PJ Jones

President, Glenwood Forest Community Civic Club



Why is promotion important?

- ▶ Promotion can help you achieve your goal more quickly.
- ▶ Promotion is key to get the **right** information to the **greatest** number of people.
- ▶ Promotion can boost attendance at your signature events.
- ▶ Promotion keeps things transparent in the community.



Benefits of promoting properly



- ▶ Reaching your goals quicker.
- ▶ Community engagement and respect.
- ▶ Saves time and resources.

Ways to promote your Deed Restrictions campaign



- ▶ Flyers
- ▶ Door Tags
- ▶ Yard Signs
- ▶ Banners
- ▶ Social Media: Facebook, Instagram, Twitter, newspapers, podcasts
- ▶ Door-to-Door
- ▶ Word of Mouth: Use your green Residents to start a dialogue with the community.

Flyers



DEED RESTRICTIONS **WHAT YOU NEED TO KNOW**

Because we know how important this decision is for you!

Not an HOA

Implementing these deed restrictions does not create an HOA. Your neighborhood currently does not have an HOA, and passing the deed restrictions will not change that.

Enforceable

If the deed restrictions are adopted they will stay with the property for as long as the restrictions are in effect. Change of property owners does not invalidate the restrictions.

The choice is yours

Whether you choose to opt-in or opt-out for your property the decision is completely up to you. It is important that you complete Attachment A of the proposed deed restrictions that was mailed to you by your civic club.

Stays with the property

If the deed restrictions are adopted, enforcement can be carried out by the city or any individual property owner in the subdivision.

No cost to you

There are no costs associated with adopting these deed restrictions. You will not be required to pay dues or any monthly fees.

Will not change existing property uses

Any property not in compliance with the restrictions at the time they are adopted are grandfathered in and NOT considered violations. Deed restrictions are forward-looking and can protect against new unwanted uses. They cannot address pre-existing unwanted uses.



ATTENTION

PROPERTY OWNERS

Friendly Reminder 😊

Your local Civic Club, also known as Houston Gardens Civic Association, would like to remind you to complete your Attachment A form regarding the Proposed Deed Restrictions.

- Please complete the Attachment A form by filling out your NAME, ADDRESS, and selecting whether you would like to INCLUDE or EXCLUDE your property from the proposed deed restrictions.
- The form MUST BE NOTARIZED to be valid.

3 Notary options:

- 1) Attend one of our Saturday events (see attached)
- 2) Call or text HGCA at 832-882-9775 to schedule a FREE private notary appointment
- 3) Get the document notarized on your own.

- Once this form has been completed and notarized please call or text the Houston Gardens Civic Association who will drive by and pick up the completed and notarized form.

Deed Restrictions Signature Events

- Saturday, July 11, 2020: 4pm-7pm
- Saturday, July 18, 2020: 4pm-7pm
- Saturday, July 25, 2020: 10am-2pm
- Saturday, August 1, 2020: 10am-2pm

Free notary at all events

Social Distancing Rules in effect at all events

Why is it so important for me to complete this form?

1. If you are FOR the deed restrictions your signature is important so that we can pass the restrictions.
2. If you are AGAINST the deed restrictions your signature is important because IF we pass the restrictions and you did NOT return this form with the EXCLUDE my property box checked off then your property is automatically included in the deed restrictions.

Houston Gardens Civic Association

email: houstongarden1@yahoo.com - phone: 832.882.9775

- Flyers are key throughout the entire deed restrictions process. You can use flyers at events, during your door-to-door approach, post them at local hot spots in the community, drop in mailboxes, etc.

- Keep your flyers informative and provide all relevant information that you feel the resident needs to know.

- Make sure your flyers are well put together, appearance speaks volumes.

Door Tags

Door tags are a great tool for your door to door efforts. Be clear and concise in the content you choose for these.

ATTENTION PROPERTY OWNERS!

DO YOU WANT DEED RESTRICTIONS FOR OUR NEIGHBORHOOD?

Are you tired of truck yard companies moving into the neighborhood? Tired of looking at junk yards? Do you want to protect your property values? Deed restrictions give the community and YOU the power to keep your neighborhood exactly that, a neighborhood.

Help us achieve this and a lot more by signing the deed restrictions petition.

JOIN HOUSTON GARDENS CIVIC ASSOCIATION IN THE FIGHT TO BETTER OUR COMMUNITY



Houston Gardens Civic Association

Front

We want to hear from you

You have the power to choose whether you would like deed restrictions in our neighborhood or not BUT you MUST complete the Attachment A form re: the proposed deed restrictions that was mailed to you by your civic club.

If you do not have this form then you can get one by emailing houstongarden1@yahoo.com, calling Mrs. Kathy Gunter at (832) 882-9775, or you can show up at one of the following events to sign this form.

"For" or "Against" Deed Restrictions Signature Rally
Location: Sweet Home Missionary Baptist Church
Address: 7104 Homestead Rd, Houston, TX 77028

Date & Times:
 June 20, 2020 10 am - 2 pm
 June 27, 2020 10 am - 2 pm
 July 11, 2020 4 pm - 7 pm
 July 18, 2020 4 pm - 7 pm
 July 25, 2020 10 am - 2 pm
 August 1, 2020 10 am - 2 pm

Free notary at all events
 Social distancing rules will apply

Need more info? Questions or Concerns?
 Please contact Houston Gardens Civic Association through any of the following platforms.

Houston Gardens Civic Association

President: Kathy Gunter (832) 882-9775
 Email: houstongarden1@yahoo.com
 Facebook: @Houston Gardens Civic Assoc.
 Instagram: @houstongardenscivicassociation
 Twitter: @HouGardens

Back

Front

ATTENTION PROPERTY OWNERS!

DO YOU WANT DEED RESTRICTIONS FOR OUR COMMUNITY?

Are unkept lots an eye sore to you? Would you like to get rid of unwanted 18-wheeler trucks parking in our community? Do you want to protect your property values?

Deed Restrictions give our community and YOU the power to keep our community exactly that, a community.

Help us achieve this and a lot more by signing the deed restrictions petition

JOIN GLENWOOD FOREST COMMUNITY CIVIC CLUB IN THE FIGHT TO BETTER OUR COMMUNITY

Back

We want to hear from you

You have the power to choose whether you would like deed restrictions in our community or not BUT you MUST complete the Attachment A form re: the proposed deed restrictions that was mailed to you by your civic club.

If you do not have this form, then you can get one by emailing glenwoodforestcivicclub@gmail.com or you can show up at one of the following events to sign this form.

Deed Restrictions Signature Kick off
Location: Near 9605 Haddick St. Houston, TX 77078 (9600 Block Haddick St. curb of Claiborne St.)

Date & Times:
 July 11, 2020 9am - 1pm
 July 12, 2020 9am - 1pm

Free notary at all events
 Social distancing rules will apply

Need more info? Questions or Concerns?
 Please contact Glenwood Forest Community Civic Club through any of the following platforms

Glenwood Forest Community Civic Club
 President: PJ Jones
 Email: glenwoodforestcivicclub@gmail.com
 Facebook: @GlenwoodForestCommunityCivicClub

Yard Signs

- Yard signs are excellent tools for promotion along main streets or streets with heavy traffic in your community.
- These signs catch the attention of the drivers and can serve as a reminder for them to attend the signature events that are happening.



Banners

- Banners let your community know what's going on.
- Keep your banners initiative focused. Have a short and to-the-point message.
- Use attention grabbing colors for your banner and make sure your font isn't too small.



Glenwood resident, Mr. Furlon, outside his home standing next to one of our deed restrictions banners.



Mock up of Houston Gardens deed restrictions banners that were placed throughout the neighborhood.

Social Media



- ▶ Share already drafted materials to your social media accounts (flyers, banners, door tags, yard signs, etc.)
- ▶ Utilize the uniqueness of social media
 - Use Hashtags
 - Use the Video feature
 - Use the Geo-location tagging
 - Use Link sharing (post the link to your civic club or group's website)

Door-to-Door

- ▶ This is probably the MOST EFFECTIVE way to promote and get results for your initiative.
- ▶ When going door-to-door have a short pitch ready for when the resident answers the door.
- ▶ Be ready to answer questions or provide information to the resident upon request.
- ▶ Be friendly and positive!



Tips for your Door-to-Door Approach

- Dress appropriately: Wear your civic club shirt, organization's shirt, or another community shirt.
- Have information on hand: Carry important flyers and/or information with you in case the resident asks for it.
- It's okay to take No for an answer: If the resident doesn't want to sign-on to the initiative right away, that's ok. Be nice about it and follow up at a later time.

Word of Mouth

- ▶ We all know how powerful word of mouth can be so utilize this form of communication the best you can.
 - Rally your local leaders and green residents to start communication in the community!
 - There is strength in numbers.
- ▶ Make sure the people you have spreading information are spreading the RIGHT information, keep your local leaders and green residents consistently informed.



Questions?

PJ Jones

President, Glenwood Forest Community Civic Club



SESSION 3

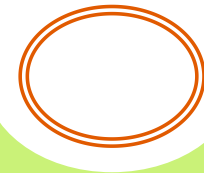
6:35 – 6:45 PM

Dealing with Rumors: *HOAs, home foreclosure,
etc.*

PJ Jones, President of Glenwood Forest Community Civic Club



Dealing with Rumors: HOAs, home foreclosures, etc.



PJ JONES
PRESIDENT, GLENWOOD FOREST COMMUNITY CIVIC CLUB

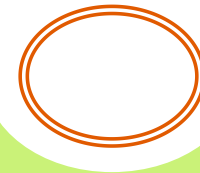


Quick Truths about the Deed Restrictions Process

- You will be met with some opposition in the community.
- There will be residents who don't support you.
- You will not be able to please everyone.
- Misinformation will likely be spread around the community.



Common misconceptions re: deed restrictions



- All deed restrictions create a Homeowners Association (HOA).
- All deed restrictions can lead to me losing my home due to foreclosure.
- All deed restrictions cost money. – *“This is just a way for the community/city/state to charge me monthly fees.”*
- Deed restrictions will require me to change existing features to my home.

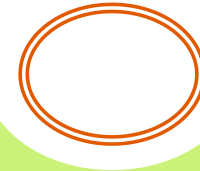
All deed restrictions create a Homeowners Association (HOA).

FALSE:

- Implementing deed restrictions does not create an HOA with authority, unless specifically stated in the restrictions to create one.
- If your neighborhood currently does not have an HOA, then passing the deed restrictions will not change that.



All deed restrictions can lead to me losing my home due to foreclosure.



FALSE:



- Deed restrictions CAN NOT lead to foreclosure on your home.
- Violations of deed restrictions can result in monetary tickets/fines but if these tickets/fines are not paid they can not be held against the property--meaning they carry no influence in regards to your property ownership.
- The only thing that can lead to foreclosure on your home is not paying the mortgage.

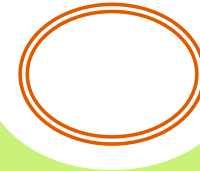
All deed restrictions cost money.

FALSE:

- There are no costs for residents once the deed restrictions are adopted and/or implemented into the community.
 - Residents will not be required to pay dues or any monthly fees.



Deed restrictions will require me to change existing features of my home.



FALSE:



- Any property not in compliance with the restrictions at the time they are adopted are grandfathered in and NOT considered violations.
- Deed restrictions are forward-looking and can only protect against new unwanted uses. They cannot address preexisting unwanted uses.

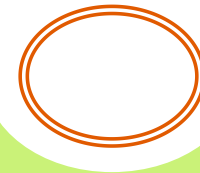
Rumors – How they can spread.



Social
Media

Counter
Campaigns

Social Media



- Although we emphasize the importance and positive results of social media use, it can also work against you.
- Everything you do on social media to promote your deed restrictions initiative can be used against you.
 - We've seen residents go on Facebook Live (video feature of Facebook) and talk badly about deed restrictions, spreading lots of misinformation.
 - We've seen residents share community leaders' posts with "Warning" signs and "Do NOT be fooled" captions – creating a negative attitude around the initiative.
 - We've seen residents launch counter campaigns on social media telling community members to not participate or to submit forms to them instead of the correct person.



Counter Campaigns

- **What is a counter campaign?**

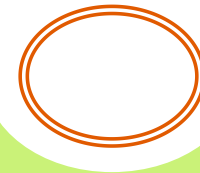
- a **campaign** waged in opposition to another **campaign**



- **Ways residents can counter campaign:**

- Unsupportive residents may collect signatures in opposition.
- Unsupportive residents may host their own meetings or events for the community.
- Unsupportive residents may share flyers and materials via social media trying to invalidate your initiative.

Other issues that may arise



- **Verbal attacks**
 - Name calling
 - Foul language usage
- **Intimidation Tactics**
 - Verbal threats
 - Threat of legal action
 - Threat to ruin organization
 - Physical threats



How to combat Rumors and deal with difficult residents

1. Stay calm.

- Losing your temper and flaring out at the other person typically isn't the best way to get him/her to collaborate with you.

2. Try to understand.

- We'd like to believe that no one is difficult for the sake of being difficult. Even when it may seem that the person is just out to get you, there is usually some underlying reason that is motivating them to act this way.

3. Build a rapport/Follow up.

- Engage with the resident on more than one occasion. Keep them informed of events and or progress being made. Try and find common ground.

4. Treat the person with respect.

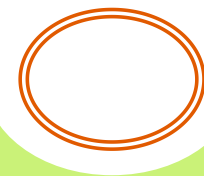
- No one likes to be treated as if he/she is stupid/incapable/ incompetent. If you are going to treat the person with disrespect, it's not going to be surprising if he/she treats you the same way as well. As the golden rule says, "Do unto others as you would have them do unto you."

5. Ignore.

- If you have already tried everything and the person is still not being receptive, the best way might be to just ignore.



Questions?



PJ JONES
PRESIDENT, GLENWOOD FOREST COMMUNITY CIVIC CLUB



QUESTIONS & ANSWERS

6:45-6:55

5 MINUTE BREAK



SESSION 4

7:00 – 7:15 PM

How do you create deed restrictions?

Caroline Crow, Staff Attorney, Lone Star Legal Aid, EJ Team



CREATING NEW DEED RESTRICTIONS WITHOUT A HOMEOWNERS' ASSOCIATION

- Chapter 201 of the Texas Property Code:

<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.201.htm>

STEPS TO CREATE DEED RESTRICTIONS

1. FORM A PETITION COMMITTEE

2. FILE/RECORD NOTICE OF PETITION COMMITTEE FORMATION WITH THE COUNTY CLERK'S OFFICE.

3. COLLECT SIGNATURES.

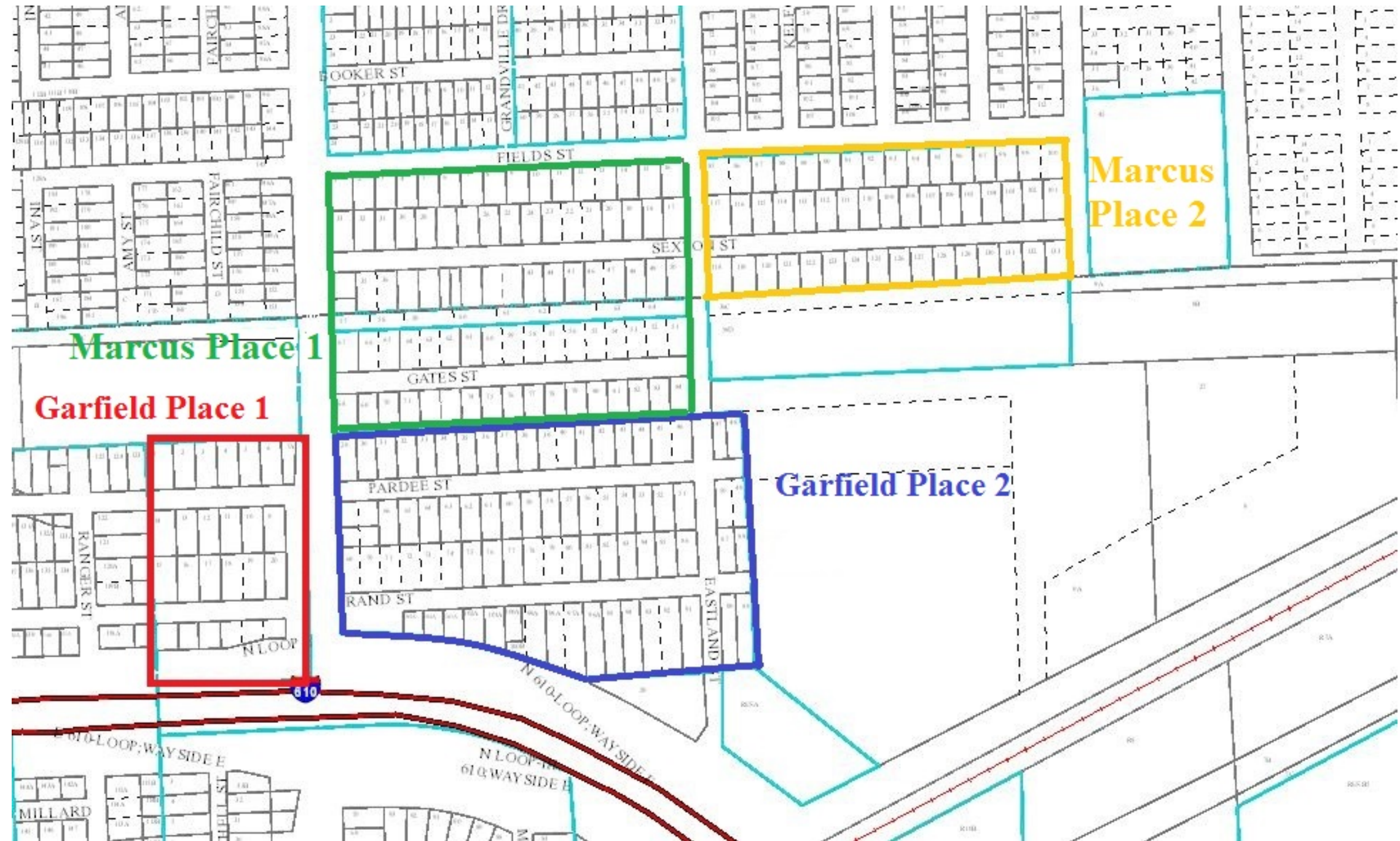
4. FILE/RECORD PETITION & SIGNATURES WITH COUNTY CLERK'S OFFICE.

5. REQUIRED NOTICE TO PROPERTY OWNERS IN SUBDIVISION.

6. FILE/RECORD CERTIFICATE OF COMPLIANCE WITH COUNTY CLERK'S OFFICE.

I. FORM A PETITION COMMITTEE

- Identify 3 property owners in your subdivision who want to participate on the Petition Committee.
- These 3 property owners will sign your initiating legal document called the “Notice of Petition Committee Formation.”



2. FILE/RECORD NOTICE OF FORMATION OF PETITION COMMITTEE WITH THE COUNTY CLERK'S OFFICE.

- Notice of Formation of Petition Committee is recorded.
- Copy of complete deed restrictions must be attached to the Notice of Petition Committee Formation.
- One-year timeline to collect signatures from 51% of the property owners in the community begins running from the date that the Notice of Petition Committee Formation is recorded.

9 notice
L:

RP-2019-470302
10/23/2019 RP2 \$48.00

Notice of Formation of Petition Committee

Pursuant to Texas Property Code Section 201.001 et seq., a petition committee has been formed to create new restrictions applicable to the Homestead Addition subdivision in Harris County. The subdivision plat for the Homestead Addition subdivision is recorded in Volume 23, Page 52 of the Map Records of Harris County, Texas. *100*

The members of the petition committee who own land in the subdivision are as follows:

30
[Redacted], who owns and resides at 7401 Jay Street, Houston, TX 77028.
[Redacted], who owns and resides at 7403 Jay Street, Houston, TX 77028
[Redacted], who owns and resides at 7417 Jay Street, Houston, TX 77028.

The matters to be included in the petition are as follows: The creation of a basic residential-use-only restriction, which will restrict businesses and commercial operations from purchasing property in the subdivision and converting existing residential lots for commercial operations use. Attached to this notice is a copy of the committee's proposed petition to create the new restrictions, including the full text of the proposed Declaration of Covenants, Conditions, and Restrictions for Homestead Addition.

Executed by the above-named owners and petition committee members, this *3RD* day of *SEPTEMBER* 2019.

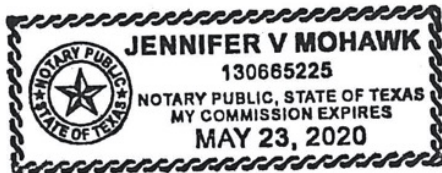
[Redacted]

Ret
Colin Cox
P.O. Box 398
Houston TX 77001

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned notary, on this day personally appeared [Redacted].
[Redacted] proved to me through their Texas Drivers Licenses to be the people whose names are subscribed to the foregoing instrument as members of the Petition Committee and acknowledged to me that they executed the same for the purposes therein expressed.

Given under my hand and seal of office this *3RD* day of *SEPTEMBER* 2019.

 *Jennifer V. Mohawk*
Notary Public in and for the State of Texas

3. COLLECT SIGNATURES.

- One-year to collect signatures.
- Must get 51% of (property owners, parcels or square footage) in your subdivision to sign the Petition.
- Every signature counts—meaning signatures choosing to include or exclude a particular property count towards the 51%.
- If you are unsuccessful in your signature collection, you must wait 5 years to start the deed restriction process again.

ATTACHMENT A
**CONSENT TO PETITION TO CREATE THE DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS FOR HOUSTON GARDENS**

We, the undersigned owners, each own record title to property in Houston Gardens, a subdivision in Harris County, Texas.

Owners who do not sign this petition may exclude their property from the operation of the created restriction by filing a statement electing to exclude their property under Property Code Section 201.009(b)(4) before one year after the date on which the owner receives actual notice of the filing of this petition.

If an owner wishes to challenge the procedures followed in creating these restriction, that owner must file suit under Property Code Section 201.010 before the 181st day after the date on which the certificate of compliance required by Property Code Section 201.008(e) is filed.

Owner: _____
Owner's Signature: _____ Date: _____
Co-Owner: _____
Co-Owner's Signature: _____ Date: _____
Street Address of Property: _____
Legal Description of Property: _____

INCLUDE the above-described property in the Restrictions being created by this petition.

OR

EXCLUDE the above-described property from the Restrictions being created by this petition.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned notary, on this day personally appeared _____, proved to me through _____ to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes therein expressed.

Given under my hand and seal of office this _____ day of _____, _____.

Notary Public in and for the State of Texas

4. FILE/RECORD PETITION & SIGNATURES WITH COUNTY CLERK'S OFFICE.

- Record Petition with all Signed “Attachment A” Forms with Original Notarized Signatures consenting to Deed Restrictions with the County Clerk in the Real Property Records.
- Once Petition & Signatures are recorded, your deed restrictions are in effect.

RP-2020-433716
09/15/2020 ER \$1,106.00

PETITION TO CREATE RESTRICTIONS FOR GLENWOOD FOREST SUBDIVISION

This petition is being circulated among the owners of property in the Glenwood Forest Subdivision, inclusive of Glenwood Forest, Section I, Glenwood Forest, Section II, Glenwood Forest, Section III, Glenwood Forest, Section IV, Glenwood Forest, Section V, and Glenwood Forest, Section VI, in order to create restrictions applicable to the Glenwood Forest Subdivision pursuant to Texas Property Code Section 201.001 et seq.

The restrictions will apply to the entirety of the Glenwood Forest Subdivision. The subdivision plats for Sections I, II, III, IV, V, and VI of Glenwood Forest Subdivision are recorded as follows:

- Section I: Volume 154, Page 34 of the Map Records of Harris County, Texas;
 - Section II: Volume 159, Page 128 of the Map Records of Harris County, Texas;
 - Section III: Volume 184, Page 132 of the Map Records of Harris County, Texas;
 - Section IV: Volume 177, Page 138 of the Map Records of Harris County, Texas;
 - Section V: Volume 190, Page 100 of the Map Records of Harris County, Texas;
- and
- Section VI: Volume 256, Page 28 of the Map Records of Harris County, Texas.

The new restrictions will be effective for a term of 20 years, after which period the restrictions will be automatically extended for successive periods of 10 years.

The following restriction is proposed:

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR GLENWOOD FOREST SUBDIVISION (Sections I, II, III, IV, V, and VI)

THE STATE OF TEXAS §
§
§
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, for the purpose of creating and carrying out a uniform plan for the

5. REQUIRED NOTICE TO PROPERTY OWNERS IN SUBDIVISION.

- By ***Certified Mail, with Return Receipt Requested***, send a copy of the restrictions that are in effect to all property owners in the Subdivision.
- Publish once a week for 2 consecutive weeks, Notice of the effective deed restrictions in a newspaper that is generally circulated in the Subdivision.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004 Domestic Return Receipt 102596-02-01-1040

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Package #

Carrier Fee

Return Receipt Fee
Endorsement Required

Restricted Delivery Fee
Endorsement Required

Total Package & Fees

PS Form 3811, January 2001 See Manual 13 for restrictions

HOUSTON★CHRONICLE

6. FILE/RECORD CERTIFICATE OF COMPLIANCE WITH COUNTY CLERK'S OFFICE.

- Certificate signed by the 3 Petition Committee members with proof of (1) certified mailing; and (2) newspaper publication attached.

Certificate of Compliance with Texas Property Code Section 201.001 et seq. Creating Deed Restrictions in Trinity Gardens Second Section Subdivision

Pursuant to Texas Property Code Section 201.001 et seq., a petition committee was formed to create new restrictions applicable to the Trinity Gardens Second Section Subdivision on August 6, 2019, and was recorded in the Harris County Real Property Records on October 23, 2019 at Recording Number 2019-470331.

On September 28, 2020, an original petition committee member resigned from the Petition Committee during a phone call with counsel for the Houston Gardens Civic Association. On September 30, 2020, the remaining committee members appointed Rufus Jones as a successor to the original petition committee member who resigned. Rufus Jones owns property in the Trinity Gardens Second Section Subdivision and consented to serve as a petition committee member. And, on October 2, 2020, the Notice of Petition Committee Resignation and New Appointment pursuant to Texas Property Code Section 201.005(e) was recorded in the Harris County Real Property Records at Recording No. 2020-468602.

The Petition to Create Restrictions for Trinity Gardens Second Section was circulated to all the property owners in the Trinity Gardens Second Section Subdivision. These restrictions apply to the Trinity Gardens Second Section Subdivision plat which is recorded in Volume 13, Page 45 of the Map Record of Harris County, Texas.

The petition provides for the creation of residential deed restrictions applicable to the Trinity Gardens Second Section Subdivision pursuant to Texas Property Code Section 201.001 et seq. The restrictions will apply to the Trinity Gardens Second Section Subdivision, based on the subdivision plat map listed above.

The proper number of property owners in the Trinity Gardens Subdivision have signed and acknowledged the petition.

The petition was filed with the Harris County Clerk Real Property Department on October 9, 2020, at Recording No. RP 2020-485570.

Pursuant to Texas Property Code Section 201.008(b)(1), notice was published once a week for two consecutive weeks in a newspaper of general circulation in Harris County. Notice was published on October 16, 2020 and October 23, 2020 in the Houston Chronicle. A copy of the published Notice is attached hereto as Exhibit 1.

Pursuant to Texas Property Code Section 201.008(b)(2), notice was also sent by certified mail, return receipt requested, on November 3, 2020, to each person who owned land in the Trinity Gardens Second Section Subdivision. A copy of the letter and notice mailed to all the property owners in the Trinity Gardens Second Section Subdivision is attached as Exhibit 2.

RP-2020-555091

SESSION 5

7:15 - 7:30 PM

Amending deed restrictions / Changing existing restrictions

Ashea Jones, Staff Attorney, Lone Star Legal Aid, CA Team





MODIFYING, AMENDING, AND EXTENDING DEED RESTRICTIONS

BY: ASHEA JONES BROWN, LONE STAR LEGAL AID MAY 11, 2021





MODIFYING, AMENDING , AND EXTENDING DEED RESTRICTIONS WITHOUT A HOMEOWNERS' ASSOCIATION

- Chapter 201 of the Texas Property Code:

<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.201.htm>



ADDITION & MODIFICATION: CHAPTER 201 PETITION PROCESS EXCEPTIONS

- If the existing deed restrictions outline a procedure for successive extensions, that procedure may be used indefinitely as long as the existing deed restrictions do not expressly prohibit it.
- The petition process does not apply to modifications where deed restrictions may be modified by less than **75% of owners**.
- The existing restrictions include:
 - Automatic extensions for an indefinite number of successive periods for 10 years, subject to a right of waiver or termination in whole or in part by less than **50% + 1 of the owners**;
 - An indefinite number of successive extensions for at least 10 years terms of the restrictions by written and filed agreement of less than **50% + 1 of the owners** as authorized by the instrument creating the restrictions.

THINGS TO CONSIDER

- Why do you want to amend or modify your restrictions?
 - Owner Activity
 - Animals
 - Buildings and Development
 - Restrict commercial activity
 - Restrictions expired
- Development & Gentrification
 - Encourage new development and progress
 - Discourage unwanted development and displacement
- Code Enforcement & Deed Restriction Enforcement
 - Call 311 or Police Department (Noise complaints) for Code Enforcement
 - Contact City of Houston Legal Department
 - Retain private attorney to file injunction suit to enforce deed restriction violation



KNOW YOUR COMMUNITY & DEED RESTRICTIONS

- Determine what community issues are not included in current restrictions.
- Consider who will enforce new restriction or modification.
 - City of Houston
 - Resident
 - Community Organization
 - Consider costs associated with enforcement of new restriction or modification
- Consider Community Desire for addition or modifications
 - Amendment: More substantive changes to entire deed restrictions
 - Modification:
- Is desired addition or modification legal or permitted under Texas laws



KNOW YOUR COMMUNITY & DEED RESTRICTIONS

■ Review Current Deed Restrictions

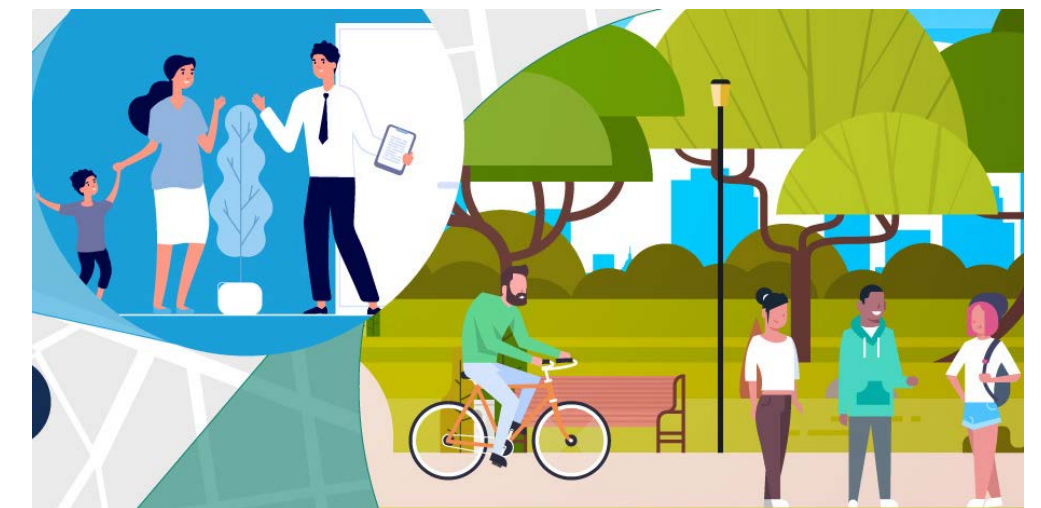
- Determine number of subdivision sections
- Determine whether one instrument was created for your subdivision
- Determine if a Chapter 201 Exceptions apply to your deed restriction

■ Review Subdivision Maps

- Review subdivision maps and plats
- Determine which restrictions, if multiple, apply to each section and lot owner
- Determine if any lots have been subdivided or combined

■ Collect Owner Info & Know Your Neighbors

- Owners vs. Renters
- Owners vs. Heirs
- Tax & Foreclosure Concerns



TYPES OF RESTRICTIONS ADDITIONS & MODIFICATIONS

- Limit Commercial Activity
 - Auto shops
 - Car Repair
 - Child Care Center
 - Commercial Activity that increases traffic in subdivision
- Environmental Hazards
- Lot Size
- Structure Height and Size
- Car port/garages
- Foundation Type, Home & Building materials
- Setback Lines
- Aesthetics (i.e. Fences, Antennas, Signage, or Building Maintenance)



STEPS TO AMEND/MODIFY DEED RESTRICTIONS

1. FORM A PETITION COMMITTEE.

2. FILE/RECORD NOTICE OF PETITION COMMITTEE FORMATION WITH THE COUNTY CLERK'S OFFICE.

3. COLLECT SIGNATURES.

4. FILE/RECORD PETITION & SIGNATURES WITH COUNTY CLERK'S OFFICE.

5. REQUIRED NOTICE TO PROPERTY OWNERS IN SUBDIVISION.

6. FILE/RECORD CERTIFICATE OF COMPLIANCE WITH COUNTY CLERK'S OFFICE.

AMENDMENT/MODIFICATION PETITION PROCESS

- ****If Chapter 201, does not apply, follow current restrictions amendment/modification procedure**
- **Petition Process is similar to Creation Petition Process, but may be less costly.**
- Petition Contents
 - Include amendment, modification, proposed restrictions.
- Petition Approval
 - Required percentage may be obtained by county any one of these criteria: lots, parcels, or square footage of lots
 - Extend/Create = 50%+1 of lots/tracts/area sign
 - Modify = 75% of lots/tracts/area
 - Signatures must be notarized

AMEND/MODIFICATION PROCESS

- Notice to Owners
 - File Petition with county clerk
 - Copy of petition sent to all owners by certified mail within 60 days after filed.
 - Keep all return receipts indefinitely
 - Newspaper Publication once a week for 2 consecutive weeks
- Time limits and Starting Over
 - One year for committee to get petition filed
 - Notices to correct owners during time limit (i.e. heir issues, bank owned lots)
 - Petition is void if not signed and acknowledged by required percentage of owners within one year of recording the petition committee's formation

EFFECT OF PETITION & OWNERS MAY OPT-OUT

- If signed by required % of owners, petition binds the entire subdivision or section except: Opted-Out owners, No Notice Owners, Public Property, Minors, Lienholders who did not sign.

Opt-Out Options

- **Petition** – Signing the petition and affirmatively electing to exclude their property. Petition is required to include an opt-out section; or
- **Lawsuit** – Owner files suit challenging petition process within 6 months after filing petition; or
- **Opt Out Statement** – Owner files a statement affirmatively electing to be excluded from the Restrictions in the real property records within 1 year after actual notice. **Evidence by all owners of the certified mail notice to each owner is important.**



QUESTIONS?



SESSION 6

7:30 - 7:45 PM

Expired Restrictions/ Racial Covenants

Amy Dinn, Managing Attorney, Lone Star Legal Aid, EJ Team



LONE STAR
LEGAL AID

EXPIRED DEED RESTRICTIONS AND RACIAL COVENANTS

Amy Dinn, Managing Attorney, EJ Team

Lone Star Legal Aid

May 11, 2021

Zoning in the South

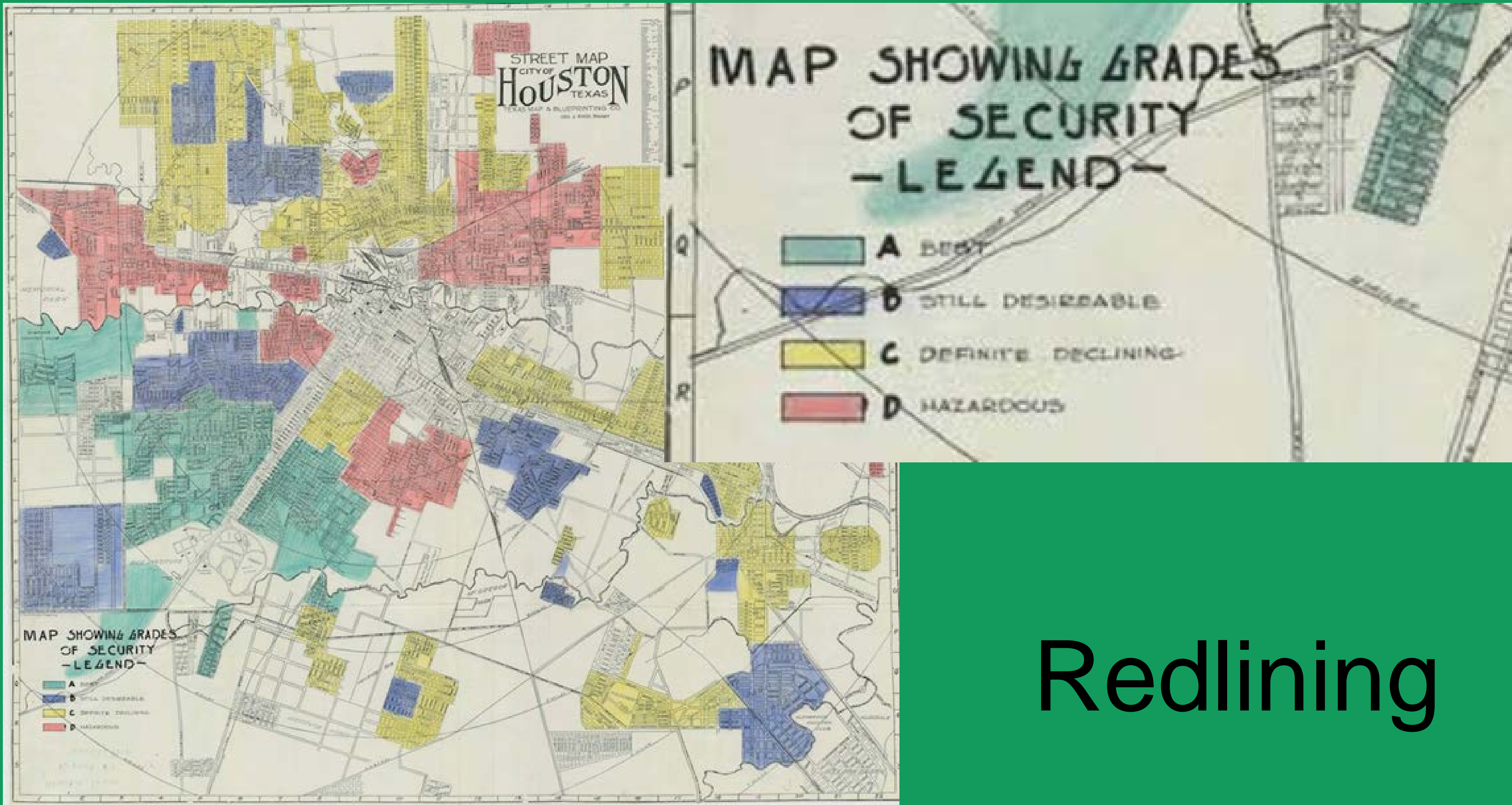
Means to Enforce Racial Segregation

1920s-1930s

Municipal ordinances required non-whites to live in certain areas.

1930s-1940s

Restrictive covenants often contained racial prohibitions, creating “whites only” subdivisions.



Redlining



- Displacement of poor and minority people (and industry) from gentrifying industrial zones.
- Intrusion of additional noxious land uses into predominately poor and minority areas.
- Reduction of environmental quality in those neighborhoods

1948



Shelley v. Kraemer, 334 U.S. 1 (1948), is a landmark United States Supreme Court case that struck down racially restrictive housing covenants.

Communities who had racial covenants in their deed restrictions abandoned them.

- Lapsed
- Expired
- Not renewed

Subdivisions that were majority minority populations now under threat from environmental hazards due to lack of zoning.

1987

Commission for Racial Justice of the United Church of Christ
Study

Race is “the single most important factor in determining
where toxic waste facilities were sited in the United States.”



2021

2021

A documented and persistent pattern of disproportionate distribution of hazards and unwanted land uses in communities of color and low-income communities remains.

REMOVING RACIAL COVENANTS

Legislative solutions to remove racial
covenants

1985

Chapter 201 of Texas Property Code enacted.

Allows communities to amend restrictions that contained racial covenants.

The existence of covenants in legacy documents “is offensive, repugnant, and harmful to members of racial or ethnic minority groups.”

“[P]ublic policy requires that these covenants be deleted.”

2021

HB 1202

Amends the Property Code to establish procedures for the amendment of deed restrictions that contain discriminatory provisions that are void under applicable state law.

SB 602

SB 754

Can remove discriminatory provision that prohibits the occupancy by or the sale, lease, conveyance, or transfer of real property or an interest in real property to a person because of race, color, religion, or national origin.

Property Subject to a Property Owners' Association

Based on the majority vote of the governing body or on the motion of association member, a Property Owners Association can start process to amend restrictions if:

- Restrictions must contain provision to amend restrictions;
- Circulate the petition to amend petition to remove racial covenant;
- Without regard to any threshold for approval of a petition established by the dedicatory instrument, **the petition is approved by the owners of at least 10% of the lots.**

Property Not Subject to a Property Owners' Association

- Three or more owners form an Amendment Committee.
- Committee must file written notice of its formation with the county clerk.
- Only one committee may operate at one time; first to file has authority to act.
- Must provide notice of formation to the owners of property subject to the dedicatory instrument not later than the 30th day after the date the notice is filed with the county clerk.

Property Not Subject to a Property Owners' Association

- Objection to proposed amendment must be filed by owners of at least 25% of the lots.
- If an effective objection is not filed, the proposed amendment contained in the notice of the committee's formation becomes effective on the date the notice is filed.
- Committee must file amendment within 120 days of formation or committee is dissolved.
- An amendment filed by a dissolved committee is void.

2021

Senate received bill from the House on May 3, 2021.

HB 1202

Applies to all deed restrictions regardless of date.

SB 602

This bill will prevail over any other provisions of the Property Code.

SB 754

A change to any provision other than discriminatory provision is void.

QUESTIONS?

QUESTIONS & ANSWERS

7:45-7:55

Closing Survey



<https://forms.gle/RnGAjh1b93asBjLd6>

CLOSING REMARKS