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Notice
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Oak Cliff Place Homeowners Association, Inc.
POLICY FOR COMPLIANCE AND ENFORCEMENT ACTION

RP-2017-4380
01/04/2017 RP1 \$48.00

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS the Oak Cliff Place Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations") including

102

Declaration of Covenants, Condition & Restrictions for Oak Cliff Place Subdivision Unit-1 recorded under Clerk File Number G338033 on November 28, 1979,

101

Declaration of Covenants, Condition & Restrictions for Oak Cliff Place Subdivision Unit-2 and Annexation to Oak Cliff Place Homeowners Association, Inc. recorded under Clerk File Number G408167 on January 17, 1980,

Declaration of Covenants, Condition & Restrictions for Oak Cliff Place Subdivision Unit-3 and Annexation to Oak Cliff Place Homeowners Association, Inc. recorded under Clerk File Number G452694 on January 9, 1980,

Declaration of Covenants, Condition & Restrictions for Oak Cliff Place Subdivision Unit-4 and Annexation to Oak Cliff Place Homeowners Association, Inc. recorded under Clerk File Number G338033 on December 15, 2000,

Declaration of Covenants, Condition & Restrictions for Oak Cliff Place Subdivision Unit-4 and Annexation to Oak Cliff Place Homeowners Association, Inc. recorded under Clerk File Number H092728 on August 5, 1981,

Declaration of Covenants, Condition & Restrictions for Oak Cliff Place Subdivision Unit-4 and Annexation to Oak Cliff Place Homeowners Association, Inc. recorded under Clerk File Number 4285320 on December 18, 1981; and

WHEREAS Article XXX in each Declaration provides enforcement provisions for failure to comply with any restriction or covenant; and

WHEREAS chapters 209.006 and 209.007 of the Texas Property Code ("TPC") provides various procedures and notifications which must occur prior to enforcement action; and

WHEREAS, the Board of Directors ("Board") of the Association desires to establish this *Policy for Compliance and Enforcement Action* in compliance with the Declarations and the Texas Property Code in order to provide clear and definitive guidance to property owners.

RP-2017-4380

1 – Criteria

The Declarations and various guidelines adopted by the Association provide the restrictions and covenants for the Association. Certain conditions or activities require a judgment as to whether the degree of the issue warrants follow-up by the Association with the owner. Such items requiring follow-up are considered violations. The Association will endeavor to use uniform criteria across all properties so that notifications are issued on a consistent basis. On an ongoing basis, the Board will examine inspection reports and provide feedback to the management company to ensure the inspection criteria matches the expectations of the Board. Conditions or activities judged to be out of compliance with the restrictions or covenants are referred to as "violations".

2 – Inspections

Inspections will occur on the frequency specified by the Board in the management contract but no less than once per month. During each inspection, the management company will view each property from the street or streets adjacent to each property. The purpose of the inspections is (1) to find new violations which have arisen since the last inspection, (2) to check the status of previously noted violations and (3) to follow-up on communications, such as updates or complaints, since the last inspection.

3 – Complaints

Complaints about alleged violations of restrictions or covenants will be investigated on the next scheduled inspection to determine if an actual violation exists under the Declarations, guidelines and established criteria. The Association will keep complaints anonymous. Once verified, the record will normally show that the Association observed the violation that was initiated from an anonymous source. The Association will take all practical and reasonable actions to protect and conceal the identity of the complainant, and under no circumstances will that identity be released from any employee or representative of the management company or the Association.

4 – Unverified Complaints

At times complaints may be received which cannot easily be verified. These might include conditions not visible from the adjacent street (such as on the rear of the home or within an enclosed back yard) or activities that do not occur during regular inspections (such as barking dogs or overnight street parking, if prohibited). The Association will generally not pursue alleged violations which cannot be verified during the normal inspection process. The Association may agree to send a letter to the owner if the complaining party provides photographic evidence of the alleged violation. The Association may also agree to send a courtesy letter to an owner regarding minor items relating to pets.

5 – Notifications

The management company will send written notifications regarding violations. The notifications will be sent

RP-2017-4380

6 – Extensions

Communication is encouraged and owners may need additional time beyond the deadline to cure the violation. If an owner requests additional time verbally or in writing, the management company will consider the request using its best judgment and approve the additional time or present the request to the Board for their decision. The owner will receive confirmation of the decision verbally (if requested verbally and approved immediately) or in writing.

In addition, the management company may delay follow-up after a deadline expires if, in its best judgment, additional time is warranted. For example, the management company may delay follow-up if the owner has partially cured the violation or if inclement weather would reasonably delay a cure. The management company may also decide to resend a 1st letter instead of moving the violation to the next notification level for certain violations. The objective is to use common sense in evaluating the next step for each violation.

7 – Hearings

An owner who disagrees with a violation is encouraged to contact the management company for clarification. At any point in the process, an owner may also visit a board meeting to address the Board.

A formal hearing in front of the Board is offered at the point a “2nd Letter” is sent to the owner. The 2nd letter is sent by both certified mail and regular first class mail. The purpose of a hearing is to provide an opportunity to discuss and verify facts and to attempt to resolve the issue. The 2nd letter contains the following text in compliance with the TPC.

Important Notice of Your Rights

Per Section 209.007 of the Texas Property Code, you have a right to a hearing in front of the Board of Directors. If you desire a hearing, written notice of your request must be received at our office within 30 days of the date of this letter. Upon receipt of your written request, you will be furnished with notice of the date, time and place of the hearing.

If you are serving on active military duty, you may have special rights or relief related to this enforcement action under federal law, including the Service members Civil Relief Act (50 U.S.C. app. Section 501 et seq.).

If an owner makes a written request for a hearing, the hearing will be scheduled with the Board using the procedures and within the timeframe set forth in the TPC. The hearing will be held within an Executive Session at the Board meeting.

Under the TPC, the Association is not obligated to offer a hearing on an uncorrected or duplicate violation for which the owner has previously been given notice in the preceding six (6) months. This most often

Exhibit B lists the fines associated with violations.

Prior to the imposition of a fine, the Association will send the owner a "2nd Letter" using the language shown above. If the violation is "curable" as defined by the TPC (something that may be cured with affirmative action), the owner will be given a reasonable period to cure the violation. A fine will not be imposed if the owner cures the violation before the expiration of the cure period. If the owner requests a hearing, the fine will not be imposed until after the hearing and only if the owner had not cured the violation before the expiration of the cure period.

If the violation is a threat to public health or safety or if the violation is "incurable" as defined by the TPC (something that already occurred and is not ongoing), a fine may be imposed if the owner does not request a hearing using the procedures and within the timeframe set forth in the TPC or after the hearing, if requested.

9 – Right to Cure

The Declarations provide the Association with the right to cure or abate any violation, including the right to enter any Lot upon which the violation exists without liability for trespass, and to charge the expense thereof, if any, to such Owner, plus attorney's fees incurred by the Association with respect to the exercise of such remedy. All charges assessed against an Owner shall constitute a continuing lien upon the Lot of such Owner as fully as if such charge were an unpaid annual or special assessment.

Prior to initiating action to abate or cure a violation, the Association will send the owner a "Forced Maintenance Letter" which describes the problem, the required resolution, a deadline for cure and a statement of the Association's intent to cure.

If the owner does not cure or abate the violation by the deadline, the Association may issue a work order to a contractor to cure or abate the violation. Once the work is complete, the owner will be billed for the full cost of the work plus a reasonable administrative fee for issuing the work order and coordinating the violation cure or abatement.

The Association is not obligated to send another Forced Maintenance Letter on a violation for which the owner has been previously been given notice in the preceding six (6) months. This most often applies to periodic issues such as landscape maintenance.

10 – Attorney Action

The Board may choose to refer violations to the Association's attorney for legal action at any time after a 2nd Letter is sent to the owner and the violation is not cured and a hearing is held, if requested. All referrals to the attorney shall be done at a called Board meeting in Executive Session.

RP-2017-4380

If the violation is not cured by the deadline stated in the attorney demand letter and upon recommendation by the Association's attorney, the Board will consider filing a lawsuit against the owner seeking an injunction to cure and a monetary judgment including civil penalties.

A reasonable administrative fee shall be imposed on the owner's account for preparing and transmitting the violations to the attorney for an initial demand letter. All subsequent attorney fees and costs will be charged back to the owner's account.

11 – Privacy

All communications with an owner regarding a violation are considered private. Such communications are not available under another owner's right to access Association records. Hearings shall be conducted in Executive Session. An owner may waive privacy by providing written authorization for another to view such owner's records or by discussing such owner's violations at an open meeting.

Approved and adopted by the Board on this 10 day of December, 2016.


Belle Burney
Vice President
Oak Cliff Place Homeowners Association, Inc.

STATE OF TEXAS §
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COUNTY OF HARRIS §

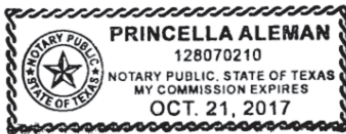
Before me, the undersigned authority, on this day personally appeared Belle Burney, Vice President of Oak Cliff Place Homeowners Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 10 day of December, 2016.


Notary Public, State of Texas

[Notarial Seal]


Printed Name



My commission expires: Oct 21, 2017

After recording, please return to: ✓✓

 Oak Cliff Place Homeowners Association, Inc.
c/o C.I.A. Services, Inc.
PO Box 63178
Pipe Creek, TX 78063-3178

RP-2017-4380

EXHIBIT A TYPES OF NOTIFICATIONS

1st Letter

- This is the first letter mailed on most violations.
- It is sent by regular 1st class mail to the property owner, tenant or both depending on the violation.
- It states the problem, requested solution and deadline for action.
- Deadlines vary depending on violation – landscape maintenance, trash and signage are typically 10 days, minor repairs are typically 21 days, major repairs are 45 days or more.
- 1st letters are typically mailed after the 1st observation after verification of complaints, for landscape issues and unapproved modifications. They are mailed after two consecutive observations on most other violations.
- On future observations, a 1st letters may be resent on “minor” or recurring violations rather than sending a 2nd letter by certified mail.

ACC Letter

- This letter is used for minor unapproved modifications in progress (e.g. repainting in an originally approved color).
- It is sent by regular 1st class mail to the property owner and tenant, if different.
- It describes the observed modification and asks that plans be submitted for ACC review. The deadline to submit the required plans is typically set at 14 days.
- ACC letters are mailed after the 1st observation.
- A link is provided for submitting an online Home Improvement Request through www.ciaservices.com.

2nd Letter

- This is typically the second letter mailed on most violations.
- It is sent by regular 1st class mail and by certified mail to the property owner.
- It states the problem, requested solution and deadline for action.
- This letter contains language required by the Texas Property Code regarding the property owner’s right to a hearing in front of the Board and protections available to active duty military personnel.
- The deadlines on 2nd letters are usually 30 days because of the Texas Property Code requires property owners 30 days to request a hearing in front of the Board. Generally, no further enforcement action should be taken in that period.
- 2nd letters are mailed after the 1st observation following the expiration of a 1st letter deadline.

Last Chance Letter

- This is typically the third letter mailed on most violations.
- It is sent by regular 1st class mail to the property owner.
- It states the problem, requested solution and deadline for action. The letter states that this violation will be turned over to the Association’s attorney if not corrected by the deadline.

Thank You Letter

- This is generally sent after a violation has been corrected to provide feedback to the property owner and/or tenant. The Manager uses discretion as to whether this letter is appropriate in a particular case.
- It is sent by regular 1st class mail to the property owner and/or tenant depending on who received the prior letters.

Expiration Letter

- This may be sent to an owner if they have requested an extension to resolve a violation but the violation continues to exist after the extension expired.
- It is sent by regular 1st class mail to the property owner and/or tenant depending on who requested the extension.

Forced Maintenance Letter

- This letter provides notice to the property owner that a contractor will be sent to the property to correct the violation if the property owner does not take care of the problem by the deadline. This is typically used for landscape maintenance violations but can also be used for any other maintenance violations where the Association has the authority to do forced maintenance.
- It is sent by regular 1st class mail and by certified mail to the property owner.
- It states the problem, requested solution and deadline for action.
- A 30 day deadline is used in compliance with the Texas Property Code. Note that this letter does not need to be resent before maintenance if the problem recurs within 180 days.
- Forced maintenance letters are mailed when a violation reaches the criteria established by the Board for using this letter.

Cease & Desist Letter

- This letter is used for major unapproved modifications in progress (e.g. room addition, roof or siding replacement).
- It is hand delivered to the property or posted on the front door and also sent by certified and first class mail to the property owner and property address.
- It describes the observed modification and asks that all work be stopped immediately and plans be submitted for ACC review. The deadline is typically set at 1-day to stop work and 10-days to submit required plans.
- Cease & desist letters are delivered and mailed immediately upon verification of the modification.
- A link is provided for submitting an online Home Improvement Request through www.ciaservices.com.

Lawn Care Postcard

- This is a friendly, pre-printed postcard mailed within one day of the inspection for lawn care violations.
- It is sent by regular 1st class mail to the "Resident" of the property.
- It is used during the rapid growing season (April-September) as a quick response alternative to the standard 1st letter.

**EXHIBIT B
FINE SCHEDULE**

Violation Type	Trigger Point	Fine Amount
Unmaintained structures (home, fencing, outbuildings, play equipment, etc.)	After 2 nd Letter, after hearing if requested, if violation not cured	\$50
Unmaintained landscaping or hardscape (lawn, trees, shrubbery, beds, pathways, ornamentation, lighting, irrigation, etc.)	After 2 nd Letter, after hearing if requested, if violation not cured	\$50
Construction without ACC approval	After 2 nd Letter, after hearing if requested, if application not submitted and approved	\$50
Construction inconsistent with ACC approval	After 2 nd Letter, after hearing if requested, if application changed not approved and revisions not made	\$50
Violation of ACC rules (construction times, worksite appearance, etc.)	After 2 nd Letter, after hearing if requested, if violation not cured	\$50 per occurrence
Prohibited parking in view – boats, trailers, campers, RVs or similar	After 2 nd Letter, after hearing if requested, if violation not cured	\$25 per day
Prohibited storage in view – trash, trash cans, recycle bins other than from 6 p.m. prior to collection day to end of collection day	After 2 nd Letter, after hearing if requested, if violation not cured	\$25 per day
Prohibited signs in view – advertising and contractor signs	After 2 nd Letter, after hearing if requested, if violation not cured	\$25 per day

RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

RP-2017-4380

FILED FOR RECORD

8:00:00 AM

Wednesday, January 4, 2017

Stan Starnett

COUNTY CLERK, HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time
stamped hereon by me, and was duly RECORDED; in the Official Public Records of Real Property of Harris
County Texas

Wednesday, January 4, 2017



Stan Starnett

COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2017-4380