

**WEDGEWOOD PROPERTY OWNERS ASSOCIATION, INC.**  
**LEGISLATIVE POLICIES IN COMPLIANCE WITH TEXAS PROPERTY CODE**

STATE OF TEXAS                   §  
  §  
COUNTY OF MONTGOMERY       §

WHEREAS Wedgewood Property Owners Association, Inc., (hereinafter the "Association") is a Texas nonprofit corporation and the governing entity for Wedgewood, Section One, an addition in Montgomery County, Texas, according to the map or plat thereof, recorded in the Real Property Records of Montgomery County, Texas, under Document No. 8405485, along with any replats, supplements, and amendments thereto (hereinafter the "Subdivision"); and,

WHEREAS in 2021, the Governor of the State of Texas signed Senate Bill 1588 into law, thereby amending the Texas Property Code; and,

WHEREAS Section 202.023 of the Texas Property Code was amended to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of security measures; and,

WHEREAS Sections 202.018 of the Texas Property Code was amended to more specifically define the degree to which property owners within the Subdivision may maintain religious displays on their property; and,

WHEREAS Section 209.007 of the Texas Property Code was amended to provide additional hearing procedures that a property owners' association must follow when enforcing deed restriction violations for which an owner is entitled to an opportunity to cure the violation; and,

WHEREAS Section 209.00505 of the Texas Property Code was added to provide hearing procedures that a property owners' associations must follow with respect to informing an owner of a denial of an application submitted to the architectural review authority for the Association and providing for a hearing process to enable an owner receiving such a denial to appeal the denial; and,

WHEREAS to the extent these *Legislative Policies in Compliance With Texas Property Code* conflict with any existing governing document or dedicatory instrument of the Association or Subdivision, these *Legislative Policies in Compliance With Texas Property Code* shall control by virtue of such contrary provision being pre-empted by State law; and,

WHEREAS to the extent any existing governing document or dedicatory instrument does not conflict with these *Legislative Policies in Compliance With Texas Property Code* or the Texas Property Code, such provision remains in full force and effect, including requirements that application for and approval of improvements be obtained prior to installation; and,

WHEREAS this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, in view of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Subdivision the following *Legislative Policies in Compliance With Texas Property Code*:

## **I. SECURITY MEASURES POLICY**

Pursuant to Section 202.023 of the Texas Property Code, a property owner may install security measures, including but not limited to, a security camera, motion detector, or perimeter fence, to the extent such measure complies with the regulations set forth below.

1. An Owner is prohibited from installing a security camera in a place other than on the Owner's private property.
2. Any security perimeter fence to be installed at or behind the front building line (and as to corner lots, the front and side street building lines) must meet all Association requirements in its dedicatory instruments relative to materials, height, location and appearance for privacy fencing.
3. Any security perimeter fences to be installed forward of the front (or side street) building line are subject to the right of the ACC to require different types of fencing front of the building line than the type behind the building line (including without limitation the type of material, color, style and design) and must comply with regulations to be established by the board of directors of the Association, if any.
4. No Owner may install a security measure that is visible from any street in the Subdivision until they have submitted a written application to, and received written approval from, the ACC.

## **II. RELIGIOUS DISPLAY POLICY**

Pursuant to Section 202.018 of the Texas Property Code, a property owner or resident may display or affix on the Owner's or resident's property or dwelling, one or more religious items, subject to the following regulations:

1. No Owner may display or affix a religious item that:
  - a. is not motivated by the Owner's or resident's sincere religious belief (the Association should not attempt to discern a person's motive or sincerity of belief beyond that stated by the Owner or resident);
  - b. threatens the public health or safety;



- c. violates a law other than a law prohibiting the display of religious speech;
  - d. contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content.
- 2. No Owner may display or affix a religious item on property owned or maintained by the Association.
- 3. No Owner may display or affix a religious item in violation of any applicable building line, right-of-way, setback, or easement.
- 4. No Owner may display or affix a religious item to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

### **III. DEED RESTRICTION VIOLATION HEARING POLICY**

- 1. If an Owner is entitled to an opportunity to cure a violation, the Owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the board of the property owners' association.
- 2. An Owner desiring a hearing must request a hearing on or before the 30th day after the date the notice of violation and right to a hearing was mailed to the Owner. Any Owner that does not request a hearing within thirty (30) days of receiving certified notice of Owner's deed restriction violation will not be entitled to a hearing.
- 3. An Owner shall request such a hearing in writing, either by mail, electronic mail or hand delivery. Such request must be delivered to the Association's address or electronic mail address provided on the most recently filed management certificate.
- 4. The Association shall hold a hearing under this section not later than the 30th day after the date the board receives the Owner's request for a hearing.
- 5. The Association shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing.
- 6. The Association's board or the Owner may request a postponement and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties.
- 7. The Owner or the Association may make an audio recording of the meeting.
- 8. The notice and hearing provisions of this policy do not apply if the association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action.

9. The notice and hearing provisions of this policy do not apply to a temporary suspension of a person's right to use common areas if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the board makes a final determination on the suspension action after following the procedures prescribed by this policy.
10. Not later than ten (10) days before the association holds a hearing under this section, the Association shall provide to the Owner requesting the hearing a packet containing all documents, photographs, and communications (not to include any attorney-client privileged communications) relating to the matter the association intends to introduce at the hearing.
11. If an Association does not provide a packet within the designated period, the Owner is entitled to an automatic 15-day postponement of the hearing.
12. During a hearing, a member of the board or the Association's designated representative shall first present the Association's case against the Owner. An Owner or the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.
13. All hearings will be held in private.
14. After the hearing is concluded, the Owner and their designated representative will leave the hearing so the Board may discuss and consider the information presented.
15. The Association will provide the Owner with a written notice with their decision regarding the matter of the hearing.

#### **IV. ACC DENIAL LETTER AND APPEAL HEARING POLICY**

1. A decision by the ACC denying an application for request by an Owner for the construction of improvements in the Subdivision may be appealed to the Board.
2. A written notice of the denial must be provided to the Owner by certified mail, hand delivery, or electronic delivery.
3. The denial notice must:
  - a. describe the basis for the denial in reasonable detail and describe changes, if any, to the application or improvements required as a condition to approval; and
  - b. inform the Owner that the owner may request a hearing on or before the thirtieth (30<sup>th</sup>) day after the date the disapproval notice was mailed or delivered to the owner.



4. An Owner desiring a hearing appealing a denial shall request such a hearing in writing, either by mail, electronic mail or hand delivery. Such request must be delivered to the Association's address or electronic mail address provided on the most recently filed management certificate.
5. The board shall hold a hearing not later than the thirtieth (30<sup>th</sup>) day after the date the board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the tenth (10<sup>th</sup>) day before the date of the hearing. Only one hearing is required.
6. During a hearing, the board or the designated representative of the property owners' association and the Owner or the Owner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the Owner's application or request for the construction of improvements, and the changes, if any, requested by the ACC in the notice provided to the owner.
7. The board or the Owner may request a postponement of the hearing. If requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties.
8. All hearings will be held in private. The board will consider and vote upon the outcome of the hearing in an open meeting for which notice was provided to the members.
9. The Association or the Owner may make an audio recording of the meeting.
10. The board as appropriate, may affirm, modify, or reverse, in whole or in part, any decision of the ACC.
11. The Association will provide the Owner with a written notice of their decision regarding the matter of the hearing.

**[CERTIFICATION AND ACKNOWLEDGMENT TO FOLLOW]**

**CERTIFICATION**

"I, the undersigned, being a Director of Wedgewood Property Owners Association, Inc., hereby certify that the foregoing *Legislative Policies in Compliance With Texas Property Code* were adopted by at least a majority of Wedgewood Property Owners Association, Inc.'s board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present."

By: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

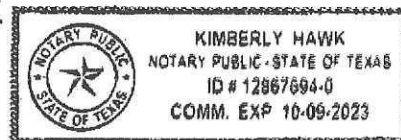
**ACKNOWLEDGEMENT**

STATE OF TEXAS

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COUNTY OF MONTGOMERY

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BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that they are the person who signed the foregoing document, in their representative capacity, and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 27 day of October, 2021.

\_\_\_\_\_  
Notary Public, State of Texas

E-FILED FOR RECORD

10/28/2021 08:32AM

*Mark Turnbull*

COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number  
sequence on the date and time stamped herein  
by me and was duly e-RECORDED in the Official Public  
Records of Montgomery County, Texas.

10/28/2021



*Mark Turnbull*

County Clerk  
Montgomery County, Texas