

Community Educational Series – May 2022



In our April article ([2022 Educational Series - April Edition](#)) we referenced the Texas Property Code (“TPC”) and the Governing Documents (a.k.a. Dedicatory Instruments) as the primary guiding forces for the Property/Home Owners Association (“HOA”), however, it’s not quite THAT simple. Using the pyramid illustration, let’s take a look at the order of priority from the federal government down, and the impact on governance of your HOA.

While there are no specific **federal** regulations, the HOA is of course subject to applicable federal and state statutes as a corporate entity operating in the United States. Some common non-HOA specific statutes that directly affect HOA’s are the Non-Profit Corporation Act, the Fair Housing Act, Federal Fair Debt Collections Practices Act and Americans with Disabilities Act, just to name a few.

Specific legislation for HOA’s resides at the **state** level with the “meat and potatoes” contained in the TPC, Title 11. The most visible and commonly referenced Chapter is 209, known as the Texas Residential Property Owners Protection Act (“TROPA”). [Chapter 209](#) establishes standard practices pertaining to records retention, assessment collection, foreclosures, notices to members, among many other things. For instance, if “your neighbor” has ever told you about receiving a demand letter from the HOA to correct a deed restriction violation, that letter is called a “209” or “TROPA” letter.

Next up is the **recorded plat**. The plat basically defines the physical parameters of the development, and the community developer files/records it with the county, or in our case counties (Harris, Fort Bend and Brazoria). If it is not included in the plat, it is not officially part of the HOA. That’s it! Moving on!

This brings us to the HOA’s **governing documents**, which are specific to our community. They consist of “each document governing the establishment, maintenance, or operation of a residential subdivision...or any similar planned development.” On our pyramid the governing documents are everything from “Declaration, CC&R’s” down.

Declaration of CC&R’s (Covenants, Conditions, and Restrictions)...explain the “what?” and are filed with the counties.

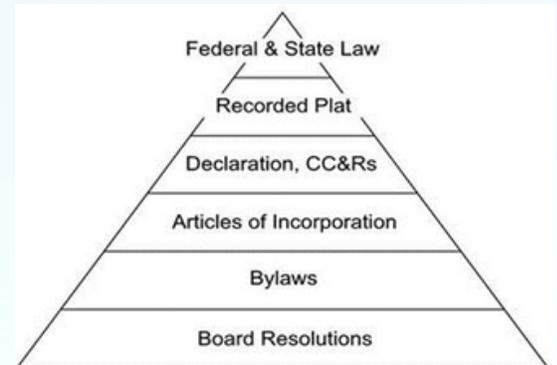
- Property-use restrictions
- Maintenance obligations for the HOA and members
- Mechanisms for rule enforcement and dispute resolution
- Assessment obligations
- Insurance obligations

Articles of Incorporation...contains basic information including name, location, and purpose of the HOA and filed with the Secretary of State.

- Establishes nonprofit corporation

Bylaws...explain the “how?” and are filed with the counties.

- Frequency of HOA board elections
- Process for nominating and electing new board members
- Length of board member service terms
- Meeting frequency and quorum requirements
- Duties and responsibilities of board members



Board Resolutions...if the previous documents do not give enough information to guide your board in a decision, it can implement a resolution to provide clarity.

- Policy or interpretive
- Administrative or procedural
- Add to Rules and Regulations

As a Shadow Creek Ranch resident, keep in mind that you are a member of two associations. Everyone is a member of the Shadow Creek Ranch Maintenance Association ("SCRMA") and one Village Homeowners Association. [Click here](#) to see a map of the Villages. Click on each association name to view the governing documents for [SCRMA](#) or the Villages of [Biscayne Bay](#), [Diamond Bay](#), [Emerald Bay](#) and [Reflection Bay](#).

We hope this information helps you better understand the governing powers of the HOA. Keep an eye out for our June article with everything you ever wanted to know about the Board of Directors!

Landscaping/Tree Trimming

Did you know that your home's landscaping is part of the deed restrictions? Landscape maintenance and replacement, including trees, are considered to be part of the Community-Wide Standard for SCRMA and the Villages.

Here are some helpful tips:

- Consult management on planned major changes to landscaping
- Remove and replace dead shrubbery and flowers promptly
- Maintain borders to garden beds, keep weeded and mulch annually
- Mow grass regularly
- Fertilize grass and treat for weeds (spring & fall)
- Remove tree stakes from matured and well-rooted trees
- Trim and shape hardwood trees as needed; trim palms 2x per year
- Fertilize trees older than 4 years 2x per year

We are happy to help! Please reach out with any questions to help@shadowcreekranchoa.com.



Gardening by the Moon

Each month our very own horticulturalist Dr. R.E. Moon prepares a newsletter just for Shadow Creek Ranch giving invaluable tips and tricks for keeping your landscaping in tip-top condition. The newsletter is posted to the Shadow Creek Ranch website. [Click here](#) to view the May newsletters.

2022 Calendar of Events

The 2022 Calendar of Events is now available! Offerings include family movie nights, sporting events, holiday celebrations, and much more. Click the link to check out the event calendar at ShadowCreekRanchHOA.com. We have some exciting events coming up for the summer, so don't miss out!

Our next BIG EVENT is the opening of Shadow Creek Ranch pool season with a "Summer Kickoff" party on Saturday, May 28, from 12pm-5pm at the Biscayne Bay pool. There will be a DJ, bounce house, cotton candy, snow cones and food trucks to help us celebrate! See you there!

