

# CITIES DON'T ENFORCE PRIVATE RESTRICTIVE COVENANTS, OR DO THEY?:

THE CITY OF HOUSTON'S  
UNIQUE LAND  
USE SCHEME

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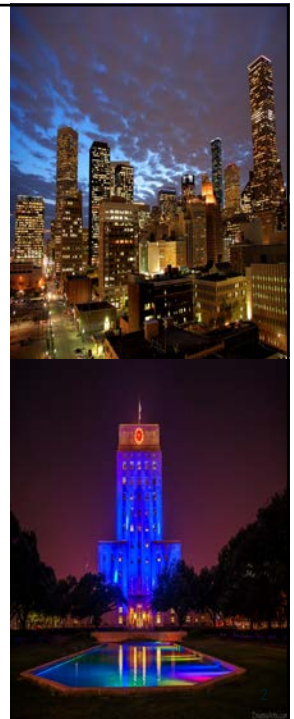


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## AGENDA

1. Brief History
2. Authority
3. Process
4. Opportunities and Considerations

UT Law 2024 Land Use Conference



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## BRIEF HISTORY

### The City of Houston

- 4<sup>th</sup> largest city in nation by population
- 665 square miles
- Unzoned (mostly)

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*DEED  
RESTRICTION  
ENFORCEMENT  
AUTHORITY*

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## Statutory Authority: Texas Local Government Code Section 212.151

### Who Can Use It?

A municipality with:

- Population of 1.5MM or more, OR
- No zoning

AND that enacts an ordinance requiring uniform enforcement

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## Types of Deed Restrictions That Can Be Enforced

“Restriction” means a land use regulation that:

- (1) affects the character of the **use** to which real property, including residential and rental property, may be put;
- (2) fixes the distance that a structure must be **set back** from property lines, street lines, or lot lines;
- (3) affects the **size of a lot** or the **size, type, and number of structures** that may be built on the lot;
- (4) regulates or restricts the **type of activities** that may take place on the property, including commercial activities, sweepstakes activities, keeping of animals, use of fire, nuisance activities, vehicle storage, and parking;
- (5) regulates **architectural features** of a structure, **construction of fences, landscaping, garbage disposal, or noise levels**; or
- (6) specifies the **type of maintenance** that must be performed on a lot or structure, including maintenance of a yard or fence.

Tex. Local Gov't Code Section 212.152

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## Title search: Cities Don't Enforce Private Restrictive Covenants or Do They?: The City of Houston's Unique Land Use Scheme

Also available as part of the eCourse

[Private Restrictive Covenants: What You Need to Know](#)

First appeared as part of the conference materials for the  
28<sup>th</sup> Annual Land Use Conference session

"Cities Don't Enforce Private Restrictive Covenants or Do They?: The City of Houston's Unique Land Use Scheme"