

# Land's End Homeowners Association

## POLICY RESOLUTION NUMBER 11

### HOME OFFICE/TELECOMMUTING

WHEREAS, the Preamble C.(1), of the Declaration of Covenants, Conditions and Restrictions for Land's End at Lake Fork (the "Declaration") gives the Land's End Homeowner Association (the "Association") the power and authority to administer and enforce the covenants and restrictions governing the Development; and

WHEREAS, Article VI Section 6.24 Enforcement, of the Declaration empowers the Board of Directors to make such rules and regulations as may be necessary to carry out the intent of the restrictions in the Declaration; and

WHEREAS, Article 15.8 Liberal Construction, of the Declaration requires that the Declaration be liberally construed to effectuate its purpose, which purpose is stated in the Preamble B, "...*protecting the value and desirability of the Development, for the benefit of the Development and every Owner*"; and

WHEREAS, the Texas Property Code, Title 11 Section 202.004 Enforcement of Restrictive Covenants, presumes reasonable exercise of discretionary authority by the Association concerning a restrictive covenant; and

WHEREAS, Article 6.2 Residential Use, of the Declaration prohibits all commercial activity except home office/telecommuting or other such non-public activities as may be permitted by the Board, and the Board has not heretofore defined what uses it does permit for home offices, telecommuting, or other non-public commercial activities; and

WHEREAS, strict enforcement of the "no commercial activity" provision in Article 6.2 would require the Association to shut down all home offices, telecommuters, hobby businesses and any other work from home, even though such activities have no negative impact on the community, and such strict enforcement may actually harm marketability and discourage prospective purchasers, which would adversely affect the value and desirability of homes in the Development; and

WHEREAS, the Board deems it to be in the best interest of the Association and all Owners to adopt certain guidelines that will provide guidance and clarity on the types of activities that are permitted and that will provide a foundation for fair and consistent enforcement of Article 6.2;

NOW, THEREFORE, BE IT RESOLVED THAT the Association does permit the use of your residence as a home office and for telecommuting and such other non-public activities that might otherwise be considered a business or commercial activity but have no impact or effect on the community or its high-quality residential character. In determining whether a particular resident's business activity or conduct has no impact on the community, certain factors will be considered by the Board, including without limitation the following:

1. Activities conducted entirely within the house or other improvement located on the Lot shall be considered non-public activity in compliance with Section 6.2 of the Declaration. The house shall be the bona fide residence of the Owner.
2. The residential character of the Lot and other improvements located on the Lot shall be maintained at all times.
3. The use of a residence as a home office shall not generate excessive vehicular traffic, and parking for any vehicles shall be provided on the subject Lot.

# Land's End Homeowners Association

4. Any equipment, materials or products associated with any business operated from a home office shall be kept inside an improvement and may not be openly displayed outside an improvement.
5. A resident's personal vehicles may display a logo and/or reasonable amount of lettering, provided however, the residential address is not displayed on any vehicle owned by the resident.
6. Other than business cards or direct communications, no advertisement relating to any business operated from a home office shall indicate the address of the residence.
7. No activity shall produce loud external noise, odor, dust, smoke, vibration or anything else that may have an adverse impact on the quiet use of homes and safety of the community.
8. Notwithstanding the foregoing, the Association reserves the right to prohibit any business or commercial activity that, in its sole discretion, would have an adverse effect on the community.

BE IT FURTHER RESOLVED THAT the intent of this resolution is for the Board to exercise reasonable discretion in permitting certain in-home, non-public commercial activities as authorized in Section 6.2, while continuing to prohibit undesirable business conduct or activities which are not compatible or in keeping with the residential character and high quality of the Development. With respect to the above factors, the then current Association Board of Directors shall serve as the final authority in any dispute that arises under these standards.

ATTEST:

April 2020

  
President of the Association