



2655 Ranch Road 1869
Box 121
Liberty Hill, Texas 78642-9998

October 9, 2026

Linda Inman, Mayor
Providence Village
1755 Main Street
Providence Village, Texas 76227

Re: [REDACTED], *Code Compliance Case No. 26-02202*

Dear Ms. Inman:

Homemade Texas is a nonprofit organization that works with cottage food producers across the state. We were deeply involved in the passage of the legislation enacted in 2011, 2013, 2019, and 2025 that established and expanded the Texas Cottage Food Law. We are writing on behalf of one of our members, a cottage food producer residing at [REDACTED] Drive, regarding a notice issued by the Town of Providence Village Code Compliance Division that raises serious concerns about the Town's enforcement of its zoning ordinances as they relate to cottage food production operations.

In 2013, Section 211.032 of the Texas Local Government Code was amended to provide that:

"CERTAIN ZONING REGULATIONS PROHIBITED. A municipal zoning ordinance may not prohibit the use of a home for cottage food production operations."

The Legislature could not have been clearer. The operation of a cottage food production operation from a home is expressly protected from municipal zoning prohibitions.

Nevertheless, on October 5, 2026, Providence Village issued a Notice of Violation to [REDACTED], who are not the occupants of the property at [REDACTED] Drive. The notice alleges that the property is in violation of Section 24.7 of the Town's zoning ordinance governing customary home occupations and demands that the alleged violation be corrected within ten calendar days. The entirety of the Town's factual findings appears in the following statement:

"Received complaint about a home occupation being ran [sic] / advertised online. I drove by the property at 5:45 am this morning, and there was nothing outside of the home. No lit sign was visible from the street."

We find this statement remarkable. The Code Compliance officer reports receiving a complaint about a business advertised online, conducting an inspection at 5:45 in the morning, and

observing no exterior indication of commercial activity whatsoever. Nevertheless, the Town has concluded that a violation exists and has demanded corrective action within ten days.

A complaint is not evidence of a violation. The mere fact that someone has reported a home-based business to Code Compliance does not establish that it is operating unlawfully. Indeed, the officer's own inspection notes identify no observable violation whatsoever.

The implications of this enforcement practice extend well beyond the current instance. Fundamental principles of due process require adequate notice of alleged violations and a meaningful opportunity to contest governmental enforcement actions. Yet Providence Village has issued a formal notice demanding compliance within ten days without identifying the specific conduct alleged to violate its ordinance or explaining what corrective action is required.

The notice reproduces ten separate conditions applicable to customary home occupations, but fails to identify which of those conditions the property owners have allegedly violated. It contains no allegation of excessive traffic, exterior storage, signage, noise, odors, nuisance conditions, or any other observable activity inconsistent with residential use. It does not allege that customers visit the property or that merchandise is sold on the premises.

What, precisely, are these property owners being ordered to correct?

Furthermore, Section 437.0192 of the Texas Health and Safety Code restricts the authority of local governments to regulate cottage food production operations. These statutory protections reflect a deliberate legislative policy to allow Texans to operate qualifying cottage food businesses without unnecessary local governmental interference.

Several provisions of the Town's ordinance raise concerns when applied to cottage food production operations. Among them are restrictions on the percentage of residential floor space devoted to an occupation, the equipment used in the home, and the sale or storage of merchandise. To the extent that the Town interprets these provisions to prohibit the lawful operation of a cottage food production operation from a residence, that interpretation must yield to the protections established by state law.

We are particularly concerned by the Town's apparent reliance on online advertising as evidence of a zoning violation. Section 24.7(5)(d) purports to prohibit advertising of a customary home occupation through commercial communication media, ostensibly to prevent increased traffic congestion in residential areas.

Advertising a lawful business online, however, is not evidence that the business creates traffic congestion or otherwise interferes with residential use. The Town has identified no such activity in this case. Nor has it explained how prohibiting a cottage food producer from communicating with prospective customers over the internet advances its stated interest in preventing residential traffic congestion.

This raises an additional constitutional concern. Truthful commercial advertising concerning lawful activity is protected by the First Amendment to the United States Constitution. Under

Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980), restrictions on lawful commercial speech must directly advance a substantial governmental interest and may not be more extensive than necessary to serve that interest. A blanket prohibition on advertising a lawful cottage food production operation through commercial communication media raises substantial questions under that standard, particularly where the Town has identified no actual traffic or neighborhood impact associated with the business.

The implications of the Town's interpretation extend beyond this particular property. Cottage food production operations exist throughout Providence Village, as they do in communities across Texas. If the Town interprets its ordinance to prohibit a cottage food production operation merely because it is conducted from a residence or advertised online, it is difficult to see how that interpretation would not apply equally to every cottage food producer operating from a residence within Providence Village. Surely that is not the Town's position, particularly when state law expressly prohibits such a result.

Accordingly, Homemade Texas respectfully requests that Providence Village withdraw the October 5 notice of violation and confirm, prior to the October 15 compliance deadline, that the property owners and residents will not be subjected to further enforcement action merely for operating or advertising a lawful cottage food production operation from their residence. We further request that the Town review its customary home occupation ordinance for consistency with Texas Local Government Code Section 211.032 and Texas Health and Safety Code Section 437.0192, and ensure that Code Compliance personnel are advised of the limitations imposed by state law.

Should the Town maintain that a violation exists, we request that it identify the specific subsection allegedly violated, the factual basis supporting that allegation, the corrective action demanded, and the legal authority upon which the Town relies to apply that restriction to a cottage food production operation.

We appreciate the Town's attention to this matter and look forward to its prompt resolution.

Sincerely,

Kelley Masters
President
Homemade Texas

Cc: Senator Lois Kolkhorst
Senator Brent Hagenbuch
Representative Jared Patterson
Kelly Nelson, Mayor Pro-Tem, City Council Place 1
Tyler Stewart, City Council Place 2
Klayton Rutherford, City Council Place 3
Jason Lucas, City Council Place 4
Jeff Doramus, Deputy Mayor Pro-Tem, City Council Place 5
Elise Jumbelick, City Council Place 6

Julie Y. Fort, Providence Village Attorney
Providence Village Code Enforcement Department

Attachment A: October 5, 2026 Notice of Violation, Case No. 26-02202

Attachment A



**PROVIDENCE
VILLAGE ★ TX**

Town Of Providence Village Code Compliance
1755 Main Street (FM 2931)
Providence Village, Tx 76227
(940) 365 - 9333 opt 5

NOTICE OF VIOLATION OF TOWN CODE OF ORDINANCES

Date: October 5, 2026

Re: Case No. 26-02202 - Zoning Ordinance-Customary Home Occupation

Dear Cassida Searro & Raymund Chua,

The Town of Providence Village Code Compliance Division has recently become aware of the following property located at [REDACTED]

Notes

Received complaint about a home occupation being ran / advertised online.
I drove by the property at 5:45 am this morning, and there was nothing outside of the home. No lit sign was visible from the street.

This property is in violation of the Town of Providence Village Code of Ordinance(s) as follows:

24.7 Accessory Uses:

5. Customary Home Occupation: An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:
- (a) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.
 - (b) That no person other than members of a family who reside in the residential dwelling be engaged in such occupation, profession, domestic craft or economic enterprise.
 - (c) That such use be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation[,] profession, domestic craft or economic enterprise shall never exceed twenty-five percent (25%) of the total of the floor area of the residential dwelling.
 - (d) That, to prevent increased traffic congestion in residential area, no advertising of the occupation, profession, domestic craft or enterprise be conducted by means of any commercial communication media, or by the use of any other device such as a sign, display, handbill, or other visible indication thereof displayed inside or outside the residential dwelling.
 - (e) That the residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
 - (f) That no exterior storage of material, equipment and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise be placed, permitted or allowed on the premises occupied by the residential dwelling.
 - (g) That there be no offensive noise, vibration, smoke, dust, odors, heat, or glare beyond the property line.
 - (h) That such occupation, profession, domestic craft or enterprise be wholly within the residential dwelling and no accessory building be used in conjunction therewith.
 - (i) That no stock, goods, wares, or merchandise be sold or kept for sale on the premises.
 - (j) That only equipment be used in such occupation, profession, domestic craft, or enterprise that is ordinarily used in a private home in a like amount and kind.

This letter serves as formal notice that the conditions outlined above constitute a violation of applicable codes and must be corrected within ten (10) calendar days from the date of this correspondence. The property must be brought into compliance and must remain in compliance thereafter.

If you believe that achieving compliance within the specified time frame is not feasible, or if you believe this notice was issued in error, please contact me promptly to discuss the matter further.

The Code Compliance Division understands that many violations may occur due to a lack of awareness regarding applicable regulations. Accordingly, we are notifying you of the observed violation and requesting that corrective action be taken to remedy the issue.

Our objective is to work collaboratively with property owners to achieve voluntary compliance. Should you have any questions or