
STEAMBOAT SHORES OWNERS ASSOCIATION

OFFICIAL NOTICE

CONCEALMENT DOES NOT CURE A VIOLATION

Purpose of This Notice

This notice clarifies that **covering, hiding, or screening a violation does not cure the violation** under Texas Property Code Chapter 209 or under the Steamboat Shores governing documents.

Recent reports indicate that some owners have attempted to conceal violations by using tarps, metal panels, screening materials, or by proposing privacy fencing around the entire perimeter of a lot. These actions **do not bring a property into compliance** and **do not satisfy the statutory right to cure**.

1. Definition of “Cure” Under Texas Property Code 209

Texas Property Code §209.006(b)(2)(A) grants owners a reasonable period to cure a violation *if the violation is curable*.

Texas Property Code §209.006(g) states that a violation is incurable if it:

- “has occurred but is not a continuous action or a condition capable of being remedied by affirmative action,” and
- “the nonrepetition of a onetime violation... is not considered an adequate remedy.”

A violation must be capable of being remedied by affirmative action.

Concealment is not an affirmative remedy.

Placing a tarp, screen, or fence around a violation does not correct the violation — it only hides it.

2. Statutory Examples of Curable and Incurable Violations

Uncurable Violations (§209.006(h))

- Property damage

- Removal or alteration of landscape
- Onetime violations
- Events prohibited by dedicatory instruments

Curable Violations (§209.006(i))

- Parking violations
- Maintenance violations
- Failure to construct improvements according to approved plans

A tarp or fence does **not** cure:

- An unapproved structure
- A setback violation
- Placement of a used building
- Trash, debris, or inoperative vehicles
- An incomplete structure
- A drainage violation
- A prohibited use
- Any violation of the Restrictions or ACC requirements

It only conceals the condition.

3. Governing Documents Require Actual Compliance

The Restrictions and Bylaws require owners to **correct the violation itself**, not hide it.

Requirements include:

- No construction or alteration without ACC approval
- Completion of structures within six months
- Lots kept free of trash, debris, appliances, and inoperative vehicles
- Setback compliance
- Use of new materials only

- Cure of violations to avoid fines

None of these obligations can be satisfied by concealment.

4. ACC Enforcement Authority

The ACC is authorized to:

- Enter a property
- Remove incomplete structures or other noncompliant items
- Charge the cost to the owner

If hiding a violation counted as curing it, these enforcement powers would be meaningless.

5. Legal Interpretation by Texas HOA Attorneys

Texas HOA law firms consistently interpret “curable” to mean:

- A violation that **can be remedied by the actions of the homeowner**, and
- A violation that **can be corrected through affirmative action**

A tarp, fence, or screen is **not** a remedy.

It does **not** bring the property into compliance.

Official Conclusion

Concealing a violation does not cure the violation.

Under Texas Property Code Chapter 209 and the Steamboat Shores governing documents, a violation is cured **only when the underlying condition is corrected** and the lot is brought into full compliance with all Restrictions and ACC requirements.

Owners who conceal violations remain subject to:

- Continued enforcement
- Fines
- ACC corrective action
- Cost recovery for removal or remediation

Compliance will continue to be enforced in accordance with Texas law and the governing documents.
