Section ENFORCEMENT POLICY - Sample Provision Excerpt (Public Preview)

eliminating or abating the Violation, and any violation fines imposed as determined by the Board, shall be charged to the Owner's account; and Notification of the proposed sanction to be imposed and amount due the Association, if any, and a brief description of what needs to be done to cure

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. ENFORCEMENT POLICY (p. 5): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under Cal. Civ. Code § 5850 & 5855; 10 CCR § 2792.8, 2792.26 (Cal. DRE Subdivided Lands Regulations) - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not included in this review.

Statutory / Legal Reference: Cal. Civ. Code § 5850 & 5855; 10 CCR § 2792.8, 2792.26 (Cal. DRE Subdivided Lands Regulations)

Statutory Comparison: Under Cal. Civ. Code § 5855, when the Board is to meet to consider or impose discipline or a monetary charge, it must notify the member in writing at least 10 days prior to the meeting, allow the member to attend and address the Board (in executive session if requested), and deliver written notice of any disciplinary decision within 15 days following the action. Under Cal. Civ.

CURRENT WORDING IN DOCUMENT:
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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: Pursuant to California Civil Code §§ 5850 and 5855, the Board shall not impose any monetary penalty or disciplinary suspension unless: (a) the monetary penalty schedule has been adopted and distributed to the...