ISSUE #1

Section 3 - Sample Provision Excerpt (Public Preview)

* Second Violation: $250 Fine for each violation. * Third Violation: $500 Fine for each violation. * Violations not cleared by date specified on first violation letter will accrue a weekly Fine of $100, in addition to initial Fine.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3 (p. 1): Disciplinary fine provision conflicts with California AB 130 (Cal. Civ. Code §§ 5850(c)-(e) & 5855) by authorizing non-health/safety fines exceeding $100 per violation, imposing interest or late fees on unpaid fines, or denying the mandatory pre-hearing cure right.

Statutory / Legal Reference: Cal. Civ. Code § 5850(c)-(e) & 5855 (AB 130, enacted June 30, 2025)

Statutory Comparison: Under California Civil Code §§ 5850(c)-(e) and 5855 (as amended by AB 130, effective June 30, 2025), an association shall not impose a monetary penalty exceeding $100 per violation unless the violation may result in an adverse health or safety impact on the common area or another member's property and the board makes a written finding specifying that adverse impact in an open meeting.

CURRENT WORDING IN DOCUMENT:

* Second Violation: $250 Fine for each violation. * Third Violation: $500 Fine for each violation. * Violations not cleared by date specified on first violation letter will accrue a weekly Fine of $100, in addition to initial Fine.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code §§ 5850(c)-(e) and 5855 (AB 130), no monetary penalty for a governing document violation shall exceed One Hundred Dollars ($100.00) per violation unless the Board makes a written finding in an open meeting that the violation results in an adverse health or safety impact.