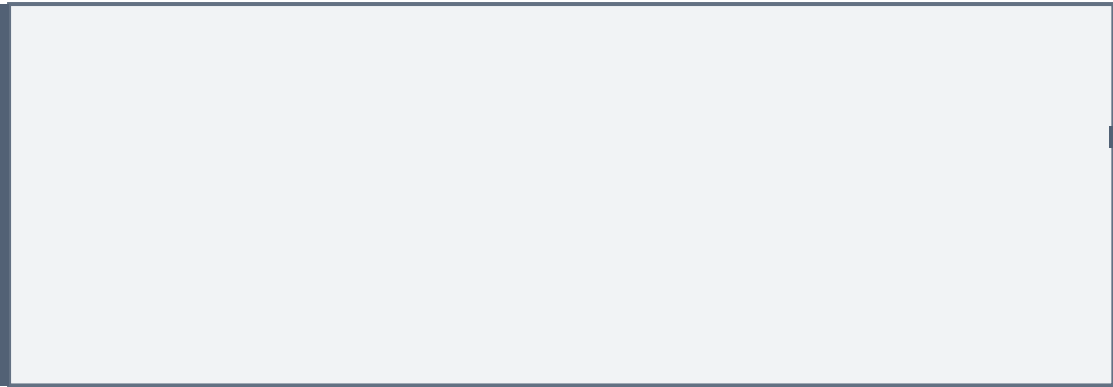


Section FINE SCHEDULE - Sample Provision Excerpt (Public Preview)

determine to impose a Fine of up to \$2,000 for the violation. *Continuing Violations: In addition to the Fine amounts set forth above, if a violation is continuing (occurring over multiple days), the Board may determine to impose a Fine of up to \$100 per day until compliance is achieved.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. FINE SCHEDULE (p. 5): 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:
determine to impose a Fine of up to \$2,000 for the violation. *Continuing Violations: In addition to the Fine amounts set forth above, if a violation is continuing (occurring over multiple days), the Board may determine to impose a Fine of up to \$100 per day until compliance is achieved.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
determine to impose a Fine of up to \$2,000 for the violation. *Continuing Violations: In addition to the Fine amounts set forth above, if a violation is continuing (occurring over multiple days), the Board may determine to impose a Fine of up to \$100 per day until compliance is achieved. [SAMPLE DISCUSSION WORDING - FOR CALIFORNIA HOA COUNSEL 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...