

Section 10 - Sample Provision Excerpt (Public Preview)

Inspections The Association shall have the right, but not the obligation, to periodically inspect the Project without prior notice. Owner agrees to allow inspections and agrees the Project shall be halted and Owner fined \$500.00 every time an inspection is not allowed. Such inspections do not relieve Owners from their duty to comply with the Association's Architectural Rules and all applicable Building and Fire Codes.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 10 (p. 2): 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:

Inspections The Association shall have the right, but not the obligation, to periodically inspect the Project without prior notice. Owner agrees to allow inspections and agrees the Project shall be halted and Owner fined \$500.00 every time an inspection is not allowed. Such inspections do not relieve Owners from their duty to comply with the Association's Architectural Rules and all applicable Building and Fire Codes.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Inspections The Association shall have the right, but not the obligation, to periodically inspect the Project without prior notice. Owner agrees to allow inspections and agrees the Project shall be halted and Owner fined \$500.00 every time an inspection is not allowed. Such inspections do not relieve Owners from their duty to comply with the Association's Architectural Rules and all applicable Building and Fire Codes.