

HACIENDA CARMEL COMMUNITY ASSOCIATION

MARKUP #1 ->

REQUEST FOR CHANGE OR ADDITION TO UNIT

TO: General Manager / Architectural Review Committee

DATE: _____ UNIT # _____

FROM: _____

PHONE/EMAIL _____

REQUESTING: Change or addition to unit

Description of proposed changes: *(Please attach a separate sheet or drawing if necessary)*

Name of contractor(s) or appropriate tradesperson(s) who will be performing the work described above:

_____ Contractor License # _____

Proposed start date of project: _____ Estimated completion date: _____

- By submitting this request I / we hereby acknowledge and agree to the following conditions:
1. Work on the above requested changes may not begin without prior approval.

2. A copy of this form with approval must be posted in a front window of the unit prior to the start of work.

3. It is the Homeowner’s responsibility to obtain any necessary governmental permits.

~~4. Any modifications to an approved project must be reported to the General Manager prior to making changes.~~

5. Work done without prior approval may be subject to a fine of not less than \$250 in accordance with CC&R’s.

6. Progressive inspections may be required depending on the scope of work being done.

~~7. All construction / landscaping debris must be disposed of off Hacienda grounds by owner or contractor.~~

8. Upon completion of the project General Manager shall be notified for final inspection to assure that all work has been done according to approved scope and specifications.

9. Homeowner shall indemnify, defend and hold HCCA and each of its directors, officers, employees, managers, and agents harmless from and against all claims, suits, demands, losses, damages or liability, including without limitation, reasonable attorneys’ fees and costs arising out of the proposed architectural improvement and/or any resulting damages.

Signature of owner(s) _____

Below to be completed by General Manager / Architectural Review Committee Chairperson

Reviewed by General Manager on _____. Comments, recommendations or additional conditions:

Architectural Review Committee recommendation to Board of Directors: ☐ Approval ☐ Non-Approval

Comments: _____

General Manager

Date

Architectural Review Chairperson

Date

Request is approved in accordance with HCCA Architectural Rules. Date: _____

Variance ☐ approved ☐ not approved by HCCA Board of Directors. Date: _____

PLEASE NOTE: Projects that are not approved may be appealed in writing to the Board of Directors.

Final inspection of completed project by General Manager completed on: _____

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. 5 (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. Furthermore, AB 130 prohibits charging late fees or interest on unpaid monetary penalties and bars imposing a discipline if the member cures the violation prior to the board hearing (or within a reasonable cure period if curing takes longer than the notice period).

CURRENT WORDING IN DOCUMENT:

Work done without prior approval may be subject to a fine of not less than \$250 in accordance with CC&R's. 6. Progressive inspections may be required depending on the scope of work being done.

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. No late fee or interest shall be charged on any unpaid monetary penalty, and no fine shall be imposed if the member cures the violation prior to the disciplinary hearing (or provides a financial commitment to cure where cure requires more time than the hearing notice period).

ISSUE #1