

Section FINING SCHEDULE - Sample Provision Excerpt (Public Preview)

FINING SCHEDULE

\$ 1,000.00

1st violation

\$ 2,000.00

2nd violation

\$ 3,000.00

ISSUE #1

The minimum fine shall not be less than \$1,000.00 per violation. Fines may be levied daily, weekly or in any other manner as the Hearing Board deems necessary in order to bring compliance.
The Hearing Board determinations will be mailed out within 15 days after...

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. FINING SCHEDULE (p. 9): 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:

FINING SCHEDULE \$ 1,000.00 1st violation \$ 2,000.00 2nd violation \$ 3,000.00 3rd violation
The minimum fine shall not be less than \$1,000.00 per violation. Fines may be levied daily, weekly or in any other manner as the Hearing Board deems necessary in order to bring compliance. The Hearing Board determinations will be mailed out within 15 days after...

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.