Section 8.1 - Sample Provision Excerpt (Public Preview)

Schedule of Monetary Penalties (fines) to be levied against property owners for non- ACC Rules Revised 12.2011 conformance of governing documents, including but not limited to the CC&Rs, ACC Rules, By-Laws, and Policies and Procedures.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 8.1 (p. 19): 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:
Schedule of Monetary Penalties (fines) to be levied against property owners for non- ACC Rules Revised 12.2011 conformance of governing documents, including but not limited to the CC&Rs, ACC Rules, By-Laws, and Policies and Procedures.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Schedule of Monetary Penalties (fines) to be levied against property owners for non-ACC Rules Revised 12.2011 conformance of governing documents, including but not limited to the CC&Rs, ACC Rules, By-Laws, and Policies and Procedures. [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...