Section HOME IMPROVEMENT APPLICATION PROCEDURES - Sample Provision Excerpt (Public Preview)

fine, not to exceed $100.00 per day for each day that a violation of these Guidelines and Standards occurs, in accordance with Section II-K of the Guidelines and Standards.

2.

Review fee(s) are to be used to pay for administrative services, professional consultant services such as, but not limited to, architect, landscape architect, and/or...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. HOME IMPROVEMENT APPLICATION PROCEDURES (p. 16): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under Cal. Civ. Code § 4000 - 6150 (Davis-Stirling Common Interest Development Act); Cal. Civ. Code § 5855 (AB 130 $100 Fine Cap & Hearing Mandate) - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not...

Statutory / Legal Reference: Cal. Civ. Code § 4000 - 6150 (Davis-Stirling Common Interest Development Act); Cal. Civ. Code § 5855 (AB 130 $100 Fine Cap & Hearing Mandate)

Statutory Comparison: Under Cal. Civ. Code § 5855 (AB 130 $100 Fine Cap & Hearing Mandate) and Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Common Interest Development Act), an association cannot impose a fine or suspend common-area or voting rights without first providing written notice of the specific covenant violation, a reasonable opportunity to cure, and a formal opportunity to be heard in accordance with...

CURRENT WORDING IN DOCUMENT:

fine, not to exceed $100.00 per day for each day that a violation of these Guidelines and Standards occurs, in accordance with Section II-K of the Guidelines and Standards. 2. Review fee(s) are to be used to pay for administrative services, professional consultant services such as, but not limited to, architect, landscape architect, geotechnical and/or...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: Update the fining and suspension procedure to require advance written notice of the specific violation, an opportunity to cure, a formal hearing procedure, and adherence to statutory fine limits under Cal. Civ.