



## AB 130 REVISIONS TO ENFORCEMENT PROCEDURES & FINE SCHEDULES FLAT FEE PROGRAM

On June 30, 2025, Assembly Bill 130 (“AB 130”) was signed into law and took effect immediately. Enclosed is additional information that outlines the key points from AB 130 and why it renders most enforcement policies and fine schedules unenforceable. A flat fee program has been created for our clients to provide them with everything they need to not only comply with AB 130’s restrictions, but to also facilitate as effective an enforcement procedure as possible under the new statutory framework. This includes the following:

- ✓ **Updated Enforcement Procedures:** Provide a draft of an updated set of enforcement procedures that is compliant with the new law while also retaining legally permissible aspects of the Association’s established enforcement approach.
- ✓ **Updated Fine Schedule:** Provide a draft of an updated schedule of penalties (i.e., fines and privilege suspensions) that may be imposed under the new state of the law. It will also specify remedies available to the Association in situations involving “continuing violations,” as well as specify certain monetary charges that may be imposed against a homeowner for damage repairs and attorney’s fees reimbursement (to the extent permitted under the Association’s governing documents).
- ✓ **Board Resolution Recognizing Health & Safety Violations:** Provide the necessary resolution for the Board to adopt which preserves the Board’s authority to levy fines in excess of the new \$100 cap in specified situations involving health and safety concerns, as now required by [Civil Code § 5850\(d\)](#).
- ✓ **Template Board Resolution for Additional Health & Safety Violations:** Provide a “fill-in-the-blank” template resolution for the Board to utilize in unique situations not covered in the generalized resolution described above.
- ✓ **Template Agreement for Violation Resolutions:** Provide a “fill-in-the-blank” template agreement for the Board to utilize in documenting an agreed-upon resolution with a violating homeowner, as now required by [Civil Code § 5855\(e\)](#).
- ✓ **Statutory Rule Change Notices:** Provide the requisite notices for adopting the updated enforcement procedures and fine schedule, per [Civil Code § 4360](#).
- ✓ **Instructional Cover Letter to the Board/Management:** Provide instructions on adopting the updated documents and resolutions, and on how to address situations involving nuanced issues (i.e., continuing fines, monetary charges for fees, etc.).

**FLAT FEE FOR EXISTING CLIENTS: \$1,000**



# AB 130 EFFECTIVE IMMEDIATELY

Amends Civil Code 5850 (Fines) and 5855 (Enforcement Procedures)

## KEY POINTS FROM AB 130

- Association's **fine amount for a violation is capped at \$100 unless the violation may result in an adverse health or safety impact** on the common area or another association member's property.
  - **Board is required to make a written finding** that describes the adverse health or safety impact during an open board meeting.
- **Board must give the violating member the opportunity to cure the violation prior to the hearing.** If the member cures the violation before the hearing, or the member provides financial commitment to cure the violation before the set hearing, then the board cannot levy the fine.
- **Association cannot charge late charges or interest on fines.**
- **If Board and the violating member are NOT in agreement after the hearing, then the member shall have the opportunity to request IDR.**
- **If Board and the violating member ARE in agreement following the hearing, the board is required to draft a written resolution signed by both the board and the violating member.** This resolution binds the association and is judicially enforceable.
- **Board must provide the notice of hearing results within 14 days,** instead of the prior 15 days, after the hearing.

## IMPACT ON COMMUNITY ASSOCIATIONS

- The **\$100 fine cap will substantially weaken an association's ability to deter high-risk, high-reward violations**—such as unauthorized short-term rentals (e.g., Airbnb) or construction of improvements without prior architectural approval. **Owners may view the minimal fine as a cost of doing business, thereby undermining the effectiveness of enforcement efforts** and diminishing compliance with the governing documents.
- **Many associations' existing enforcement policies and fine schedules will be rendered unenforceable** under the new law.

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