

Section 1: [ECC Rules Section 104.3] Prohibition on Accessory Dwelling Units (ADUs) and Junior ADUs

Each residential Lot shall be improved with no more than one (1) single-family detached dwelling. Guest houses with kitchens, garage conversions into independent living units, Accessory Dwelling Units (ADUs), and Junior Accessory Dwelling Units (JADUs) that can be rented separately from the main residence are strictly prohibited.

MARKUP #1 ->

ISSUE #1

Section 2: [BVSA Rules Article 17, Section 1702] Fining Schedule and \$500 Per Violation Penalty

The Board of Directors may impose a fine of up to \$500.00 for any first-time violation of the C&Rs, Bylaws, or BVSA Rules, and \$1,000.00 for repeat violations, plus late fees and interest on unpaid fines. Written notice of the hearing shall be mailed at least seven (7) days prior to the hearing, and all unpaid fines shall be added to the Owner's regular assessment account.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. BVSA Rules Article 17, Section 1702 (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:

[BVSA Rules Article 17, Section 1702] Fining Schedule and \$500 Per Violation Penalty - The Board of Directors may impose a fine of up to \$500.00 for any first-time violation of the C&Rs, Bylaws, or BVSA Rules, and \$1,000.00 for repeat violations, plus late fees and interest on unpaid fines. Written notice of the hearing shall be mailed at least seven (7) days prior to the hearing, and all unpaid fines shall be added to the Owner's regular assessment account.

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).