

Date of Hearing: June 17, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 1272 (Menjivar) – As Amended April 30, 2026

SENATE VOTE: 35-1

SUBJECT: Local ordinances: administrative fines or penalties

SUMMARY: Provides that the reasonable period of time for a property owner to correct or otherwise remedy a violation of structural or zoning issues that do not create an immediate danger to health or safety on owner-occupied residential properties shall be no less than six months, and up to 12 months, if certain conditions are met. Specifically, **this bill:**

- 1) Provides, for any violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety, of any ordinance enacted by a local agency, the reasonable period of time to correct or otherwise remedy the violation shall be no less than six months if all of the following conditions are met:
 - a) The property involved in the violation is a residential property that is owner occupied.
 - b) The current owner of the property submits a sworn affidavit that the current owner was not responsible for any action that caused the violation and that the current owner had no knowledge of the violation at the time the owner took title to the property.
 - c) The current owner of the property provides evidence that the violation was not disclosed in a transfer disclosure statement pursuant to existing law governing required disclosures upon the transfer of residential property, as specified.
- 2) Requires a local agency to extend the reasonable period of time described in 1), above, by an additional six months upon a showing by the current owner of a good faith effort to correct or otherwise remedy the violation, and allows the local agency to extend the reasonable period of time beyond the extension provided by this provision in its discretion. The local agency shall not impose an administrative fee associated with a request for an extension pursuant to this provision.
- 3) Finds and declares that keeping costs predictable for homeowners to address the state's growing affordability challenges is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
- 4) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, or changes the definition of a crime, as specified.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Author’s Statement.** According to the author, “Keeping costs predictable for homeowners to address the state’s growing affordability challenges is a matter of statewide concern. Homeowners are currently being unfairly penalized for actions taken by the previous homeowner on their property that do not pose an immediate danger to anyone’s health or safety. And on top of this, even when the homeowner wants to do the right thing and fix the violation, they face additional financial pressure from the administrative fees and penalties imposed by localities. SB 1272, Curbing Abusive Sanctions on Homeowners (CASH) Act, seeks to provide some relief to homeowners.”

- 2) **Background.** A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. This “police power” provides the right to adopt and enforce zoning regulations, as long as they do not conflict with state laws.

Current law allows counties and cities to establish ordinances, and makes violations of ordinances misdemeanors, unless the county or city makes them infractions. The violation of an ordinance may be prosecuted by county or city authorities in the name of the people of the State of California, or redressed by civil action. Current law outlines the following fine structure for ordinance violations, and for building and safety code violations, that are determined to be infractions:

Number of violations within specified time periods	Amount of fine for ordinance violations that are infractions	Amount of fine for building and safety code violations that are infractions
First violation	Fine does not exceed \$100	Fine does not exceed \$130
Second violation within one year of first violation	Fine does not exceed \$200	Fine does not exceed \$700
Third violation within one year of first violation	Fine does not exceed \$500	Fine does not exceed \$1,300

For building and safety code violations that are infractions, the fine can be increased to \$2,500 for each additional violation of the same ordinance within two years of the first violation, if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

The law also includes additional provisions for violations of event permits and short-term rental ordinances that are infractions and violations of ordinances regulating activities related to cannabis, as well as a process for granting a hardship waiver in specified instances where the fine would impose an undue financial burden on the responsible party.

- 3) **Administrative Alternative.** As an alternative to the court process, a local agency can make any violation of any of its ordinances subject to an administrative fine or penalty. This provision was enacted in 1995 to relieve the courts of some of these cases and offer local governments a faster, easier, and less costly means of pursuing remedies for ordinance violations.

In order to make an ordinance violation subject to an administrative fine or penalty, the local agency must adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of the fines or penalties. A person may appeal such fines or penalties in superior court within 20 days after service of a final administrative order or decision. Local agencies must pursue a civil court proceeding to collect fines and penalties that are not secured via the administrative process.

Current law requires these administrative procedures to grant a person responsible for a continuing violation a reasonable time to remedy the violation before the local agency may impose fines or penalties when the violation pertains to building, plumbing, electrical, or other similar structural and zoning issues that do not create an immediate danger to health or safety. This “reasonable time” period is at the discretion of the local agency and varies from jurisdiction to jurisdiction.

- 4) **Real Estate Transactions.** When an owner sells a single-family residential property, they generally must provide the buyer with certain disclosures that outline the conditions and issues with the property of which the seller is aware. Many of these disclosures are made on the Real Estate Transfer Disclosure Statement (TDS), including any known significant defects in the insulation, roof, foundation, plumbing, and electrical systems, among others. The TDS also includes an extensive questionnaire relating to specific dangers or issues known about the property.

In addition to the disclosures included in the TDS, state law requires other disclosures and notices. A seller must disclose to a potential buyer whether the property is located in a designated high or very high fire hazard severity zone and must provide a natural hazard disclosure statement disclosing whether the property is located in various disaster areas. Buyers may conduct additional due diligence measures, such as hiring a home inspector, reviewing property records, and purchasing title insurance, to ensure that they fully understand the condition of the property that they are purchasing and the liabilities that might come with it.

However, issues are not always discovered through this process. Sometimes buyers of property discover later that unpermitted work occurred on their newly-purchased property before they bought it. For example, the County of Humboldt fined a couple \$1 million for an unpermitted structure constructed by a prior owner that the county alleged was used for cannabis cultivation.¹ In another case, a recent San Francisco Chronicle article reported a circumstance where a buyer purchased a single family home that had been illegally converted

¹ Billy Binion, *Reason Magazine*. “They Face \$1 Million in Fines—for Someone Else's Code Violations.” 31 October 2025.

from a fourplex by a previous owner, resulting in the loss of three relatively affordable housing units.²

- 5) **Bill Summary.** This bill provides that, for any violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety, of any ordinance enacted by the local agency, the reasonable period of time to correct or otherwise remedy the violation shall be no less than six months if all of the following conditions are met:
- a) The property involved in the violation is a residential property that is owner-occupied.
 - b) The current owner of the property submits a sworn affidavit that the current owner was not responsible for any action that caused the violation and that the current owner had no knowledge of the violation at the time the owner took title to the property.
 - c) The current owner of the property provides evidence that the violation was not disclosed in TDS.

This bill requires a local agency to extend the reasonable period by an additional six months upon a showing by the current owner of a good faith effort to correct or otherwise remedy the violation, and allows the local agency to extend the reasonable period of time further at its discretion. A local agency cannot impose an administrative fee associated with a request for an extension pursuant to this bill. This bill applies to all cities, including charter cities.

This bill is sponsored by the author.

- 6) **Policy Considerations.** The committee may wish to consider the following:

This bill attempts to strike a balance between two objectives: holding harmless new homeowners who discover that they are responsible for conditions on their property that they were unaware before the purchase; and, the need for local agencies to enforce laws designed to ensure health and safety of residential properties and the people who live in or near them. As written, the bill is relatively broad in its approach to the former. It applies to any violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety, of any ordinance enacted by the local agency for residential property that is owner-occupied. The committee may wish to consider if this bill strikes an appropriate balance, or if it would be prudent to narrow the application of the bill.

- 7) **Committee Amendments.** The committee may wish to consider amending this bill as follows:

- a) Specify that the bill applies to an owner-occupied residential property containing only four units or less.

² Alyce McFadden, *San Francisco Chronicle*. "They bought their North Beach dream home. The city says it must become four apartments." 10 March 2026.

- b) Specify that the bill does not apply to an administrative fine or penalty that is imposed for a violation of any of the following:
- i) Any law, regulation, or local ordinance regulating or prohibiting the cultivating, manufacturing, producing, processing, preparing, storing, providing, donating, selling, delivering, or distributing of cannabis or cannabis products, including, but not limited to, an ordinance adopted pursuant to Section 26200 of the Business and Professions Code.
 - ii) The State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code) and regulations or ordinances adopted pursuant to that part, if the violation results in the building being substandard as described in Section 17920.3 of the Health and Safety Code.
 - iii) Any law, regulation, or local ordinance that ensures the habitability of rental housing, including, but not limited to, any law, regulation, or local ordinance that would also be a violation of Section 1941.1 of the Civil Code.
 - iv) Any of the following laws or regulations relating to fire hazards:
 - (1) Chapter 2 (commencing with Section 4251) and Chapter 3 (commencing with Section 4291) of Part 2 of Division 4 of the Public Resources Code (laws pertaining to the protection of hazardous fire areas and mountainous, forest-, brush- and grass-covered lands).
 - (2) Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 (laws pertaining to moderate, high, and very high fire hazard severity zones).
 - (3) Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code (State Fireworks Law).
 - (4) Part 2 (commencing with Section 13100) of Division 12 of the Health and Safety Code (laws pertaining to fire protection).
 - (5) Section R337 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) [regulations governing the materials and construction methods required to protect homes in designated wildland-urban interface (WUI) fire areas].
 - (6) Parts II, IV, and V of the California Fire Code (Part 9 of Title 24 of the California Code of Regulations) (regulations for life-safety and property protection mandates).
 - (7) Chapter 12-7A of the California Referenced Standards Code (Part 12 of Title 24 of the California Code of Regulations) (regulations governing State Fire Marshal testing standards for materials and construction methods used to protect buildings in the WUI).

- v) Any regulations adopted pursuant to the laws or regulations relating to fire hazards outlined above.
 - vi) Any local ordinances implementing the laws or regulations relating to fire hazards as outlined above, or establishing substantially similar requirements for any lands, structures, or activities.
- 8) **Previous Legislation.** AB 632 (Hart) of 2025 would have allowed a local agency, upon the exhaustion of administrative and judicial appeals and specified noticing procedures, to obtain a final judgment and impose liens to enforce administrative fines and penalties for violations of specified cannabis laws, housing laws, and fire hazard laws. AB 632 was vetoed with the following message:

“I recognize the challenges local governments face in enforcing code violations for illegal cannabis grows, which is why I signed AB 1684 (Maienschein, Chapter 477, Statutes of 2023) to strengthen local penalty and enforcement authority for unlicensed cannabis activity. However, I am concerned about expanding local authority to place liens on private property. Balancing the due process rights of homeowners with a local government's authority to levy nuisance abatement fines is crucial. I believe existing law strikes the right balance. For these reasons, I cannot sign this bill.”

SB 757 (Richardson) of 2025 would have allowed, until January 1, 2035, counties and cities to collect fines for specified violations related to nuisance abatement using a nuisance abatement lien or a special assessment. SB 757 was vetoed with the following message:

“I appreciate the author's intent to provide local agencies with additional tools to efficiently enforce health and safety violations. However, I am concerned about this bill's expansion of local authority. Balancing the due process rights of homeowners with a local government's authority to levy nuisance abatement fines is crucial. I believe existing law, which mandates judicial approval for imposing a lien for unpaid fines, effectively achieves this balance. For this reason, I cannot sign this bill.”

AB 491 (Wallis) of 2024 would have made several similar changes to a local agency's ability to collect administrative fines or penalties. AB 491 was held in the Senate Judiciary Committee.

AB 1448 (Wallis), Chapter 843, Statutes of 2023, originally contained several provisions similar to AB 491, including provisions removing a petition for a writ of mandate to challenge cannabis violations, allowing local agencies to collect specified civil penalties as administrative penalties, and granting the ability to use a special assessment lien to collect fines and penalties. These provisions were removed from the bill, leaving only changes that redirected some civil penalties to local treasuries when a local prosecutor brings an action for unlicensed cannabis activity.

AB 1684 (Maienschein), Chapter 477, Statutes of 2023, expanded upon AB 2164 to also include the unlicensed manufacturing, processing, distribution, or retail sale of cannabis.

AB 2164 (Cooley), Chapter 316, Statutes of 2018 allowed local agencies, via ordinance, to immediately impose administrative fines or penalties for the violation of building, plumbing,

electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis.

SB 1416 (McGuire) of 2018 would have allowed cities and counties to recover fines through nuisance abatement liens and special assessments until January 1, 2024. SB 1416 was vetoed with the following message:

“I am returning Senate Bill 1416 without my signature. This bill allows, until January 1, 2024, cities and counties to recover fines related to nuisance abatement through liens and special assessments. I vetoed a similar bill in 2011 because I was concerned that allowing local governments to collect fines by assessing them against an owner's property reduced important due process protections. My thoughts on the matter have not changed.”

AB 345 (Ridley-Thomas) of 2017 would have expanded nuisance abatement liens and special assessments to include administrative penalties, and would have increased the maximum administrative fines for violations of city building codes and safety standards. AB 345 was subsequently amended for an unrelated purpose.

AB 129 (Beall) of 2011 would have allowed local governments to use special assessments for unpaid fines or penalties after following specified procedures. AB 129 was vetoed with the following message:

“I am returning Assembly Bill 129 without my signature. At a time when property owners are struggling to pay their mortgages, this bill would weaken the due process requirements for local building departments to obtain property liens. Local governments already have a fair process in place, and I see no reason to change it.”

AB 2317 (Saldana) of 2010 would have allowed local governments to use nuisance abatement liens and special assessments to collect administrative penalties, with a sunset date of January 1, 2014. AB 2317 was vetoed with the following message:

“I am returning Assembly Bill 2317 without my signature. It is important that the due process rights of homeowners are balanced against a local government's right to collect a nuisance abatement fine. The current system that requires a local government to seek judicial approval to impose a lien properly balances these opposing interests. For this reason I am unable to sign this bill.”

- 9) **Arguments in Support.** The California Apartment Association (CAA) writes, “As you correctly noted, ‘keeping costs predictable for homeowners to address the state’s growing affordability challenges is a matter of statewide concern. Homeowners are currently being unfairly penalized for actions taken by the previous homeowner on their property that do not pose an immediate danger to anyone’s health or safety.’ Many owners live in their homes, duplexes, and triplexes. SB 1272 will provide a helpful solution for owners who want to do the right thing and fix the violation they face even though they were not responsible for its cause.”
- 10) **Arguments in Opposition.** The California Association of Code Enforcement Officers, the Rural County Representatives of California, and the California State Association of Counties, opposed to a prior version of this bill, wrote, “...The primary goal of code enforcement is

achieving compliance with laws that safeguard residents. Local agencies rely on a range of enforcement tools—including administrative fines and penalties—to ensure the timely correction of violations that may pose serious risks. These violations often include unsafe structures, fire hazards, inadequate sanitation, and unsafe drinking water. Even when a violation does not present an immediate threat, delaying or excusing compliance allows conditions to deteriorate, ultimately jeopardizing community health and safety...

“We appreciate the goal of fairness in the homebuying process; however, issues related to disclosure are more appropriately addressed through real estate and consumer protection laws, rather than by weakening essential public safety enforcement tools.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association

Opposition

California Association of Code Enforcement Officers (prior version)

California State Association of Counties (prior version)

City of Pico Rivera (prior version)

Rural County Representatives of California (RCRC) (prior version)

Solano County Board of Supervisors (prior version)

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