
THIRD READING

Bill No: AB 632
Author: Hart (D), et al.
Amended: 8/19/25 in Senate
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 5-2, 7/2/25

AYES: Durazo, Arreguín, Cabaldon, Laird, Wiener

NOES: Choi, Seyarto

SENATE JUDICIARY COMMITTEE: 10-2, 7/15/25

AYES: Umberg, Allen, Arreguín, Ashby, Durazo, Laird, Stern, Wahab, Weber
Pierson, Wiener

NOES: Niello, Valladares

NO VOTE RECORDED: Caballero

ASSEMBLY FLOOR: 57-7, 5/15/25 - See last page for vote

SUBJECT: Local ordinances: administrative fines or penalties

SOURCE: California Association of Code Enforcement Officers
County of Santa Clara
Rural County Representatives of California

DIGEST: This bill makes several changes to a local agency's ability to collect administrative fines or penalties.

ANALYSIS:

Existing law:

- 1) Prohibits, under the United States and California Constitutions, governments from impairing property rights without due process of law.
- 2) Allows counties and cities to adopt and enforce ordinances that regulate local health, safety, peace, and welfare.

- 3) Defines a nuisance as anything that is injurious to health, indecent or offensive to the senses, obstructs the free use of property, or unlawfully obstructs free passage.
- 4) Allows counties and cities to adopt ordinances that establish local procedures for abating nuisances (AB 2593, Veysey, 1965) and to recover abatement costs, including administrative costs, by using a special assessment, abatement lien, or both.
- 5) Allows, as an alternative to civil and criminal enforcement mechanisms, a local agency's legislative body to make any violation of any of its ordinances subject to an administrative fine or penalty (SB 814, Alquist, Chapter 898, Statutes of 1995).
- 6) Provides that a violation of a local ordinance is a misdemeanor, unless by ordinance it is made an infraction. In general, an ordinance violation that a local agency makes an infraction is punishable by specified amounts. State law establishes greater fines for violations of building and safety codes.
- 7) Allows cities and counties to also impose fines and penalties through civil or criminal proceedings. These fines and penalties are limited to \$1,000 per violation and six months in prison.
- 8) Requires a local agency that imposes administrative fines or penalties to adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of those fines or penalties. The administrative procedures must grant a reasonable time to remedy a continuing violation before the imposition of administrative 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. State law allows a person responsible for the violation to appeal the fine or penalty in court.

This bill:

- 1) Permits a local agency to file a certified copy of a final administrative order or decision that directs the payment of the fine or penalty and, if applicable, a copy of an order of the superior court rendered on the appeal or denying the petition for writ of mandate with the clerk of the superior court of any county.
 - a) Upon the filing, judgment must be entered immediately by the clerk in conformity with the decision or order.

- b) The clerk shall not file a fee for the performance of an official service required in connection with the entry of judgment.
- 2) Applies the authority in this bill only to fines or penalties that are imposed for a violation of any of the following:
 - a) Any law, regulation, or local ordinance regulating or prohibiting the cultivating, manufacturing, producing, possessing, preparing, storing, providing, donating, selling, delivering, or distribution of cannabis or cannabis products.
 - b) The State Housing Law or its regulations or ordinances.
 - c) Any law, regulation, or local ordinance that ensures the habitability of rental housing, as specified.
 - d) Any law, regulation, or local ordinance relating to fire hazards.
- 3) Requires a local agency, before using process in 1), to serve a notice of entry of judgment upon all parties named in the final administrative order or judicial decision, as specified.
- 4) Provides that a local entity may obtain a judgment from the superior court under 1) only after the exhaustion of the available judicial review procedures and the expiration of the time to seek review or conclusion of judicial review proceedings, as applicable.
- 5) Permits a local agency to establish, by ordinance, a procedure to collect administrative fines or penalties by imposing a lien upon the parcel of land upon which the violation occurred, if the ordinance meets all of the following requirements:
 - a) The ordinance requires all of the following to occur before a notice of lien is served:
 - i) The property owner is served with a notice of violation or other charging document for a violation of the ordinance.
 - ii) Any period of time to correct the violation required by the law, as amended by this bill, or otherwise provided by local ordinance, has expired.
 - iii) The property owner exhausts the administrative review procedures set forth in the local ordinance, and the judicial review procedures available

- under either existing law, or the time to pursue administrative or judicial review, have expired.
- b) The ordinance does not require prepayment or advance deposit of the administrative fines or penalties as a condition of pursuing administrative or judicial review, as specified.
 - c) After the requirements of (a) are satisfied, the ordinance requires the property owner to be served by mail or personal service with a notice of lien at least 20 days before the recordation of the lien, as specified.
- 6) Provides that, once a copy of the notice of lien is recorded in the county recorder's office, the lien shall have the same force, effect, and priority as a judgment lien.
- 7) Provides that the remedies or penalties that a local agency may establish pursuant to ordinance are cumulative to remedies or penalties available under other law.

Background

Local penalties for ordinance violations. As an alternative to civil and criminal enforcement mechanisms, a local agency's legislative body can make any violation of any of its ordinances subject to an administrative fine or penalty (SB 814, Alquist, 1995). 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. The administrative procedures must grant a reasonable time to remedy a continuing violation before the imposition of administrative 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.

When a local agency imposes an administrative fine or penalty, the person must exhaust all available administrative remedies first before taking the matter to superior court. How the administrative appeals process operates varies by local government. Some may have a zoning administrator hear appeals, while others may have a county hearing officer to handle appeals. Appeals can also be made to the governing body of the local agency.

Within 20 days after service of a final administrative order or decision regarding administrative fines or penalties, a person contesting that final administrative order or decision of the local agency may appeal in Superior Court for a "de novo" review of the local agency's action. Additionally, a 2008 court decision ruled that

a person may challenge an administrative fine or penalty through a petition for writ of mandate as an alternative to the appeal for de novo review (*Martin v. Riverside County Dept. of Code Enforcement* (2008) 166 Cal. App. 4th 1406).

Local agencies may also establish collection mechanisms for fines and penalties. One common collection mechanism is the imposition of a lien on the property, so that when the property is sold, the local government gets paid. These liens are “ordinary liens, meaning a lien that follows the normal order of priority of being satisfied when a property is sold. Otherwise, local agencies must ultimately go through a civil court proceeding to collect fines or penalties.

Local agencies maintain that the administrative fines are difficult to collect in some cases, like illegal cannabis operations because operators can shut down quickly and disappear before a fine can be collected. In the case of violations of any local codes, it can be difficult to collect fines for code violations because the code enforcement officer that identified the violation must refer it to the local prosecutor who must go to court to attempt to collect fines and penalties, which is time-consuming and may not be a high priority. The Rural County Representatives of California, the California Association of Code Enforcement Officers, and the County of Santa Clara want the Legislature to provide additional tools to local governments for the collection collect fines and penalties.

Comments

Purpose of this bill. According to the author, “AB 632 is necessary to provide local governments with a more effective way to collect existing penalties. It includes due process protections, ensuring individuals receive notice, can contest fines through administrative review, and have the right to appeal before enforcement actions like liens or judgments take effect. These safeguards ensure fairness while helping local governments address violations in housing, fire safety, and unlicensed cannabis activities.”

More powerful than you can possibly imagine. When local governments use their enforcement authority, property owners need substantial due process safeguards to ensure that government does not improperly use its powers. AB 632 tips the balance towards local governments and away from property owners. AB 632 allows local agencies to skip the step of bringing an action in superior court to collect unpaid fines for any violation after appeals under this section of law by going straight to filing an order for a money judgment for the fine. This authority allows local governments to collect fines more easily, but removes some of the procedural steps that serve as a safeguard for property owners because a local

agency would no longer have to bring a civil suit. As a result, it puts the burden on the property owner to dispute a fine after it has already been collected, instead of requiring a local government to go to court when a property owner does not pay. Additionally, a local agency could use this authority before other appeals—including a petition for writ of mandate—had been exhausted. This could have the effect of limiting the ability of property owners to avail themselves of all the ways to challenge a local agency's determinations. While the measure limits this authority to violations relating to cannabis, State Housing Law, rental housing, or fire hazards, does it strike the right balance between the need for enhanced collection and enforcement mechanisms and the rights of property owners?

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/20/25)

California Association of Code Enforcement Officers (co-source)

County of Santa Clara (co-source)

Rural County Representatives of California (co-source)

California Contract Cities Association

California State Association of Counties

City of Norwalk

County of Sacramento

League of California Cities

Urban Counties of California

OPPOSITION: (Verified 8/20/25)

ACLU California Action

Debt Free Justice California

Howard Jarvis Taxpayers Association

Western Center on Law & Poverty, INC.

ASSEMBLY FLOOR: 57-7, 5/15/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Soria, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Davies, DeMaio, Dixon, Ellis, Gallagher, Hadwick, Patterson

NO VOTE RECORDED: Alanis, Arambula, Castillo, Chen, Flora, Jeff Gonzalez,
Hoover, Lackey, Macedo, Quirk-Silva, Sanchez, Solache, Stefani, Ta, Tangipa

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