UNFINISHED BUSINESS

Bill No: SB 1272
Author: Menjivar (D), et al.
Amended: 6/23/26
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 5-0, 4/29/26
AYES: Durazo, Arreguín, Ashby, Cervantes, Laird
NO VOTE RECORDED: Choi, Seyarto

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 35-1, 5/19/26
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Caballero, Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NOES: Seyarto
NO VOTE RECORDED: Cabaldon, Dahle, Jones, Niello

ASSEMBLY FLOOR: 67-3, 8/24/26 - See last page for vote

SUBJECT: Local ordinances: administrative fines or penalties

SOURCE: Author

DIGEST: This bill specifies that the reasonable period of time to correct or otherwise remedy a violation of building or zoning codes, as specified, to be no less than 6 months if certain conditions are met.

Assembly Amendments exclude certain types of violations from this bill's requirements.

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:

   a) A fine not more than $100 for a first violation;

   b) A fine not more than $200 for a second violation of the same ordinance within one year; and

   c) A fine not more than $500 for each additional violation of the same ordinance within one year.

7) Allows higher fines for violations of building and safety codes:

   a) A fine not more than $130 for a first violation;

   b) A fine not more than $700 for a second violation of the same ordinance within one year;

c) A fine not more than $1,300 for each additional violation of the same ordinance within one year; and

d) A fine not exceeding $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.

8) 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.

9) 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.

10) Requires the administrative procedures to 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.

This bill:

1) 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 an owner-occupied residential property containing only four units or fewer.

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 (TDS), as defined in existing law

2) Requires a local agency to extend the reasonable period of 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.

3) Prohibits a local agency from imposing an administrative fee associated with a request for an extension pursuant to this bill.

4) Provides that this bill does not apply to an administrative fine or penalty that is imposed for a violation of any of the following:

   a) Cannabis laws;

   b) State Housing Law, as specified;

   c) Any law that regulates or ensures that habitability of rental housing, as specified;

   d) Specified state or local laws or regulations related to fire hazards;

5) Applies this bill to charter cities and includes findings and declarations to support its purposes.

Background

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, scouring 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. This means that sometimes buyers of property find out later that unpermitted work occurred on a property when code enforcement knocks on their door. In one circumstance, 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] The author wants to help property owners that unwittingly purchased properties with building or zoning code violations.

Comments

Purpose of this bill. 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."

Caveat emptor. The process of buying a home involves many steps to ensure that they are not saddled with unexpected property conditions. Because local governments can prosecute the current property owners for previous violations, the current structure adds an incentive to thoroughly vet properties for building and zoning code violations. This serves a broader public purpose: local officials enact these laws for the benefit of the community. For example, a recent San Francisco Chronicle article highlighted a circumstance where a buyer purchased a single family home that had been illegally converted from a fourplex by a previous owner, resulting in the loss of three relatively affordable housing units.[2] The City of San Francisco required the current owner to fix the violations. This bill grants a longer period of time to homeowners who unknowingly purchase a property with a zoning code violation additional time to bring their property into compliance than they might otherwise have, and waives fees for extensions. However, this bill may not address the root problem, which is unscrupulous sellers failing to disclose

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

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

illegal construction. A better remedy may be to strengthen disclosure requirements for sellers or remedies for buyers who find out that they purchased a property with an undisclosed condition.

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

According to the Assembly Appropriations Committee:

- No state costs. One-time and ongoing administrative and legal costs, as well as foregone penalty revenue, to impacted cities and counties of an unknown but potentially significant amount depending on the jurisdiction. Because it is optional for a local agency to make a violation of a local ordinance subject to an administrative fine or penalty, any associated costs or revenue losses are not reimbursable by the state.

SUPPORT: (Verified 8/24/26)

California Apartment Association

OPPOSITION: (Verified 8/24/26)

California Association of Code Enforcement Officers
California State Association of Counties
City of Bakersfield
City of Pico Rivera
City of Thousand Oaks
County of Solano
Rural County Representatives of California
Willdan Group, INC.

ASSEMBLY FLOOR: 67-3, 8/24/26
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Elhawary, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Krell, Lee, Lowenthal, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NOES: Dixon, Ellis, Johnson

NO VOTE RECORDED: Chen, Hadwick, Kalra, Lackey, Macedo, McKinnor, Muratsuchi, Soria, Tangipa

Prepared by: Anton Favorini-Csorba / L. GOV. / (916) 651-4119
11/5/26 16:12:44

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