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SENATE BILL

No. 551

Introduced by Senator Lowenthal

February 18, 2005

An act to amend Sections 1365 and 1373 of, to add Section 1363.7 to, and to add Chapter 11 (commencing with Section 1380.010) to Title 6 of Part 4 of Division 2 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 551, as amended, Lowenthal. Common Interest Development Bureau.

(1) Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments, which include condominiums and planned developments. The act requires that a common interest development be managed by an association, and establishes requirements for association operating rules and meetings and for the resolution of specified disputes.

This bill would, until January 1, 2012, establish in the Department of Consumer Affairs, the Common Interest Development Bureau. The bill would require the bureau to, among other things, offer training materials and courses to common interest development directors, officers, and owners, in subjects relevant to the operation of a common interest development and the rights and duties of an association or owner. The bill would require the bureau to maintain a toll-free telephone number and Internet Web site for purposes of further providing that information and assistance, and would require an association director or agent to meet certain requirements in that regard.

The bill would require the bureau, upon request and within the limits of its resources, to investigate and assist in resolving any dispute involving the law governing common interest developments or the governing documents of a common interest development. The bill would set forth applicable procedures for responding to the investigation request, serving a written citation and administrative fine on an association for violations of the Davis-Stirling Common Interest Development Act and other laws governing common interest developments, administrative review of any citation issued, and enforcement of any order or fine contained in a citation.

The bill would impose a biennial association fee on common interest development associations, payable upon filing specified information with the Secretary of State. The bill would require the Secretary of State to deposit the fee revenue in a newly created fund, the Fee Account of the Common Interest Development Bureau Fund, for the administration of these provisions upon appropriation by the Legislature. The bill would require the Secretary of State to develop a form for an association that is excused from paying the fee to certify that another association has paid the fee, as specified. The bill would provide that costs incurred by the Secretary of State pursuant to these provisions shall be reimbursed from the Common Interest Development Bureau Fund.

The bill would require money paid to the bureau that is attributable to administrative fines imposed by the bureau, or cost recovery by the bureau from enforcement actions and case settlements, to be placed into the Penalty Account of the Common Interest Development Bureau Fund, for the administration of these provisions upon appropriation by the Legislature.

(2) Existing law governing common interest developments requires the association to prepare and distribute to all of its members certain documents, including a pro forma operating budget.

This bill would require the association to also prepare and distribute a list of all citations issued and other enforcement action taken against the association by the Common Interest Development Bureau, including a description of the nature of the issue requiring action and any fines levied against the association.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1363.7 is added to the Civil Code, to
2 read:

3 1363.7. An association shall provide its members with annual
4 written notice of the Internet Web site address and toll-free
5 telephone number of the Common Interest Development Bureau
6 established pursuant to Chapter 11 (commencing with Section
7 1380.010).

8 SEC. 2. Section 1365 of the Civil Code is amended to read:

9 1365. Unless the governing documents impose more stringent
10 standards, the association shall prepare and distribute to all of its
11 members the following documents:

12 (a) A pro forma operating budget, which shall include all of
13 the following:

14 (1) The estimated revenue and expenses on an accrual basis.

15 (2) A summary of the association’s reserves based upon the
16 most recent review or study conducted pursuant to Section
17 1365.5, based only on assets held in cash or cash equivalents,
18 which shall be printed in boldface type and include all of the
19 following:

20 (A) The current estimated replacement cost, estimated
21 remaining life, and estimated useful life of each major
22 component.

23 (B) As of the end of the fiscal year for which the study is
24 prepared:

25 (i) The current estimate of the amount of cash reserves
26 necessary to repair, replace, restore, or maintain the major
27 components.

1 (ii) The current amount of accumulated cash reserves actually
2 set aside to repair, replace, restore, or maintain major
3 components.

4 (iii) If applicable, the amount of funds received from either a
5 compensatory damage award or settlement to an association from
6 any person or entity for injuries to property, real or personal,
7 arising out of any construction or design defects, and the
8 expenditure or disposition of funds, including the amounts
9 expended for the direct and indirect costs of repair of
10 construction or design defects. These amounts shall be reported
11 at the end of the fiscal year for which the study is prepared as
12 separate line items under cash reserves pursuant to clause (ii).
13 Instead of complying with the requirements set forth in this
14 clause, an association that is obligated to issue a review of their
15 financial statement pursuant to subdivision (b) may include in the
16 review a statement containing all of the information required by
17 this clause.

18 (C) The percentage that the amount determined for purposes
19 of clause (ii) of subparagraph (B) equals the amount determined
20 for purposes of clause (i) of subparagraph (B).

21 (3) A statement as to both of the following:

22 (A) Whether the board of directors of the association has
23 determined or anticipates that the levy of one or more special
24 assessments will be required to repair, replace, or restore any
25 major component or to provide adequate reserves therefor. If so,
26 the statement shall also set out the estimated amount,
27 commencement date, and duration of the assessment.

28 (B) The mechanism or mechanisms by which the board of
29 directors will fund reserves to repair or replace major
30 components, including assessments, borrowing, use of other
31 assets, deferral of selected replacement or repairs, or alternative
32 mechanisms.

33 (4) A general statement addressing the procedures used for the
34 calculation and establishment of those reserves to defray the
35 future repair, replacement, or additions to those major
36 components that the association is obligated to maintain. The
37 report shall include, but need not be limited to, reserve
38 calculations made using the formula described in paragraph (4)
39 of subdivision (b) of Section 1365.2.5, and may not assume a rate
40 of return on cash reserves in excess of 2 percent above the

1 discount rate published by the Federal Reserve Bank of San
2 Francisco at the time the calculation was made.

3 The summary of the association's reserves disclosed pursuant
4 to paragraph (2) shall not be admissible in evidence to show
5 improper financial management of an association, provided that
6 other relevant and competent evidence of the financial condition
7 of the association is not made inadmissible by this provision.

8 Notwithstanding a contrary provision in the governing
9 documents, a copy of the operating budget shall be annually
10 distributed not less than 30 days nor more than 90 days prior to
11 the beginning of the association's fiscal year.

12 (b) A review of the financial statement of the association shall
13 be prepared in accordance with generally accepted accounting
14 principles by a licensee of the California Board of Accountancy
15 for any fiscal year in which the gross income to the association
16 exceeds seventy-five thousand dollars (\$75,000). A copy of the
17 review of the financial statement shall be distributed within 120
18 days after the close of each fiscal year.

19 (c) Instead of the distribution of the pro forma operating
20 budget required by subdivision (a), the board of directors may
21 elect to distribute a summary of the pro forma operating budget
22 to all of its members with a written notice that the pro forma
23 operating budget is available at the business office of the
24 association or at another suitable location within the boundaries
25 of the development, and that copies will be provided upon
26 request and at the expense of the association. If any member
27 requests that a copy of the pro forma operating budget required
28 by subdivision (a) be mailed to the member, the association shall
29 provide the copy to the member by first-class United States mail
30 at the expense of the association and delivered within five days.
31 The written notice that is distributed to each of the association
32 members shall be in at least 10-point boldface type on the front
33 page of the summary of the budget.

34 (d) A statement describing the association's policies and
35 practices in enforcing lien rights or other legal remedies for
36 default in payment of its assessments against its members shall
37 be annually delivered to the members not less than 30 days nor
38 more than 90 days immediately preceding the beginning of the
39 association's fiscal year.

1 (e) (1) A summary of the association’s property, general
2 liability, earthquake, flood, and fidelity insurance policies, which
3 shall be distributed not less than 30 days nor more than 90 days
4 preceding the beginning of the association’s fiscal year, that
5 includes all of the following information about each policy:

- 6 (A) The name of the insurer.
- 7 (B) The type of insurance.
- 8 (C) The policy limits of the insurance.
- 9 (D) The amount of deductibles, if any.

10 (2) The association shall, as soon as reasonably practicable,
11 notify its members by first-class mail if any of the policies
12 described in paragraph (1) have lapsed, been canceled, and are
13 not immediately renewed, restored, or replaced, or if there is a
14 significant change, such as a reduction in coverage or limits or an
15 increase in the deductible, as to any of those policies. If the
16 association receives any notice of nonrenewal of a policy
17 described in paragraph (1), the association shall immediately
18 notify its members if replacement coverage will not be in effect
19 by the date the existing coverage will lapse.

20 (3) To the extent that any of the information required to be
21 disclosed pursuant to paragraph (1) is specified in the insurance
22 policy declaration page, the association may meet its obligation
23 to disclose that information by making copies of that page and
24 distributing it to all of its members.

25 (4) The summary distributed pursuant to paragraph (1) shall
26 contain, in at least 10-point boldface type, the following
27 statement: “This summary of the association’s policies of
28 insurance provides only certain information, as required by
29 subdivision (e) of Section 1365 of the Civil Code, and should not
30 be considered a substitute for the complete policy terms and
31 conditions contained in the actual policies of insurance. Any
32 association member may, upon request and provision of
33 reasonable notice, review the association’s insurance policies
34 and, upon request and payment of reasonable duplication
35 charges, obtain copies of those policies. Although the association
36 maintains the policies of insurance specified in this summary, the
37 association’s policies of insurance may not cover your property,
38 including personal property or, real property improvements to or
39 around your dwelling, or personal injuries or other losses that
40 occur within or around your dwelling. Even if a loss is covered,

1 you may nevertheless be responsible for paying all or a portion of
2 any deductible that applies. Association members should consult
3 with their individual insurance broker or agent for appropriate
4 additional coverage.”

5 (f) A list of all citations issued and other enforcement action
6 taken against the association by the Common Interest
7 Development Bureau, including a description of the nature of the
8 issue requiring action and any fines levied against the
9 association.

10 SEC. 3. Section 1373 of the Civil Code is amended to read:

11 1373. (a) The following provisions do not apply to a
12 common interest development that is limited to industrial or
13 commercial uses by zoning or by a declaration of covenants,
14 conditions, and restrictions that has been recorded in the official
15 records of each county in which the common interest
16 development is located:

- 17 (1) Section 1356.
- 18 (2) Article 4 (commencing with Section 1357.100) of Chapter
19 2.
- 20 (3) Subdivision (b) of Section 1363.
- 21 (4) Section 1365.
- 22 (5) Section 1365.5.
- 23 (6) Subdivision (b) of Section 1366.
- 24 (7) Section 1366.1.
- 25 (8) Section 1368.
- 26 (9) Section 1378.
- 27 (10) Chapter 11 (commencing with Section 1380.010).

28 (b) The Legislature finds that the provisions listed in
29 subdivision (a) are appropriate to protect purchasers in residential
30 common interest developments, however, the provisions may not
31 be necessary to protect purchasers in commercial or industrial
32 developments since the application of those provisions could
33 result in unnecessary burdens and costs for these types of
34 developments.

35 SEC. 4. Chapter 11 (commencing with Section 1380.010) is
36 added to Title 6 of Part 4 of Division 2 of the Civil Code, to read:

CHAPTER 11. COMMON INTEREST DEVELOPMENT BUREAU
PILOT PROJECT

Article 1. Definitions

1380.010. Unless the provision or context otherwise requires, the definitions in this article govern the construction of this chapter.

1380.020. "Owner" means the owner of a separate interest.

1380.030. "Person" includes a natural person, firm, association, organization, partnership, business trust, corporation, limited liability company, or public entity.

Article 2. Administration

1380.100. The Legislature finds and declares all of the following:

(a) There are more than 41,000 residential common interest developments in California, comprising more than 4,300,000 dwellings. Common interest developments comprise approximately one-quarter of the state's housing stock.

(b) Managing a common interest development is a complex responsibility. Community associations are run by volunteer directors who may have little or no prior experience in managing real property, operating a nonprofit association or corporation, complying with the law governing common interest developments, and interpreting and enforcing restrictions and rules imposed by the governing documents of the common interest development. Homeowners may not fully understand their rights and obligations under the law and the governing documents. Mistakes and misunderstandings are inevitable and may lead to serious, costly, and divisive problems. The Common Interest Development Bureau seeks to educate community association officers and homeowners as to their legal rights and obligations. Effective education can prevent or reduce the severity of problems within a common interest development.

(c) The principal remedy for a violation of common interest development law is private litigation. Litigation is not an ideal remedy for many common interest development disputes, where the disputants are neighbors who must maintain ongoing

1 relationships. The adversarial nature of litigation can disrupt
2 these relationships, creating animosity that degrades the quality
3 of life within the community and makes future disputes more
4 likely to arise. Litigation imposes costs on a common interest
5 development community as a whole, costs that must be paid by
6 all members through increased assessments. Many homeowners
7 cannot afford to bring a lawsuit and are effectively denied the
8 benefit of laws designed for their protection.

9 (d) Anecdotal accounts of abuses within common interest
10 developments create continuing public demand for reform of
11 common interest development law. This results in frequent
12 changes to the law, making it more difficult to understand and
13 apply, and imposing significant transitional costs on common
14 interest developments statewide. By collecting empirical data on
15 the nature and incidence of problems within common interest
16 developments, the Common Interest Development Bureau
17 provides a sound basis for prioritizing reform efforts, thereby
18 increasing the stability of common interest development law.

19 (e) The costs of the Common Interest Development Bureau
20 Pilot Project shall be borne entirely by common interest
21 development homeowners, through imposition of a biennial fee.

22 1380.110. (a) There is in the Department of Consumer
23 Affairs the Common Interest Development Bureau, under the
24 supervision and control of the Director of Consumer Affairs.

25 (b) Commencing July 1, 2007, the Director of Consumer
26 Affairs shall employ a Common Interest Development Bureau
27 Chief and other officers and employees as necessary to discharge
28 the requirements of this chapter. The Common Interest
29 Development Bureau Chief shall have the powers delegated by
30 the director.

31 (c) The bureau shall adopt rules governing practices and
32 procedures under this chapter. Any rule adopted under this
33 subdivision is subject to the rulemaking provisions of the
34 Administrative Procedure Act (Chapter 3.5 (commencing with
35 Section 11340) of Part 1 of Division 3 of Title 2 of the
36 Government Code).

37 (d) Information and advice provided by the bureau has no
38 binding legal effect and is not subject to the rulemaking
39 provisions of the Administrative Procedure Act (Chapter 3.5

1 (commencing with Section 11340) of Part 1 of Division 3 of Title
2 2 of the Government Code).

3 (e) The bureau may convene an advisory committee to make
4 recommendations on matters within the bureau's jurisdiction. A
5 member of an advisory committee may receive per diem and
6 expenses pursuant to Section 103 of the Business and Professions
7 Code. In selecting the members of an advisory committee, the
8 bureau shall ensure a fair representation of the interests involved.

9 (f) *The bureau shall not provide any service that relates to an*
10 *activity of a licensed real estate professional that is governed by*
11 *Part 2 (commencing with Section 11000) of Division 4 of the*
12 *Business and Professions Code.*

13 1380.120. The Common Interest Development Bureau shall
14 report annually to the Legislature, no later than October 1 of each
15 year. The report shall include all of the following information:

16 (a) Annual workload and performance data, including the
17 number of requests for assistance received, the manner in which
18 a request was or was not resolved, and the staff time required to
19 resolve the inquiry. For each category of data, the bureau shall
20 provide subtotals based on the type of question or dispute
21 involved in the request.

22 (b) Analysis of the most common and serious types of disputes
23 within common interest developments, along with any
24 recommendations for statutory reform to reduce the frequency or
25 severity of those disputes.

26 (c) On or before January 1, 2010, the bureau shall submit
27 recommendations to the Legislature on the following topics:

28 (1) Whether the bureau should be authorized to oversee
29 association elections.

30 (2) Whether the scope of application of Section 1380.230
31 should be narrowed or broadened.

32 1380.130. (a) On filing information with the Secretary of
33 State every two years, pursuant to subdivision (a) of Section
34 1363.6, an association shall submit a Common Interest
35 Development Bureau fee. This fee is in addition to the fee
36 submitted pursuant to Section 1363.6. Failure to submit the
37 Common Interest Development Bureau fee is deemed
38 noncompliance with Section 1363.6.

39 (b) The Common Interest Development Bureau fee shall equal
40 the number of separate interests within the association multiplied

1 by the biennial fee amount. The initial biennial fee amount is ten
2 dollars (\$10). For the purposes of this section, “separate interest”
3 has the meaning provided in Section 1351.

4 (c) An association is excused from paying the fee for a
5 separate interest if another association has paid the fee for that
6 separate interest. An association that is excused from paying the
7 fee for a separate interest shall certify, on a form developed by
8 the Secretary of State for that purpose, that another association
9 has paid the fee for that separate interest. The bureau may adopt,
10 by regulation, a rule governing which association is required to
11 pay the fee for a separate interest that is part of more than one
12 association.

13 (d) The Common Interest Development Bureau shall increase
14 or decrease the biennial fee amount every two years to provide
15 only the revenue that it estimates will be necessary for its
16 operation during the next two-year period. The biennial fee
17 amount shall not exceed twenty dollars (\$20).

18 (e) An assessment increase necessary to recover the fee
19 imposed by this section shall not be included in any calculation
20 for purposes of subdivision (b) of Section 1366.

21 1380.140. (a) Common Interest Development Bureau fee
22 revenue received by the Secretary of State and fee revenue
23 received by the Common Interest Development Bureau shall be
24 transferred to the State Treasurer and placed in the Fee Account
25 of the Common Interest Development Bureau Fund, which is
26 hereby created. All funds in the Fee Account of the Common
27 Interest Development Bureau Fund shall be used exclusively for
28 expenditures necessary for the proper administration of this
29 chapter, upon appropriation by the Legislature.

30 (b) Money paid to the bureau that is attributable to
31 administrative fines imposed by the bureau, or cost recovery by
32 the bureau from enforcement actions and case settlements, shall
33 be transferred to the State Treasurer and placed into the Penalty
34 Account of the Common Interest Development Bureau Fund,
35 which is hereby created. Funds in the Penalty Account shall,
36 upon appropriation by the Legislature, be available exclusively
37 for expenditures necessary for the proper administration of this
38 chapter.

1 (c) Costs incurred by the Secretary of State pursuant to this
2 chapter shall be reimbursed from the Common Interest
3 Development Bureau Fund.

4 1380.150. (a) This chapter shall remain in effect only until
5 January 1, 2012, and as of that date is repealed, unless a later
6 enacted statute that is enacted before January 1, 2012, deletes or
7 extends that date.

8 (b) The Common Interest Development Bureau Pilot Project is
9 subject to review by the Joint Committee on Boards,
10 Commissions, and Consumer Protection pursuant to Division 1.2
11 (commencing with Section 473) of the Business and Professions
12 Code.

13
14 Article 3. Education
15

16 1380.200. (a) The Common Interest Development Bureau
17 shall offer training materials and courses to common interest
18 development directors, officers, and owners, in subjects relevant
19 to the operation of a common interest development and the rights
20 and duties of an association or owner.

21 (b) The bureau may charge a fee for training materials or
22 courses, not to exceed their actual cost.

23 1380.210. The Common Interest Development Bureau shall
24 maintain a toll-free telephone number to provide information or
25 assistance on matters relating to common interest developments.

26 1380.220. (a) The Common Interest Development Bureau
27 shall maintain an Internet Web site, which shall provide all of the
28 following information:

29 (1) The text of this title, the Nonprofit Mutual Benefit
30 Corporation Law (Part 3 (commencing with Section 7110) of
31 Division 2 of Title 1 of the Corporations Code), and any other
32 statute or regulation that the bureau determines would be relevant
33 to the operation of a common interest development or the rights
34 and duties of an association or owner.

35 (2) Information concerning nonjudicial resolution of disputes
36 that may arise within a common interest development, including
37 contacts for locally available dispute resolution programs
38 organized pursuant to Chapter 8 (commencing with Section 465)
39 of Division 1 of the Business and Professions Code.

1 (3) A description of the services provided by the bureau and
2 information on how to contact the bureau for assistance.

3 (4) An analysis, prepared each year, of legislative changes to
4 common interest development law.

5 (5) Any other information that the bureau determines would be
6 useful to an association or owner.

7 (b) Information provided on the bureau’s Internet Web site
8 shall also be made available in printed form. The bureau may
9 charge a fee for the purchase of printed material, not to exceed
10 the actual cost of printing and delivery.

11 1380.230. (a) Within 60 days of assuming office as an
12 association director or providing services as a managing agent,
13 an association director or managing agent shall certify that the
14 director or managing agent has read each of the following:

15 (1) The declaration, articles of incorporation or association,
16 and bylaws of the association that the director or managing agent
17 serves.

18 (2) This title or, if the Common Interest Development Bureau
19 prepares a detailed summary of the requirements of this title, that
20 summary.

21 (b) A director shall file the certification required by this
22 section with the bureau. A managing agent shall file the
23 certification required by this section with the association served
24 by that managing agent.

25 (c) For the purposes of this section, “managing agent” means a
26 person or entity who, for compensation or in expectation of
27 compensation, exercises control over the assets of a common
28 interest development. “Managing agent” does not include a
29 regulated financial institution operating within the normal course
30 of its regulated business practice.

31
32 Article 4. Dispute Resolution

33
34 1380.300. Any person may request the bureau’s assistance in
35 resolving a dispute involving the law governing common interest
36 developments or the governing documents of a common interest
37 development. On receipt of a request for assistance the bureau
38 shall, within the limits of its resources, investigate the dispute,
39 confer with the interested parties, and assist in efforts to resolve
40 the dispute by mutual agreement of the parties.

1 1380.310. If the bureau receives a complaint alleging that an
2 association has violated a provision of this title, an applicable
3 provision of the Corporations Code, or any other statute that
4 governs common interest developments, it shall, within the limits
5 of available resources, take one of the following actions:

6 (a) If the complaint involves a matter that would be within the
7 regulatory authority of another state or federal agency, the bureau
8 shall inform the person who filed the complaint of the other
9 administrative remedies available, and may, if it appears
10 appropriate to do so, refer the matter to another agency for
11 disposition.

12 (b) Conduct an investigation of the alleged violation.

13 (c) Dismiss the complaint for failure to state a violation of law.

14 1380.320. If the bureau determines, after investigation, that a
15 violation has occurred, it shall confer with the interested parties,
16 and attempt to remedy the violation by mutual agreement of the
17 parties.

18 1380.330. (a) If a violation cannot be remedied under
19 Section 1380.320, the bureau shall serve a written citation on the
20 association.

21 (b) The citation shall state the provision of law that has been
22 violated and the facts constituting the violation.

23 (c) The citation shall order abatement of the violation and may
24 order additional equitable relief as appropriate.

25 (d) The citation may include an administrative fine of not
26 more than one thousand dollars (\$1,000) per violation, to be paid
27 by the association to the bureau. In determining whether to
28 impose a fine and the amount of any fine imposed, the bureau
29 shall consider the size of the association, the gravity of the
30 violation, the presence or absence of just cause or excuse, and
31 any history of prior violations.

32 (e) The citation shall include a statement of the procedure and
33 the deadline to request administrative review under Section
34 1380.340.

35 1380.340. (a) Within 30 days of service of a citation, the
36 association served with the citation may file with the ~~bureau~~
37 *Department of Consumer Affairs* a written request for
38 administrative review of the citation.

39 (b) Within 90 days of receipt of a timely request for
40 administrative review, the Department of Consumer Affairs shall

1 conduct an administrative hearing to review the merits of the
2 citation. The hearing is subject to the administrative adjudication
3 provisions of the Administrative Procedure Act (Chapters 4.5
4 (commencing with Section 11400), and 5 (commencing with
5 Section 11500), Part 1, Division 3, Title 2, Government Code).

6 (c) The Department of Consumer Affairs shall appoint the
7 presiding officer, who shall be qualified as an administrative law
8 judge. The presiding officer may be an employee of the Office of
9 Administrative Hearings or of the Department of Consumer
10 Affairs, but may not be an employee of the bureau.

11 (d) A final decision reached after administrative review is
12 subject to judicial review under Section 11523 of the
13 Government Code.

14 1380.350. (a) An order or fine contained in a citation is not
15 enforceable until one of the following conditions is satisfied:

16 (1) The order or fine is reviewed under Section 1380.340 and
17 is upheld.

18 (2) The time to request review under Section 1380.340 passes
19 without review being requested.

20 (b) If an association does not comply with an enforceable
21 order or fine, the bureau may file an action in superior court to
22 enforce the order or fine. If, after a hearing, the court determines
23 that the order or fine is enforceable under subdivision (a), and
24 that the association has not complied with the order or fine, the
25 court shall issue a judgment enforcing the order or fine. The
26 judgment is nonappealable and has the same force and effect as,
27 and is subject to all the provisions of law relating to, a judgment
28 in a civil action.