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Lawmakers consider strengthening California Coastal Commission's authority

Proposed bill would allow the Commission to fine those who violate the state's Coastal Act without pursuing enforcement through the state's court system.

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Paradise Cove in Malibu

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By **Melissa Caskey /**
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California lawmakers may consider a bill to increase the powerful Coastal Commission's authoritative rights, including on cases of public beach access that often pop up in Malibu.

The bill, AB 976, would make it easier for the Commission to fine property owners found to be in violation of the [California Coastal Act](#).

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Under current law, the Coastal Commission must first issue a "cease-and-desist" order when a violation is identified. If the order goes ignored, the Commission has the option of pursuing enforcement against the alleged violator through county superior courts.

If this new bill is approved by lawmakers, the Coastal Commission would be able to impose fines and issue holds without being bogged down by California's crowded court system. Before issuing those repercussions, the Commission would have to hold a public hearing and reach a majority vote against violators. Fees levied, however, could not

exceed three-quarters of damages that would have been pursued in court. Any money collected by the Commission would go into the Coastal Act Services Fund.

Assembly Majority Leader Toni Atkins (D-San Diego) authored the bill and said the Commission has more than 1,800 ongoing cases of alleged violations, but has only pursued four of them in court in the last 10 years.

One of those cases was against Malibu homeowner Lisette Ackerberg. In 2012, a [Court of Appeals decision upheld a lower court's ruling](#) in favor of the California Coastal Commission, which originally ordered Ackerberg to remove a 9-foot-high wall and other obstacles next to her Carbon Beach property in 2009. Earlier this year Ackerberg [finalized an agreement](#) with the Commission, agreeing pay more than \$1 million in fines and build a public access route.

The state's Natural Resources Committee gave the OK to the bill Tuesday. But the road to approval is a long one. The Assembly Judiciary and Appropriations Committees must issue its stamp of approval for the bill to head to the Assembly floor for majority support, and eventually State Senate.

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