

1 **CONDOMINIUM ASSOCIATION AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends a provision related to rules enacted by an association of unit owners.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ allows an association of unit owners to enact a rule, for a unit that a unit owner
13 leases for a term of less than ~~H→ [three months]~~ **30 days** ←H , that H→ ~~[limits]~~ **imposes a**
13a **reasonable limit on** ←H the number of individuals that
14 may use the common areas and facilities as the rental unit tenant's guest or as the
15 unit owner's guest.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **57-8-8.1**, as enacted by Laws of Utah 2015, Chapter 22

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **57-8-8.1** is amended to read:

26 **57-8-8.1. Equal treatment by rules required -- Limits on rules.**

27 (1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit



28 owners similarly.

29 (b) Notwithstanding Subsection (1)(a), a rule may:

30 (i) vary according to the level and type of service that the association of unit owners
31 provides to unit owners; ~~and~~

32 (ii) differ between residential and nonresidential uses~~[-]; or~~

33 (iii) for a unit that a unit owner leases for a term of less than ~~30 days~~ **→ [three months]**

33a **← 30 days** ~~,~~ **→ impose a reasonable ← limit → on ← the**
34 number of individuals that may use the common areas and facilities as the rental unit tenant's
35 guest or as the unit owner's guest.

36 (2) (a) If a unit owner owns a rental unit and is in compliance with the association of
37 unit owners' governing documents and any rule that the association of unit owners adopts under
38 Subsection (4), a rule may not treat the unit owner differently because the unit owner owns a
39 rental unit.

40 (b) Notwithstanding Subsection (2)(a), a rule may:

41 (i) limit or prohibit a rental unit owner from using the common areas and facilities for
42 purposes other than attending an association meeting or managing the rental unit;

43 (ii) if the rental unit owner retains the right to use the association of unit owners'
44 common areas and facilities, even occasionally~~[-];~~

45 (A) charge a rental unit owner a fee to use the common areas and facilities; and

46 (B) for a unit that a unit owner leases for a term of less than ~~30 days~~ **→ [three months]**

46a **← 30 days** ~~,~~ **→ impose a reasonable ← limit → on ← the**
47 number of individuals that may use the common areas and facilities as the rental unit tenant's
48 guest or as the unit owner's guest; or

49 (iii) include a provision in the association of unit owners' governing documents that:

50 (A) requires each tenant of a rental unit to abide by the terms of the governing
51 documents; and

52 (B) holds the tenant and the rental unit owner jointly and severally liable for a violation
53 of a provision of the governing documents.

54 (3) (a) A rule may not interfere with the freedom of a unit owner to determine the
55 composition of the unit owner's household.

56 (b) Notwithstanding Subsection (3)(a), an association of unit owners may:

57 (i) require that all occupants of a dwelling be members of a single housekeeping unit;

58 or

- 59 (ii) limit the total number of occupants permitted in each residential dwelling on the
60 basis of the residential dwelling's:
- 61 (A) size and facilities; and
62 (B) fair use of the common areas and facilities.
- 63 (4) Unless contrary to a declaration, a rule may require a minimum lease term.
64 (5) Unless otherwise provided in the declaration, an association of unit owners may by
65 rule:
- 66 (a) regulate the use, maintenance, repair, replacement, and modification of common
67 areas and facilities;
- 68 (b) impose and receive any payment, fee, or charge for:
- 69 (i) the use, rental, or operation of the common areas, except limited common areas and
70 facilities; and
- 71 (ii) a service provided to a unit owner;
- 72 (c) impose a charge for a late payment of an assessment; or
73 (d) provide for the indemnification of the association of unit owners' officers and board
74 consistent with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 75 (6) A rule shall be reasonable.
76 (7) A declaration, or an amendment to a declaration, may vary any of the requirements
77 of Subsections (1) through (5), except Subsection (1)(b)(ii).
78 (8) This section applies to an association regardless of when the association is created.