

**HOMEOWNERS ASSOCIATION AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to condominium and community associations.

**Highlighted Provisions:**

This bill:

- ▶ requires a condominium or community association to make certain governing documents available on an association website;
- ▶ provides a cause of action for a unit owner or a lot owner for whom a condominium or community association does not make certain governing documents available on an association website; and
- ▶ provides for penalties and injunctive relief against an association under certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**57-8-58**, Utah Code Annotated 1953

**57-8a-228**, Utah Code Annotated 1953



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

29 Section 1. Section **57-8-58** is enacted to read:

30 **57-8-58. Association website -- Governing documents -- Right of action.**

31 (1) An association shall maintain, or contract with a third party to maintain, a website  
32 that:

33 (a) is accessible by any unit owner in the association; and

34 (b) makes available for viewing and downloading a copy that is up-to-date or 30 days  
35 or fewer out-of-date of:

36 (i) the condominium covenants and restrictions for the real property governed by the  
37 association;

38 (ii) the association bylaws; and

39 (iii) the articles of incorporation creating the association.

40 (2) A unit owner may file a civil action that alleges a violation of Subsection (1).

41 (3) An association that violates Subsection (1) is liable to a unit owner in a civil action

42 for:

43 (a) delivery to the unit owner of an up-to-date document that complies with Subsection  
44 (1);

45 (b) an amount equal to the unit owner's association dues pro rata for the amount of days  
46 that the unit owner is unable to obtain an up-to-date copy of a document that the association is  
47 required to post to the website described in Subsection (1); and

48 (c) reasonable attorney fees and costs.

49 Section 2. Section **57-8a-228** is enacted to read:

50 **57-8a-228. Association website -- Governing documents -- Penalty -- Right of**  
51 **action.**

52 (1) An association shall maintain, or contract with a third party to maintain, a website  
53 that:

54 (a) is accessible by any lot owner in the association; and

55 (b) makes available for viewing and downloading a copy that is up-to-date or 30 days  
56 or fewer out-of-date of:

57 (i) any covenants and restrictions for the real property governed by the association;

58 (ii) the association bylaws; and

- 59           (iii) the articles of incorporation creating the association.  
60           (2) A lot owner may file a civil action that alleges a violation of Subsection (1).  
61           (3) An association that violates Subsection (1) is liable to a lot owner in a civil action  
62 for:  
63           (a) delivery to the lot owner of an up-to-date document that complies with Subsection  
64 (1);  
65           (b) an amount equal to the lot owner's association dues pro rata for the amount of days  
66 that the lot owner is unable to obtain an up-to-date copy of a document that the association is  
67 required to post to the website described in Subsection (1); and  
68           (c) reasonable attorney fees and costs.
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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**