

**57-8-52 Termination of a delinquent owner's rights -- Notice -- Informal hearing.**

- (1) As used in this section, "delinquent unit owner" means a unit owner who fails to pay an assessment when due.
- (2) A management committee may, if authorized in the declaration, bylaws, or rules and as provided in this section, terminate a delinquent unit owner's right:
  - (a) to receive a utility service for which the unit owner pays as a common expense; or
  - (b) of access to and use of recreational facilities.
- (3)
  - (a) Before terminating a utility service or right of access to and use of recreational facilities under Subsection (2), the manager or management committee shall give the delinquent unit owner notice in a manner provided in the declaration, bylaws, or association of unit owners rules.
  - (b)
    - (i) A notice under Subsection (3)(a) shall state:
      - (A) that the association of unit owners will terminate the unit owner's utility service or right of access to and use of recreational facilities, or both, if the association of unit owners does not receive payment of the assessment within the time provided in the declaration, bylaws, or association of unit owners rules, subject to Subsection (3)(b)(ii);
      - (B) the amount of the assessment due, including any interest or late payment fee; and
      - (C) the unit owner's right to request a hearing under Subsection (4).
    - (ii) The time provided under Subsection (3)(b)(i)(A) may not be less than 14 days.
    - (iii) A notice under Subsection (3)(a) may include the estimated cost to reinstate a utility service if service is terminated.
- (4)
  - (a) A delinquent unit owner may submit a written request to the management committee for an informal hearing to dispute the assessment.
  - (b) A request under Subsection (4)(a) shall be submitted within 14 days after the date the delinquent unit owner receives the notice under Subsection (3).
- (5) A management committee shall conduct an informal hearing requested under Subsection (4) in accordance with the standards provided in the declaration, bylaws, or association of unit owners rules.
- (6) If a delinquent unit owner requests a hearing, the association of unit owners may not terminate a utility service or right of access to and use of recreational facilities until after the management committee:
  - (a) conducts the hearing; and
  - (b) enters a final decision.
- (7) If an association of unit owners terminates a utility service or a right of access to and use of recreational facilities, the association of unit owners shall take immediate action to reinstate the service or right following the unit owner's payment of the assessment, including any interest and late payment fee.
- (8) An association of unit owners may:
  - (a) assess a unit owner for the cost associated with reinstating a utility service that the association of unit owners terminates as provided in this section; and
  - (b) demand that the estimated cost to reinstate the utility service be paid before the service is reinstated, if the estimated cost is included in a notice under Subsection (3).

Enacted by Chapter 355, 2011 General Session