

Superseded 5/12/2015

57-8a-104 Limitation on requirements for amending governing documents -- Limitation on contracts.

- (1) As used in this section, "period of administrative control" means the period during which the person who filed the association's governing documents or a successor in interest retains authority to:
 - (a) appoint or remove members of the association's board of directors; or
 - (b) exercise power or authority assigned to the association under its governing documents.
- (2)
 - (a)
 - (i) Governing documents may not require that an amendment to the governing documents adopted after the period of administrative control be approved by more than 67% of the voting interests.
 - (ii) The vote required to adopt an amendment to governing documents may not be greater than 67% of the voting interests, notwithstanding a provision of the governing documents requiring a greater percentage and regardless of whether the governing documents were adopted before, on, or after May 10, 2011.
 - (b) Subsection (2)(a) does not apply to an amendment affecting only:
 - (i) lot boundaries; or
 - (ii) members' voting rights.
- (3)
 - (a) A contract for services such as garbage collection, maintenance, lawn care, or snow removal executed on behalf of the association during a period of administrative control is binding beyond the period of administrative control unless terminated by the board of directors after the period of administrative control ends.
 - (b) Subsection (3)(a) does not apply to golf course and amenity management, utilities, cable services, and other similar services that require an investment of infrastructure or capital.
- (4) Voting interests under Subsections (2) and (3) are calculated in the manner required by the governing documents.
- (5) Nothing in this section affects any other rights reserved by the person who filed the association's original governing documents or a successor in interest.