

Effective 5/13/2014

Superseded 5/12/2015

57-8a-208 Fines.

- (1) Unless otherwise provided in the association's governing documents, the board of an association may assess a fine against a lot owner for a violation of the association's governing documents after the requirements described in Subsection (2) are met.
- (2) Before assessing a fine under Subsection (1), the board shall:
 - (a) notify the lot owner of the violation; and
 - (b) inform the owner that a fine will be imposed if the violation is not remedied within the time provided in the association's governing documents, which shall be at least 48 hours.
- (3)
 - (a) A fine assessed under Subsection (1) shall:
 - (i) be made only for a violation of a rule, covenant, condition, or restriction that is specifically listed in the association's governing documents;
 - (ii) be in the amount specifically provided for in the association's governing documents for that specific type of violation or in an amount commensurate with the nature of the violation; and
 - (iii) accrue interest and late fees as provided in the association's governing documents.
 - (b) Unpaid fines may be collected as an unpaid assessment as set forth in the association's governing documents or in this chapter.
- (4)
 - (a) A lot owner who is assessed a fine under Subsection (1) may request an informal hearing to protest or dispute the fine within 30 days after the day on which the fine is assessed.
 - (b) A hearing requested under Subsection (4)(a) shall be conducted in accordance with standards provided in the association's governing documents.
 - (c) No interest or late fees may accrue until after the hearing has been conducted and a final decision has been rendered.
- (5) A lot owner may appeal a fine issued under Subsection (1) by initiating a civil action:
 - (a) if the lot owner timely requests an informal hearing under Subsection (4), within 180 days after the day on which a final decision from the informal hearing is issued; or
 - (b) if the lot owner does not timely request an informal hearing under Subsection (4), within 180 days after the day on which the time to request an informal hearing expires.