

28 AMENDS:

29 57-8-20, as last amended by Laws of Utah 2010, Chapter 309

30 57-8a-203, as enacted by Laws of Utah 2004, Chapter 153

31 ENACTS:

32 57-8-6.3, Utah Code Annotated 1953

33 57-8-13.1, Utah Code Annotated 1953

34 57-8a-105, Utah Code Annotated 1953

35 57-8a-106, Utah Code Annotated 1953



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

38 Section 1. Section 57-8-6.3 is enacted to read:

39 **57-8-6.3. Fee for providing information needed at closing.**

40 (1) Unless specifically authorized in the declaration, an association of unit owners may  
41 not charge a fee for providing association ~~H~~→ payoff ←~~H~~ information needed in connection  
41a with the closing of  
42 a unit owner's sale of the owner's unit.

43 (2) An association of unit owners may not:

44 (a) require a fee described in Subsection (1) that is authorized in the declaration to be  
45 paid before closing; or

46 (b) charge the fee if it exceeds \$25.

47 (3) An association of unit owners that fails to provide information described in  
48 Subsection (1) within five business days after the closing agent requests the information may  
49 not enforce a lien against that unit for money due to the association at closing.

50 Section 2. Section 57-8-13.1 is enacted to read:

51 **57-8-13.1. Registration with Department of Commerce.**

52 (1) As used in this section, "department" means the Department of Commerce created  
53 in Section 13-1-2.

54 (2) (a) No later than 90 days after the recording of a declaration, an association of unit  
55 owners shall register with the department in the manner established by the department.

56 (b) An association of unit owners existing under a declaration recorded before May 10,  
57 2011, shall, no later than July 1, 2011, register with the department in the manner established  
58 by the department.

59           (3) The department shall require an association of unit owners registering as required  
 60 in this section to provide with each registration:

61           (a) the name and address of the association of unit owners;

62           (b) the name, address, telephone number, and, if applicable, email address of the  
 63 president of the association of unit owners;

64           ~~Ĥ→ [(c) the number of condominium units within the association of unit owners;]~~ ←Ĥ and  
 65 ~~Ĥ→ [(d)]~~ (c) ←Ĥ contact information for the management committee.

66           (4) An association of unit owners that has registered under Subsection (2) shall submit  
 67 to the department an updated registration, in the manner established by the department, within  
 68 90 days after a change in any of the information provided under Subsection (3).

69           (5) During any period of noncompliance with the registration requirements of  
 70 Subsection (2) or the requirement for an updated registration under Subsection (4):

71           (a) a lien for the nonpayment of common expenses may not arise under Section  
 72 57-8-20 against any condominium unit; and

73           (b) an association of unit owners may not enforce a previous lien under Section  
 74 57-8-20 against any condominium unit.

75           Section 3. Section **57-8-20** is amended to read:

76           **57-8-20. Lien for nonpayment of common expenses.**

77           (1) Every unit owner shall pay his proportionate share of the common expenses.  
 78 Payment shall be in the amounts and at the times determined by the management committee in  
 79 accordance with the terms of the declaration or the bylaws.

80           (2) (a) An assessment levied against each unit is a debt of the owner at the time the  
 81 assessment is made and is collectible as such.

82           (b) The association is entitled to recover all expenses incurred by the association in  
 83 collecting any unpaid assessment, including reasonable attorney fees, whether an action is  
 84 brought against an owner under Subsection (3), or whether a suit to foreclose the lien upon the  
 85 unit is instituted under Subsection (4).

86           (3) Suit to recover a money judgment for any unpaid assessment is maintainable  
 87 without foreclosing or waiving the lien securing it. The prevailing party in the action is entitled  
 88 to recover its costs of suit and reasonable attorney fees.

89           (4) (a) Subject to Subsection 57-8-37(6), if any unit owner fails or refuses to pay an

183 statement of unpaid assessments is conclusive upon the remaining unit owners and upon the  
 184 manager and management committee in favor of all persons who rely on the written statement  
 185 in good faith.

186 (b) Unless the manager or management committee complies with the request for a  
 187 statement of any unpaid assessments within 10 days, all unpaid assessments which became due  
 188 prior to the date the request was made are subordinate to the lien held by the person requesting  
 189 the statement.

190 (8) Any encumbrancer holding a lien on a unit may pay any unpaid assessment due  
 191 with respect to the unit. Upon payment, the encumbrancer has a lien on the unit for the  
 192 amounts paid.

193 (9) Remedies provided in this section, by law, or in equity are not considered to be  
 194 mutually exclusive.

195 Section 4. Section **57-8a-105** is enacted to read:

196 **57-8a-105. Registration with Department of Commerce.**

197 (1) As used in this section, "department" means the Department of Commerce created  
 198 in Section 13-1-2.

199 (2) (a) No later than 90 days after the recording of a declaration of covenants,  
 200 conditions, and restrictions establishing an association, the association shall register with the  
 201 department in the manner established by the department.

202 (b) An association existing under a declaration of covenants, conditions, and  
 203 restrictions recorded before May 10, 2011, shall, no later than July 1, 2011, register with the  
 204 department in the manner established by the department.

205 (3) The department shall require an association registering as required in this section to  
 206 provide with each registration:

207 (a) the name and address of the association;

208 (b) the name, address, telephone number, and, if applicable, email address of the chair  
 209 of the association board;

210 ~~H→~~ [(c) ~~the number of lots within the association;~~] ~~←H~~ and

211 ~~H→~~ [(d)] (c) ~~←H~~ contact information for the manager.

212 (4) An association that has registered under Subsection (2) shall submit to the  
 213 department an updated registration, in the manner established by the department, within 90

214 days after a change in any of the information provided under Subsection (3).

215 (5) During any period of noncompliance with the registration requirements of  
216 Subsection (2) or the requirement for an updated registration under Subsection (4):

217 (a) a lien for the nonpayment of an assessment may not arise under Section 57-8a-203  
218 against any lot; and

219 (b) an association may not enforce a previous lien under Section 57-8a-203 against any  
220 lot.

221 Section 5. Section **57-8a-106** is enacted to read:

222 **57-8a-106. Fee for providing information needed at closing.**

223 (1) Unless specifically authorized in the declaration of covenants, conditions, and  
224 restrictions, an association may not charge a fee for providing association ~~Ĥ~~→ **payoff** ←~~Ĥ~~  
224a information needed  
225 in connection with the closing of a lot owner's sale of the owner's lot.

226 (2) An association may not:

227 (a) require a fee described in Subsection (1) that is authorized in the declaration of  
228 covenants, conditions, and restrictions to be paid before closing; or

229 (b) charge the fee if it exceeds \$25.

230 (3) An association that fails to provide information described in Subsection (1) within  
231 five business days after the closing agent requests the information may not enforce a lien  
232 against that unit for money due to the association at closing.

233 Section 6. Section **57-8a-203** is amended to read:

234 **57-8a-203. Unpaid assessment -- Lien -- Foreclosure.**

235 (1) (a) If an owner fails or refuses to pay an assessment when due, that amount  
236 [~~constitutes~~] becomes a lien on the interest of the owner in the property[~~-(b) Upon~~] upon the  
237 recording of a notice of lien by the manager or board of directors, [~~a~~] regardless of when the  
238 default in the payment of the assessment occurred.

239 (b) A lien described in Subsection (1)(a) is a lien on the unit owner's interest in the  
240 property prior to all other liens and encumbrances, recorded or unrecorded, except:

241 (i) tax and special assessment liens on the unit in favor of any assessing lot or special  
242 improvement district; and

243 (ii) encumbrances on the interest of the lot owner:

244 (A) recorded prior to the date of the recording of notice of lien described in Subsection