

HB0327S01 compared with HB0327

{Omitted text} shows text that was in HB0327 but was omitted in HB0327S01

inserted text shows text that was not in HB0327 but was inserted into HB0327S01

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Homeowners Association Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions relating to homeowners' and condominium owners' associations.

Highlighted Provisions:

This bill:

- requires an association to notify an owner in writing of a denied unit or lot plan;
- prohibits a homeowners' association from impeding or denying a plan due to the plan's inclusion of a fire-resistant material in an area with heightened risk of wildfire;
- places limitations on an association's ability to impose certain rules; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

57-8-6.7, as enacted by Laws of Utah 2013, Chapter 152, as enacted by Laws of Utah 2013, Chapter 152

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- 20 **57-8-8.1** , as last amended by Laws of Utah 2024, Chapters 115, 519 , as last amended by Laws of
Utah 2024, Chapters 115, 519
- 21 **57-8a-109** , as enacted by Laws of Utah 2013, Chapter 152 , as enacted by Laws of Utah 2013,
Chapter 152
- 22 **57-8a-218** , as last amended by Laws of Utah 2024, Chapters 115, 519 , as last amended by Laws of
Utah 2024, Chapters 115, 519
- 23 **57-8a-231** , as last amended by Laws of Utah 2024, Chapters 56, 519 , as last amended by Laws of
Utah 2024, Chapters 56, 519

24

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

26 Section 1. Section **57-8-6.7** is amended to read:

27 **57-8-6.7. Approval of plans.**

26 (1) As used in this section:

27 (a) "Plan fee" means a fee that an association of unit owners charges for review and approval of unit
plans.

29 (b) "Unit plans" means plans:

30 (i) for the construction or improvement of a unit; and

31 (ii) that are required to be approved by the association of unit owners before the unit construction or
improvement may occur.

33 (2) An association of unit owners may not charge a plan fee that exceeds the actual cost of reviewing
and approving the unit plans.

35 (3) If the association denies a unit plan, the association shall provide written notice to the unit owner
specifying:

37 (a) each {rule} **governing document provision** on which the association relied when denying the plan;
and

38 (b) the specific aspect of the proposed plan that does not conform to the specified {rule} **governing
document provision.**

43 Section 2. Section **57-8-8.1** is amended to read:

44 **57-8-8.1. Equal treatment by rules required -- Limits on rules.**

41 (1)

. (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit owners similarly.

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- 43 (b) [~~Notwithstanding Subsection (1)(a), a~~] A rule may:
- 44 (i) vary according to the level and type of service that the association of unit owners provides to unit
owners;
- 46 (ii) differ between residential and nonresidential uses; or
- 47 (iii) for a unit that a unit owner leases for a term of less than 30 days, impose a reasonable limit on the
number of individuals that may use the common areas and facilities as the rental unit tenant's guest
or as the unit owner's guest.
- 50 (2)
- . (a) [~~H~~] Except as provided in Subsection (2)(b), if a unit owner owns a rental unit and is in compliance
with the association of unit owners' governing documents and any rule that the association of unit
owners adopts under Subsection (5), a rule may not treat the unit owner differently because the unit
owner owns a rental unit.
- 54 (b) [~~Notwithstanding Subsection (2)(a), a~~] A rule may:
- 55 (i) limit or prohibit a rental unit owner from using the common areas and facilities for purposes other
than attending an association meeting or managing the rental unit;
- 57 (ii) if the rental unit owner retains the right to use the association of unit owners' common areas and
facilities, even occasionally:
- 59 (A) charge a rental unit owner a fee to use the common areas and facilities; and
- 60 (B) for a unit that a unit owner leases for a term of less than 30 days, impose a reasonable limit on the
number of individuals that may use the common areas and facilities as the rental unit tenant's guest
or as the unit owner's guest; or
- 63 (iii) include a provision in the association of unit owners' governing documents that:
- 64 (A) requires each tenant of a rental unit to abide by the terms of the governing documents; and
- 66 (B) holds the tenant and the rental unit owner jointly and severally liable for a violation of a provision
of the governing documents.
- 68 (3)
- . (a) [~~A~~] Except as provided in Subsection (3)(b), a rule may not interfere with the freedom of a unit
owner to determine the composition of the unit owner's household.
- 70 (b) [~~Notwithstanding Subsection (3)(a), an~~] An association of unit owners may:
- 71 (i) require that all occupants of a dwelling be members of a single housekeeping unit; or
- 73

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(ii) limit the total number of occupants permitted in each residential dwelling on the basis of the residential dwelling's:

75 (A) size and facilities; and

76 (B) fair use of the common areas and facilities.

77 (4) Unless contrary to a declaration, a rule may require a minimum lease term.

78 (5) Unless otherwise provided in the declaration, an association of unit owners may by rule:

79 (a) regulate the use, maintenance, repair, replacement, and modification of common areas and facilities;

81 (b) impose and receive any payment, fee, or charge for:

82 (i) the use, rental, or operation of the common areas, except limited common areas and facilities; and

84 (ii) a service provided to a unit owner;

85 (c) impose a charge for a late payment of an assessment; or

86 (d) provide for the indemnification of the association of unit owners' officers and management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

89 (6)

. (a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the owner's condominium unit.

92 (b) A rule may prohibit a unit owner from installing a personal security camera in a common area not physically connected to the owner's unit.

94 (7)

. (a) A rule may not abridge the right of a unit owner to display a religious or holiday sign, symbol, or decoration inside the owner's condominium unit.

96 (b) An association may adopt a reasonable time, place, and manner restriction with respect to a display that is visible from the exterior of a unit.

98 (8)

. (a) A rule may not:

99 (i) prohibit a unit owner from displaying in a window of the owner's condominium unit:

101 (A) a for-sale sign; ~~or~~

102 (B) a political sign;

103 (ii) or

107 (C) a political flag; or

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- 108 (ii) except as provided in Subsection (8)(b), regulate the content or establish specific design criteria
109 for the content of a political sign~~{-or flag}~~~~[-or]~~ or political flag.
- 110 ~~[(iii) establish design criteria for a political sign{-or flag}:-]~~
- 111 (b) A rule may restrict a political sign or political flag that contains obscene, profane, or commercial
112 content.
- 113 ~~[(b)]~~ (c) ~~[Notwithstanding Subsection (8)(a), a]~~ A rule may reasonably regulate the size and time, place,
114 and manner of posting a for-sale sign~~[-or]~~, a political sign~~{-or}~~, or a political flag.
- 115 (9) For any area for which one or more unit owners are responsible for landscape maintenance, the
116 association of unit owners:
- 117 (a) shall adopt rules supporting water wise landscaping, including:
- 118 (i) low water use requirements on lawns during drought conditions;
- 119 (ii) design criterion for water wise landscaping; and
- 120 (iii) limiting permissible plant material to specific water wise plant material;
- 121 (b) may not prohibit low water use on lawns during drought conditions; and
- 122 (c) may not prohibit or restrict the conversion of a grass park strip to water-efficient landscaping.
- 123 (10) A rule may restrict a sex offender from accessing a protected area that is maintained, operated, or
124 owned by the association, subject to the exceptions described in Subsection 77-27-21.7(3).
- 125 (11)
- 126 . (a) Except as provided in this Subsection (11), a rule may not prohibit a unit owner from making
127 modifications, consistent with industry standards, for radon mitigation.
- 128 (b) Subsection (11)(a) does not apply if the modifications would violate:
- 129 (i) a local land use ordinance;
- 130 (ii) a building code;
- 131 (iii) a health code; or
- 132 (iv) a fire code.
- 133 (c) A rule governing the placement or external appearance of modifications may apply to modifications
for radon mitigation unless the rule would:
- (i) unreasonably interfere with the modifications' functionality; or
- (ii) add more than 40% of the modifications' original cost to the cost of installing the modifications.
- (d) A rule may require that a unit owner making modifications related to radon mitigation:
- (i) demonstrate or provide proof of radon contamination; and

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- 134 (ii) provide proof that the modifications and any related construction will be performed by a licensed
145 person.
- 145 (12)
- 148 (a) Except as provided in Subsection (12)(b), a rule may not restrict an individual from parking a
vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in a driveway where the
individual has a legal right to park.
- 148 (b) A rule may require that an individual park in a garage appurtenant to a unit before parking
elsewhere.
- 150 (13)
- 153 (a) Except as provided in Subsection (13)(b), a rule may not restrict an individual from operating a
vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state
traffic laws.
- 153 (b) A rule may enforce a reduced speed limit on a private roadway.
- 136 ~~{(12)}~~ (14) A rule may not:
- 137 (a) impose a requirement or restriction on the use of a public street, as defined in Section 10-9a-103; or
- 139 (b) restrict an individual from:
- 140 (i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not
visible to an individual standing outside the unit;
- 142 ~~{(ii) {installing or keeping a properly maintained basketball standard on the individual's driveway or
property;}}~~
- 144 ~~{(iii) {parking a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in a driveway
where the individual has a legal right to park;}}~~
- 146 ~~{(iv) {operating a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in
conformance with state traffic laws; or}}~~
- 148 ~~{(v)}~~ (ii) hiring a contractor or worker solely because the contractor or worker:
- 149 (A) is not on the association's preferred vendor list; or
- 150 (B) does not have a professional or occupational license, unless the license is required by law.
- 151 ~~[(12)]~~ ~~{(13)}~~ (15) A rule shall be reasonable.
- 152 ~~[(13)]~~ ~~{(14)}~~ (16) A declaration, or an amendment to a declaration, may vary any of the requirements of
Subsections (1) through (5), except Subsection (1)(b)(ii).
- 154

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[(14)] ~~{(15)}~~ (17) This section applies to an association of unit owners regardless of when the association of unit owners is created.

169 Section 3. Section **57-8a-109** is amended to read:

170 **57-8a-109. Approval of plans.**

158 (1) As used in this section:

172 (a) "Fire-resistant material" means a material designed and tested to resist ignition, slow the spread of fire, or withstand high temperatures, including:

174 (i) Class A roofing;

175 (ii) non-combustible siding;

176 (iii) a fiber cement product;

177 (iv) metal roofing; or

178 (v) fire-rated gypsum board.

159 ~~[(a)]~~ (b) "Lot plans" means plans:

160 (i) for the construction or improvement of a lot; and

161 (ii) that are required to be approved by the association before the lot construction or improvement may occur.

163 ~~[(b)]~~ (c) "Plan fee" means a fee that an association charges for review and approval of lot plans.

165 (2) An association may not charge a plan fee that exceeds the actual cost of reviewing and approving the lot plans.

187 (3) An association may not prohibit, unreasonably restrict, deny, or delay a plan due to the plan's inclusion of a fire-resistant material in an area with heightened risk of wildfire.

167 ~~{(3)}~~ (4) If the association denies a lot plan, the association shall provide written notice to the lot owner specifying:

169 (a) each ~~{rule}~~ governing document provision on which the association relied when denying the plan; and

170 (b) the specific aspect of the proposed plan that does not conform to the specified ~~{rule}~~ governing document provision.

195 Section 4. Section **57-8a-218** is amended to read:

196 **57-8a-218. Equal treatment by rules required -- Limits on association rules and design criteria.**

174 (1)

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- . (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot owners similarly.
- 176 (b) ~~[Notwithstanding Subsection (1)(a), a]~~ A rule may:
- 177 (i) vary according to the level and type of service that the association provides to lot owners;
- 179 (ii) differ between residential and nonresidential uses; and
- 180 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner.
- 183 (2)
- . (a) ~~[H]~~ Except as provided in Subsection (2)(b), if a lot owner owns a rental lot and is in compliance with the association's governing documents and any rule that the association adopts under Subsection (4), a rule may not treat the lot owner differently because the lot owner owns a rental lot.
- 187 (b) ~~[Notwithstanding Subsection (2)(a), a]~~ A rule may:
- 188 (i) limit or prohibit a rental lot owner from using the common areas for purposes other than attending an association meeting or managing the rental lot;
- 190 (ii) if the rental lot owner retains the right to use the association's common areas, even occasionally:
- 192 (A) charge a rental lot owner a fee to use the common areas; or
- 193 (B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner; or
- 196 (iii) include a provision in the association's governing documents that:
- 197 (A) requires each tenant of a rental lot to abide by the terms of the governing documents; and
- 199 (B) holds the tenant and the rental lot owner jointly and severally liable for a violation of a provision of the governing documents.
- 201 (3)
- . (a) ~~[A]~~ Except as provided in Subsection (3)(b), a rule ~~[eriterion-]~~ may not abridge the rights of a lot owner to display a religious or holiday sign, symbol, or decoration on:
- 203 ~~[(i) inside a dwelling on a lot; or]~~
- 204 ~~[(ii) outside a dwelling on:]~~
- 205 ~~[(A)]~~ (i) a lot;
- 206 ~~[(B)]~~ (ii) the exterior of the dwelling, unless the association has an ownership interest in, or a maintenance, repair, or replacement obligation for, the exterior; or

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- 208 ~~[(C)]~~ (iii) the front yard of the dwelling, unless the association has an ownership interest in, or a
 maintenance, repair, or replacement obligation for, the yard.
- 210 (b) ~~[Notwithstanding Subsection (3)(a), the]~~ The association may adopt a reasonable time, place, and
 manner restriction with respect to a display that is:
- 212 (i) outside a dwelling on:
- 213 (A) a lot;
- 214 (B) the exterior of the dwelling; or
- 215 (C) the front yard of the dwelling; and
- 216 (ii) visible from outside the lot.
- 217 (4)
- . (a) A rule may not prohibit a lot owner from displaying a political sign or political flag on:
- 218 ~~[(i) inside a dwelling on a lot; or]~~
- 219 ~~[(ii) outside a dwelling on:]~~
- 220 ~~[(A)]~~ (i) a lot;
- 221 ~~[(B)]~~ (ii) the exterior of the dwelling, regardless of whether the association has an ownership
 interest in the exterior; or
- 223 ~~[(C)]~~ (iii) the front yard of the dwelling, regardless of whether the association has an ownership
 interest in the yard.
- 225 (b) [A] Except as provided in Subsection (4)(c), a rule may not regulate the content of a political sign or
 ~~{flag}~~ political flag.
- 252 (c) A rule may restrict a political sign or political flag that contains obscene, profane, or commercial
 content.
- 226 [(e)] (d) ~~[Notwithstanding Subsection (4)(a), a]~~ A rule may reasonably regulate the time, place, and
 manner of posting a political sign or political flag.
- 228 [(d)] (e) An association design provision may not establish design criteria for a political sign or political
 flag.
- 230 (5)
- . (a) A rule may not prohibit a lot owner from displaying a for-sale sign on:
- 231 ~~[(i) inside a dwelling on a lot; or]~~
- 232 ~~[(ii) outside a dwelling on:]~~
- 233 ~~[(A)]~~ (i) a lot;

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- 234 ~~[(B)]~~ (ii) the exterior of the dwelling, regardless of whether the association has an ownership
 interest in the exterior; or
- 236 ~~[(C)]~~ (iii) the front yard of the dwelling, regardless of whether the association has an ownership
 interest in the yard.
- 238 (b) ~~[Notwithstanding Subsection (5)(a), a]~~ A rule may reasonably regulate the time, place, and manner
 of posting a for-sale sign.
- 240 (6)
- . (a) [A] Except as provided in Subsection (6)(b), a rule may not interfere with the freedom of a lot owner
 to determine the composition of the lot owner's household.
- 242 (b) ~~[Notwithstanding Subsection (6)(a), an]~~ An association may:
- 243 (i) require that all occupants of a dwelling be members of a single housekeeping unit; or
- 245 (ii) limit the total number of occupants permitted in each residential dwelling on the basis of the
 residential dwelling's:
- 247 (A) size and facilities; and
- 248 (B) fair use of the common areas.
- 249 (7)
- . (a) [A] Except as provided in Subsection (7)(b), a rule may not interfere with a reasonable activity of a
 lot owner within the confines of a dwelling or lot, including backyard landscaping or amenities, to
 the extent that the activity is in compliance with local laws and ordinances, including nuisance laws
 and ordinances.
- 253 (b) ~~[Notwithstanding Subsection (7)(a), a]~~ A rule may prohibit an activity within the confines of a
 dwelling or lot, including backyard landscaping or amenities, if the activity:
- 256 (i) is not normally associated with a project restricted to residential use; or
- 257 (ii)
- . (A) creates monetary costs for the association or other lot owners;
- 258 (B) creates a danger to the health or safety of occupants of other lots;
- 259 (C) generates excessive noise or traffic;
- 260 (D) creates unsightly conditions visible ~~[from]~~ to an individual standing outside the dwelling;
- 262 (E) creates an unreasonable source of annoyance to persons outside the lot; or
- 263 (F) if there are attached dwellings, creates the potential for smoke to enter another lot owner's dwelling,
 the common areas, or limited common areas.

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- 265 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b) that affect the use
of or behavior inside the dwelling.
- 267 (8)
- . (a) A rule may not, to the detriment of a lot owner and over the lot owner's written objection to the
board, alter the allocation of financial burdens among the various lots.
- 269 (b) [~~Notwithstanding Subsection (7)(b), an~~] An association may:
- 270 (i) change the common areas available to a lot owner;
- 271 (ii) adopt generally applicable rules for the use of common areas; or
- 272 (iii) deny use privileges to a lot owner who:
- 273 (A) is delinquent in paying assessments;
- 274 (B) abuses the common areas; or
- 275 (C) violates the governing documents.
- 276 (c) This Subsection (8) does not permit a rule that:
- 277 (i) alters the method of levying assessments; or
- 278 (ii) increases the amount of assessments as provided in the declaration.
- 279 (9)
- . (a) Subject to Subsection (9)(b), a rule may not:
- 280 (i) prohibit the transfer of a lot; or
- 281 (ii) require the consent of the association or board to transfer a lot.
- 282 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 283 (10)
- . (a) A rule may not require a lot owner to dispose of personal property that was in or on a lot before the
adoption of the rule or design criteria if the personal property was in compliance with all rules and
other governing documents previously in force.
- 286 (b) The exemption in Subsection (10)(a):
- 287 (i) applies during the period of the lot owner's ownership of the lot; and
- 288 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of the rule
described in Subsection (10)(a).
- 290 (11) A rule or action by the association or action by the board may not unreasonably impede a
declarant's ability to satisfy existing development financing for community improvements and right
to develop:

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- 293 (a) the project; or
294 (b) other properties in the vicinity of the project.
- 295 (12) A rule or association or board action may not interfere with:
296 (a) the use or operation of an amenity that the association does not own or control; or
297 (b) the exercise of a right associated with an easement.
- 298 (13) A rule may not divest a lot owner of the right to proceed in accordance with a completed
application for design review, or to proceed in accordance with another approval process, under the
terms of the governing documents in existence at the time the completed application was submitted
by the owner for review.
- 302 (14) Unless otherwise provided in the declaration, an association may by rule:
303 (a) regulate the use, maintenance, repair, replacement, and modification of common areas;
305 (b) impose and receive any payment, fee, or charge for:
306 (i) the use, rental, or operation of the common areas, except limited common areas; and
308 (ii) a service provided to a lot owner;
309 (c) impose a charge for a late payment of an assessment; or
310 (d) provide for the indemnification of the association's officers and board consistent with Title 16,
Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 312 [~~(15) A rule may not prohibit a lot owner from installing a personal security camera immediately
adjacent to the entryway, window, or other outside entry point of the owner's dwelling unit.~~]
- 315 [~~(16)~~] (15)
- . (a) For any area for which one or more lot owners are responsible for landscape maintenance of
any landscaping within the lot owner's lot or the common areas, the association shall adopt rules
supporting water wise landscaping as defined in Section 57-8a-231 including:
319 (i) low water use requirements on lawns during drought conditions;
320 (ii) design criterion for water wise landscaping; and
321 (iii) limiting permissible plant material to specific water wise plant material.
- 322 (b) A rule may not:
323 (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping as defined in
Section 57-8a-231; or
325 (ii) prohibit low water use on lawns during drought conditions.
- 326 [~~(17)~~] (16)

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- . (a) Except as provided in Subsection [~~(17)(b)~~] (16)(b), a rule may not prohibit the owner of a residential lot from constructing an internal accessory dwelling unit, as defined in Section 10-9a-530 or 17-27a-526, within the owner's residential lot.
- 329 (b) Subsection [~~(17)(a)~~] (16)(a) does not apply if the construction would violate:
- 330 (i) a local land use ordinance;
- 331 (ii) a building code;
- 332 (iii) a health code; or
- 333 (iv) a fire code.
- 334 [~~(18)~~] (17)
- . (a) Except as provided in Subsection [~~(18)(b)~~] (17)(b), a rule may not prohibit the owner of a residential lot from making modifications, consistent with industry standards, for radon mitigation.
- 337 (b) Subsection [~~(18)(a)~~] (17)(a) does not apply if the modifications would violate:
- 338 (i) a local land use ordinance;
- 339 (ii) a building code;
- 340 (iii) a health code; or
- 341 (iv) a fire code.
- 342 (c) A rule governing the placement or external appearance of modifications for radon mitigation does not apply to a lot owner's modifications if the rule would:
- 344 (i) unreasonably interfere with the modifications' functionality; or
- 345 (ii) add more than 40% of the modifications' original cost to the cost of installing the modifications.
- 347 (d) A rule may require that a lot owner making modifications related to radon mitigation:
- 348 (i) demonstrate or provide proof of radon contamination; and
- 349 (ii) provide proof that the modifications and any related construction will be performed by a licensed person.
- 351 [~~(19)~~] (18) A rule may restrict a sex offender from accessing a protected area that is maintained, operated, or owned by the association, subject to the exceptions described in Subsection 77-27-21.7(3).
- 354 (19)
- . (a) As used in this Subsection (19), "vegetable garden" means a plot of ground or elevated soil bed where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants are cultivated.

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- 357 (b) A rule may not prohibit a vegetable garden on the rear yard of a lot on which the association does not
358 have an ownership interest or a maintenance responsibility.
- 359 (c) A rule may:
- 363 (i) impose reasonable regulations that do not significantly increase the cost of cultivating a vegetable
363 garden or significantly decrease the efficiency of cultivating a vegetable garden, including
393 reasonable regulations on plant height, water use, fertilizer use, and weed maintenance; and
- (ii) prohibit the cultivation of invasive or unlawful species.
- 393 (20)
- (a) Except as provided in Subsection (20)(b), a rule may not restrict an individual from parking a
396 vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in a driveway where the
398 individual has a legal right to park.
- (b) A rule may require that an individual park in a garage appurtenant to a dwelling before parking
398 elsewhere.
- 398 (21)
- (a) Except as provided in Subsection (21)(b), a rule may not restrict an individual from operating a
401 vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state
364 traffic laws.
- (b) A rule may enforce a reduced speed limit on a private roadway.
- 364 ~~{(20)}~~ (22) A rule may not:
- 365 (a) prohibit a lot owner from installing a personal security camera immediately adjacent to the
367 entryway, window, or other outside entry point of the owner's dwelling unit;
- (b) impose a requirement or restriction on:
- 368 (i) a ~~{unit's}~~ dwelling's interior, except as reasonably necessary for the safety of adjacent lots and the
370 occupants of those lots; or
- (ii) the use of a public street, as defined in Section 10-9a-103;
- 371 (c) restrict an individual from:
- 372 (i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not
374 visible to an individual standing outside the lot;
- (ii) installing or keeping a properly maintained basketball standard on the individual's driveway or
376 property {;} if the driveway or property where the basketball standard is located is:

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- {(iii) ~~{parking a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in a driveway where the individual has a legal right to park;}~~}
- 378 ~~{(iv) {operating a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state traffic laws; or}}~~
- 415 (A) privately owned and maintained; and
- 416 (B) abutting a public street; or
- 380 ~~{(v)}~~ (iii) hiring a contractor or worker solely because the contractor or worker:
- 381 (A) is not on the association's preferred vendor list; or
- 382 (B) does not have a professional or occupational license, unless the license is required by law; or
- 383 (d) be inconsistent with a provision of the association's declaration, bylaws, or articles of incorporation.
- 385 [(20)] ~~{(21)}~~ (23) A rule shall be reasonable.
- 386 [(21)] ~~{(22)}~~ (24) A declaration, or an amendment to a declaration, may vary any of the requirements of Subsections (1), (2), (6), and (8) through (14), except Subsection (1)(b)(ii).
- 389 [(22) A rule may not be inconsistent with a provision of the association's declaration, bylaws, or articles of incorporation.]
- 391 ~~[(23)]~~ (25) This section applies to an association regardless of when the association is created.
- 431 Section 5. Section **57-8a-231** is amended to read:
- 432 **57-8a-231. Water wise landscaping.**
- 394 (1) As used in this section:
- 395 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
- 397 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
- 399 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
- 401 (d)
- . (i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
- 403 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
- 405 (e) "Water wise landscaping" means any or all of the following:
- 406 (i) installation of plant materials suited to the microclimate and soil conditions that can:
- 408 (A) remain healthy with minimal irrigation once established; or

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- 409 (B) be maintained without the use of overhead spray irrigation;
- 410 (ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
- 412 (iii) the use of other landscape design features that:
- 413 (A) minimize the need of the landscape for supplemental water from irrigation;
- 414 (B) reduce the landscape area dedicated to lawn or turf; or
- 415 (C) encourage vegetative coverage.
- 416 (f) "Water wise plant material" means a plant material suited to water wise landscaping as defined in this section.
- 418 (2) An association may not enact or enforce a governing document that prohibits, or has the effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise landscaping on the lot owner's lot.
- 421 (3)
- . (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association from requiring a property owner to:
- 423 (i) comply with a site plan review or other review process before installing water wise landscaping;
- 425 (ii) maintain plant material in a healthy condition; and
- 426 (iii) follow specific water wise landscaping design requirements adopted by the association including a requirement that:
- 428 (A) restricts or clarifies the use of mulches considered detrimental to the association's operations; and
- 430 (B) restricts or prohibits the use of specific plant materials other than water wise plant materials.
- 432 (b) An association may not require a lot owner to install or keep in place lawn or turf in an area.
- 434 (4)
- . (a) Subject to Subsection (4)(b), if an association does not adopt rules as required by Subsection ~~[57-8a-218(16)]~~ 57-8a-218(15) and fails to remedy the noncompliance within the time specified in Subsection (4)(c), a lot owner may file an action in state court for:
- 438 (i) injunctive relief requiring the association to comply with the requirements of Subsection ~~[57-8a-218(16)]~~ 57-8a-218(15);
- 440 (ii) \$500, or the lot owner's actual damages, whichever is greater;
- 441 (iii) any other remedy provided by law; and
- 442 (iv) reasonable costs and attorney fees.

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- 443 (b) No fewer than 90 days before the day on which a lot owner files a complaint under Subsection (4)
(a), the lot owner shall deliver written notice described in Subsection (4)(c) to the association.
- 446 (c) The lot owner shall include in a notice described in Subsection (4)(b):
- 447 (i) the requirements in Subsection [~~57-8a-218(16)~~] 57-8a-218(15) for adopting water wise landscaping
rules with which the association has failed to comply;
- 449 (ii) a demand that the association come into compliance with the requirements; and
- 450 (iii) a date, no fewer than 90 days after the day on which the lot owner delivers the notice, by which the
association must remedy the association's noncompliance.

491 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

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