

1 **Homeowners Association Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor:

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3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ requires an association to notify an owner in writing of a denied unit or lot plan;
- 9 ▶ places limitations on an association's ability to impose certain rules; and
- 10 ▶ makes technical and conforming changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **57-8-6.7**, as enacted by Laws of Utah 2013, Chapter 152

18 **57-8-8.1**, as last amended by Laws of Utah 2024, Chapters 115, 519

19 **57-8a-109**, as enacted by Laws of Utah 2013, Chapter 152

20 **57-8a-218**, as last amended by Laws of Utah 2024, Chapters 115, 519

21 **57-8a-231**, as last amended by Laws of Utah 2024, Chapters 56, 519

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

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

25 **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
- 28 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  
32 construction or improvement may occur.

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

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

37 (a) each rule 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.

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

40 **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  
42 owners similarly.

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  
45 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  
48 reasonable limit on the number of individuals that may use the common areas and  
49 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  
51 is in compliance with the association of unit owners' governing documents and any  
52 rule that the association of unit owners adopts under Subsection (5), a rule may not  
53 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  
56 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'  
58 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  
61 reasonable limit on the number of individuals that may use the common areas  
62 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

- 65 documents; and
- 66 (B) holds the tenant and the rental unit owner jointly and severally liable for a  
67 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  
69 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;  
72 or
- 73 (ii) limit the total number of occupants permitted in each residential dwelling on the  
74 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  
80 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  
83 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  
87 management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit  
88 Corporation Act.
- 89 (6)(a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner from  
90 installing a personal security camera immediately adjacent to the entryway, window,  
91 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  
93 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  
95 sign, symbol, or decoration inside the owner's condominium unit.
- 96 (b) An association may adopt a reasonable time, place, and manner restriction with  
97 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  
100 unit:
- 101 (A) a for-sale sign; or  
102 (B) a political sign;
- 103 (ii) regulate the content of a political sign or flag; or  
104 (iii) establish design criteria for a political sign or flag.
- 105 (b) [~~Notwithstanding Subsection (8)(a), a~~] A rule may reasonably regulate the size and  
106 time, place, and manner of posting a for-sale sign or a political sign or flag.
- 107 (9) For any area for which one or more unit owners are responsible for landscape  
108 maintenance, the association of unit owners:
- 109 (a) shall adopt rules supporting water wise landscaping, including:
- 110 (i) low water use requirements on lawns during drought conditions;  
111 (ii) design criterion for water wise landscaping; and  
112 (iii) limiting permissible plant material to specific water wise plant material;
- 113 (b) may not prohibit low water use on lawns during drought conditions; and  
114 (c) may not prohibit or restrict the conversion of a grass park strip to water-efficient  
115 landscaping.
- 116 (10) A rule may restrict a sex offender from accessing a protected area that is maintained,  
117 operated, or owned by the association, subject to the exceptions described in Subsection  
118 77-27-21.7(3).
- 119 (11)(a) Except as provided in this Subsection (11), a rule may not prohibit a unit owner  
120 from making modifications, consistent with industry standards, for radon mitigation.
- 121 (b) Subsection (11)(a) does not apply if the modifications would violate:
- 122 (i) a local land use ordinance;  
123 (ii) a building code;  
124 (iii) a health code; or  
125 (iv) a fire code.
- 126 (c) A rule governing the placement or external appearance of modifications may apply to  
127 modifications for radon mitigation unless the rule would:
- 128 (i) unreasonably interfere with the modifications' functionality; or  
129 (ii) add more than 40% of the modifications' original cost to the cost of installing the  
130 modifications.
- 131 (d) A rule may require that a unit owner making modifications related to radon  
132 mitigation:

- 133 (i) demonstrate or provide proof of radon contamination; and  
 134 (ii) provide proof that the modifications and any related construction will be  
 135 performed by a licensed person.
- 136 (12) A rule may not:
- 137 (a) impose a requirement or restriction on the use of a public street, as defined in Section  
 138 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  
 141 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  
 143 driveway or property;
- 144 (iii) parking a vehicle that is not a commercial vehicle, as defined in Section 72-9-102,  
 145 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  
 147 72-9-102, in conformance with state traffic laws; or
- 148 (v) 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.
- 151 [~~12~~] (13) A rule shall be reasonable.
- 152 [~~13~~] (14) A declaration, or an amendment to a declaration, may vary any of the  
 153 requirements of Subsections (1) through (5), except Subsection (1)(b)(ii).
- 154 [~~14~~] (15) This section applies to an association of unit owners regardless of when the  
 155 association of unit owners is created.
- 156 Section 3. Section **57-8a-109** is amended to read:
- 157 **57-8a-109 . Approval of plans.**
- 158 (1) As used in this section:
- 159 (a) "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  
 162 improvement may occur.
- 163 (b) "Plan fee" means a fee that an association charges for review and approval of lot  
 164 plans.
- 165 (2) An association may not charge a plan fee that exceeds the actual cost of reviewing and  
 166 approving the lot plans.

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

169 (a) each rule 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.

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

172 **57-8a-218 . Equal treatment by rules required -- Limits on association rules and**  
 173 **design criteria.**

174 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot  
 175 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  
 178 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  
 181 limit on the number of individuals who may use the common areas and facilities  
 182 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  
 184 in compliance with the association's governing documents and any rule that the  
 185 association adopts under Subsection (4), a rule may not treat the lot owner differently  
 186 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  
 189 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,  
 191 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  
 194 reasonable limit on the number of individuals who may use the common areas  
 195 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  
 198 documents; and

199 (B) holds the tenant and the rental lot owner jointly and severally liable for a  
 200 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~~  
 202 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~~  
 207 in, or a maintenance, repair, or replacement obligation for, the exterior; or  
 208 ~~[(C)] (iii) the front yard of the dwelling, unless the association has an ownership~~  
 209 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  
 211 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 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~~  
 222 ownership interest in the exterior; or  
 223 ~~[(C)] (iii) the front yard of the dwelling, regardless of whether the association has an~~  
 224 ownership interest in the yard.
- 225 (b) A rule may not regulate the content of a political sign or flag.  
 226 (c) ~~[Notwithstanding Subsection (4)(a), a]~~ A rule may reasonably regulate the time,  
 227 place, and manner of posting a political sign or flag.  
 228 (d) An association design provision may not establish design criteria for a political sign  
 229 or 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;~~  
 234 ~~[(B)] (ii) the exterior of the dwelling, regardless of whether the association has an~~

- 235 ownership interest in the exterior; or
- 236 ~~[(C)]~~ (iii) the front yard of the dwelling, regardless of whether the association has an
- 237 ownership interest in the yard.
- 238 (b) ~~[Notwithstanding Subsection (5)(a), a]~~ A rule may reasonably regulate the time,
- 239 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
- 241 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;
- 244 or
- 245 (ii) limit the total number of occupants permitted in each residential dwelling on the
- 246 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
- 250 reasonable activity of a lot owner within the confines of a dwelling or lot, including
- 251 backyard landscaping or amenities, to the extent that the activity is in compliance
- 252 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
- 254 confines of a dwelling or lot, including backyard landscaping or amenities, if the
- 255 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
- 261 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
- 264 lot owner's dwelling, the common areas, or limited common areas.
- 265 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b)
- 266 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
- 268 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
- 284 on a lot before the adoption of the rule or design criteria if the personal property was
- 285 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
- 289 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
- 291 impede a declarant's ability to satisfy existing development financing for community
- 292 improvements and right to develop:
- 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
- 299 completed application for design review, or to proceed in accordance with another
- 300 approval process, under the terms of the governing documents in existence at the time
- 301 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  
304 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;  
307 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  
311 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~~  
313 ~~immediately adjacent to the entryway, window, or other outside entry point of the~~  
314 ~~owner's dwelling unit.]~~
- 315 ~~[(16)] (15)(a)~~ For any area for which one or more lot owners are responsible for  
316 landscape maintenance of any landscaping within the lot owner's lot or the common  
317 areas, the association shall adopt rules supporting water wise landscaping as defined  
318 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  
324 as defined in Section 57-8a-231; or
- 325 (ii) prohibit low water use on lawns during drought conditions.
- 326 ~~[(17)] (16)(a)~~ Except as provided in Subsection ~~[(17)(b)] (16)(b)~~, a rule may not prohibit  
327 the owner of a residential lot from constructing an internal accessory dwelling unit,  
328 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  
335 the owner of a residential lot from making modifications, consistent with industry  
336 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
- 343 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
- 346 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
- 350 performed by a licensed person.
- 351 [~~(19)~~] (18) A rule may restrict a sex offender from accessing a protected area that is
- 352 maintained, operated, or owned by the association, subject to the exceptions described in
- 353 Subsection 77-27-21.7(3).
- 354 (19)(a) As used in this Subsection (19), "vegetable garden" means a plot of ground or
- 355 elevated soil bed where vegetables, herbs, fruits, flowers, pollinator plants, leafy
- 356 greens, or other edible plants are cultivated.
- 357 (b) A rule may not prohibit a vegetable garden on a lot.
- 358 (c) A rule may:
- 359 (i) impose reasonable regulations that do not significantly increase the cost of
- 360 cultivating a vegetable garden or significantly decrease the efficiency of
- 361 cultivating a vegetable garden, including reasonable regulations on plant height,
- 362 water use, fertilizer use, and weed maintenance; and
- 363 (ii) prohibit the cultivation of invasive or unlawful species.
- 364 (20) A rule may not:
- 365 (a) prohibit a lot owner from installing a personal security camera immediately adjacent
- 366 to the entryway, window, or other outside entry point of the owner's dwelling unit;
- 367 (b) impose a requirement or restriction on:
- 368 (i) a unit's interior, except as reasonably necessary for the safety of adjacent lots and
- 369 the occupants of those lots; or
- 370 (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
- 373 store if the item is not visible to an individual standing outside the lot;
- 374 (ii) installing or keeping a properly maintained basketball standard on the individual's
- 375 driveway or property;
- 376 (iii) parking a vehicle that is not a commercial vehicle, as defined in Section 72-9-102,
- 377 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
- 379 72-9-102, in conformance with state traffic laws; or
- 380 (v) 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; or
- 383 (d) be inconsistent with a provision of the association's declaration, bylaws, or articles of
- 384 incorporation.

385 [~~20~~] (21) A rule shall be reasonable.

386 [~~21~~] (22) A declaration, or an amendment to a declaration, may vary any of the

387 requirements of Subsections (1), (2), (6), and (8) through (14), except Subsection

388 (1)(b)(ii).

389 [~~22~~] ~~A rule may not be inconsistent with a provision of the association's declaration,~~

390 ~~bylaws, or articles of incorporation.]~~

391 (23) This section applies to an association regardless of when the association is created.

392 Section 5. Section **57-8a-231** is amended to read:

393 **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
- 396 grasses.
- 397 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose
- 398 and applied to the soil.
- 399 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
- 400 through a nozzle.
- 401 (d)(i) "Vegetative coverage" means the ground level surface area covered by the
- 402 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
- 404 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
- 407 can:
- 408 (A) remain healthy with minimal irrigation once established; or
- 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
- 411 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
- 417 as defined in this section.
- 418 (2) An association may not enact or enforce a governing document that prohibits, or has the
- 419 effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise
- 420 landscaping on the lot owner's lot.
- 421 (3)(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association from
- 422 requiring a property owner to:
- 423 (i) comply with a site plan review or other review process before installing water
- 424 wise landscaping;
- 425 (ii) maintain plant material in a healthy condition; and
- 426 (iii) follow specific water wise landscaping design requirements adopted by the
- 427 association including a requirement that:
- 428 (A) restricts or clarifies the use of mulches considered detrimental to the
- 429 association's operations; and
- 430 (B) restricts or prohibits the use of specific plant materials other than water wise
- 431 plant materials.
- 432 (b) An association may not require a lot owner to install or keep in place lawn or turf in
- 433 an area.
- 434 (4)(a) Subject to Subsection (4)(b), if an association does not adopt rules as required by
- 435 Subsection [~~57-8a-218(16)~~] 57-8a-218(15) and fails to remedy the noncompliance
- 436 within the time specified in Subsection (4)(c), a lot owner may file an action in state
- 437 court for:
- 438 (i) injunctive relief requiring the association to comply with the requirements of

- 439 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.
- 443 (b) No fewer than 90 days before the day on which a lot owner files a complaint under
- 444 Subsection (4)(a), the lot owner shall deliver written notice described in Subsection
- 445 (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
- 448 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
- 451 notice, by which the association must remedy the association's noncompliance.

452 Section 6. **Effective Date.**

453 This bill takes effect on May 7, 2025.