

Jordan D. Teuscher proposes the following substitute bill:

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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 57-8-6.7**, as enacted by Laws of Utah 2013, Chapter 152
- 57-8-8.1**, as last amended by Laws of Utah 2024, Chapters 115, 519
- 57-8a-109**, as enacted by Laws of Utah 2013, Chapter 152
- 57-8a-218**, as last amended by Laws of Utah 2024, Chapters 115, 519
- 57-8a-231**, as last amended by Laws of Utah 2024, Chapters 56, 519

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

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

57-8-6.7 . Approval of plans.

(1) As used in this section:

- 29 (a) "Plan fee" means a fee that an association of unit owners charges for review and
 30 approval of unit plans.
- 31 (b) "Unit plans" means plans:
 32 (i) for the construction or improvement of a unit; and
 33 (ii) that are required to be approved by the association of unit owners before the unit
 34 construction or improvement may occur.
- 35 (2) An association of unit owners may not charge a plan fee that exceeds the actual cost of
 36 reviewing and approving the unit plans.
- 37 (3) If the association denies a unit plan, the association shall provide written notice to the
 38 unit owner specifying:
- 39 (a) each governing document provision on which the association relied when denying
 40 the plan; and
- 41 (b) the specific aspect of the proposed plan that does not conform to the specified
 42 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.**

- 45 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit
 46 owners similarly.
- 47 (b) [~~Notwithstanding Subsection (1)(a), a~~] A rule may:
 48 (i) vary according to the level and type of service that the association of unit owners
 49 provides to unit owners;
 50 (ii) differ between residential and nonresidential uses; or
 51 (iii) for a unit that a unit owner leases for a term of less than 30 days, impose a
 52 reasonable limit on the number of individuals that may use the common areas and
 53 facilities as the rental unit tenant's guest or as the unit owner's guest.
- 54 (2)(a) [~~H~~] Except as provided in Subsection (2)(b), if a unit owner owns a rental unit and
 55 is in compliance with the association of unit owners' governing documents and any
 56 rule that the association of unit owners adopts under Subsection (5), a rule may not
 57 treat the unit owner differently because the unit owner owns a rental unit.
- 58 (b) [~~Notwithstanding Subsection (2)(a), a~~] A rule may:
 59 (i) limit or prohibit a rental unit owner from using the common areas and facilities for
 60 purposes other than attending an association meeting or managing the rental unit;
 61 (ii) if the rental unit owner retains the right to use the association of unit owners'
 62 common areas and facilities, even occasionally:

- 63 (A) charge a rental unit owner a fee to use the common areas and facilities; and
64 (B) for a unit that a unit owner leases for a term of less than 30 days, impose a
65 reasonable limit on the number of individuals that may use the common areas
66 and facilities as the rental unit tenant's guest or as the unit owner's guest; or
67 (iii) include a provision in the association of unit owners' governing documents that:
68 (A) requires each tenant of a rental unit to abide by the terms of the governing
69 documents; and
70 (B) holds the tenant and the rental unit owner jointly and severally liable for a
71 violation of a provision of the governing documents.
- 72 (3)(a) ~~[A]~~ Except as provided in Subsection (3)(b), a rule may not interfere with the
73 freedom of a unit owner to determine the composition of the unit owner's household.
- 74 (b) ~~[Notwithstanding Subsection (3)(a), an]~~ An association of unit owners may:
75 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
76 or
77 (ii) limit the total number of occupants permitted in each residential dwelling on the
78 basis of the residential dwelling's:
79 (A) size and facilities; and
80 (B) fair use of the common areas and facilities.
- 81 (4) Unless contrary to a declaration, a rule may require a minimum lease term.
- 82 (5) Unless otherwise provided in the declaration, an association of unit owners may by rule:
83 (a) regulate the use, maintenance, repair, replacement, and modification of common
84 areas and facilities;
85 (b) impose and receive any payment, fee, or charge for:
86 (i) the use, rental, or operation of the common areas, except limited common areas
87 and facilities; and
88 (ii) a service provided to a unit owner;
89 (c) impose a charge for a late payment of an assessment; or
90 (d) provide for the indemnification of the association of unit owners' officers and
91 management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit
92 Corporation Act.
- 93 (6)(a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner from
94 installing a personal security camera immediately adjacent to the entryway, window,
95 or other outside entry point of the owner's condominium unit.
96 (b) A rule may prohibit a unit owner from installing a personal security camera in a

97 common area not physically connected to the owner's unit.

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

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

102 (8)(a) A rule may not:

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

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

106 (B) a political sign;or

107 (C) a political flag; or

108 (ii) except as provided in Subsection (8)(b), regulate the content or establish specific
109 design criteria for the content of a political sign~~;~~ or political flag.

110 [~~(iii) establish design criteria for a political sign.~~]

111 (b) A rule may restrict a political sign or political flag that contains obscene, profane, or
112 commercial content.

113 [~~(b)~~] (c) [~~Notwithstanding Subsection (8)(a), a~~] A rule may reasonably regulate the size
114 and time, place, and manner of posting a for-sale sign~~;~~, a political sign, or a
115 political flag.

116 (9) For any area for which one or more unit owners are responsible for landscape
117 maintenance, the association of unit owners:

118 (a) shall adopt rules supporting water wise landscaping, including:

119 (i) low water use requirements on lawns during drought conditions;

120 (ii) design criterion for water wise landscaping; and

121 (iii) limiting permissible plant material to specific water wise plant material;

122 (b) may not prohibit low water use on lawns during drought conditions; and

123 (c) may not prohibit or restrict the conversion of a grass park strip to water-efficient
124 landscaping.

125 (10) A rule may restrict a sex offender from accessing a protected area that is maintained,
126 operated, or owned by the association, subject to the exceptions described in Subsection
127 77-27-21.7(3).

128 (11)(a) Except as provided in this Subsection (11), a rule may not prohibit a unit owner
129 from making modifications, consistent with industry standards, for radon mitigation.

130 (b) Subsection (11)(a) does not apply if the modifications would violate:

- 131 (i) a local land use ordinance;
- 132 (ii) a building code;
- 133 (iii) a health code; or
- 134 (iv) a fire code.
- 135 (c) A rule governing the placement or external appearance of modifications may apply to
- 136 modifications for radon mitigation unless the rule would:
- 137 (i) unreasonably interfere with the modifications' functionality; or
- 138 (ii) add more than 40% of the modifications' original cost to the cost of installing the
- 139 modifications.
- 140 (d) A rule may require that a unit owner making modifications related to radon
- 141 mitigation:
- 142 (i) demonstrate or provide proof of radon contamination; and
- 143 (ii) provide proof that the modifications and any related construction will be
- 144 performed by a licensed person.
- 145 (12)(a) Except as provided in Subsection (12)(b), a rule may not restrict an individual
- 146 from parking a vehicle that is not a commercial vehicle, as defined in Section
- 147 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
- 149 parking elsewhere.
- 150 (13)(a) Except as provided in Subsection (13)(b), a rule may not restrict an individual
- 151 from operating a vehicle that is not a commercial vehicle, as defined in Section
- 152 72-9-102, in conformance with state traffic laws.
- 153 (b) A rule may enforce a reduced speed limit on a private roadway.
- 154 (14) A rule may not:
- 155 (a) impose a requirement or restriction on the use of a public street, as defined in Section
- 156 10-9a-103; or
- 157 (b) restrict an individual from:
- 158 (i) installing, displaying, or storing an item that the individual has a legal right to
- 159 store if the item is not visible to an individual standing outside the unit;
- 160 (ii) hiring a contractor or worker solely because the contractor or worker:
- 161 (A) is not on the association's preferred vendor list; or
- 162 (B) does not have a professional or occupational license, unless the license is
- 163 required by law.
- 164 ~~[(12)]~~ (15) A rule shall be reasonable.

165 ~~[(13)]~~ (16) A declaration, or an amendment to a declaration, may vary any of the
 166 requirements of Subsections (1) through (5), except Subsection (1)(b)(ii).

167 ~~[(14)]~~ (17) This section applies to an association of unit owners regardless of when the
 168 association of unit owners is created.

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

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

171 (1) As used in this section:

172 (a) "Fire-resistant material" means a material designed and tested to resist ignition, slow
 173 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.

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

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

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

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

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

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

189 (4) If the association denies a lot plan, the association shall provide written notice to the lot
 190 owner specifying:

191 (a) each governing document provision on which the association relied when denying
 192 the plan; and

193 (b) the specific aspect of the proposed plan that does not conform to the specified
 194 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**
 197 **design criteria.**

198 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot

199 owners similarly.

200 (b) [~~Notwithstanding Subsection (1)(a), a~~] A rule may:

201 (i) vary according to the level and type of service that the association provides to lot
202 owners;

203 (ii) differ between residential and nonresidential uses; and

204 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
205 limit on the number of individuals who may use the common areas and facilities
206 as guests of the lot tenant or lot owner.

207 (2)(a) [~~H~~] Except as provided in Subsection (2)(b), if a lot owner owns a rental lot and is
208 in compliance with the association's governing documents and any rule that the
209 association adopts under Subsection (4), a rule may not treat the lot owner differently
210 because the lot owner owns a rental lot.

211 (b) [~~Notwithstanding Subsection (2)(a), a~~] A rule may:

212 (i) limit or prohibit a rental lot owner from using the common areas for purposes
213 other than attending an association meeting or managing the rental lot;

214 (ii) if the rental lot owner retains the right to use the association's common areas,
215 even occasionally:

216 (A) charge a rental lot owner a fee to use the common areas; or

217 (B) for a lot that an owner leases for a term of less than 30 days, impose a
218 reasonable limit on the number of individuals who may use the common areas
219 and facilities as guests of the lot tenant or lot owner; or

220 (iii) include a provision in the association's governing documents that:

221 (A) requires each tenant of a rental lot to abide by the terms of the governing
222 documents; and

223 (B) holds the tenant and the rental lot owner jointly and severally liable for a
224 violation of a provision of the governing documents.

225 (3)(a) [~~A~~] Except as provided in Subsection (3)(b), a rule [~~eriterion~~] may not abridge the
226 rights of a lot owner to display a religious or holiday sign, symbol, or decoration on:

227 [~~(i) inside a dwelling on a lot; or~~]

228 [~~(ii) outside a dwelling on:~~]

229 [~~(A)~~] (i) a lot;

230 [~~(B)~~] (ii) the exterior of the dwelling, unless the association has an ownership interest
231 in, or a maintenance, repair, or replacement obligation for, the exterior; or

232 [~~(C)~~] (iii) the front yard of the dwelling, unless the association has an ownership

- 233 interest in, or a maintenance, repair, or replacement obligation for, the yard.
- 234 (b) ~~[Notwithstanding Subsection (3)(a), the]~~ The association may adopt a reasonable
- 235 time, place, and manner restriction with respect to a display that is:
- 236 (i) outside a dwelling on:
- 237 (A) a lot;
- 238 (B) the exterior of the dwelling; or
- 239 (C) the front yard of the dwelling; and
- 240 (ii) visible from outside the lot.
- 241 (4)(a) A rule may not prohibit a lot owner from displaying a political sign or political
- 242 flag on:
- 243 ~~[(i) inside a dwelling on a lot; or]~~
- 244 ~~[(ii) outside a dwelling on:]~~
- 245 ~~[(A)]~~ (i) a lot;
- 246 ~~[(B)]~~ (ii) the exterior of the dwelling, regardless of whether the association has an
- 247 ownership interest in the exterior; or
- 248 ~~[(C)]~~ (iii) the front yard of the dwelling, regardless of whether the association has an
- 249 ownership interest in the yard.
- 250 (b) ~~[A]~~ Except as provided in Subsection (4)(c), a rule may not regulate the content of a
- 251 political sign or political flag.
- 252 (c) A rule may restrict a political sign or political flag that contains obscene, profane, or
- 253 commercial content.
- 254 ~~[(e)]~~ (d) ~~[Notwithstanding Subsection (4)(a), a]~~ A rule may reasonably regulate the time,
- 255 place, and manner of posting a political sign or political flag.
- 256 ~~[(d)]~~ (e) An association design provision may not establish design criteria for a political
- 257 sign or political flag.
- 258 (5)(a) A rule may not prohibit a lot owner from displaying a for-sale sign on:
- 259 ~~[(i) inside a dwelling on a lot; or]~~
- 260 ~~[(ii) outside a dwelling on:]~~
- 261 ~~[(A)]~~ (i) a lot;
- 262 ~~[(B)]~~ (ii) the exterior of the dwelling, regardless of whether the association has an
- 263 ownership interest in the exterior; or
- 264 ~~[(C)]~~ (iii) the front yard of the dwelling, regardless of whether the association has an
- 265 ownership interest in the yard.
- 266 (b) ~~[Notwithstanding Subsection (5)(a), a]~~ A rule may reasonably regulate the time,

- 267 place, and manner of posting a for-sale sign.
- 268 (6)(a) ~~[A]~~ Except as provided in Subsection (6)(b), a rule may not interfere with the
- 269 freedom of a lot owner to determine the composition of the lot owner's household.
- 270 (b) ~~[Notwithstanding Subsection (6)(a), an]~~ An association may:
- 271 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
- 272 or
- 273 (ii) limit the total number of occupants permitted in each residential dwelling on the
- 274 basis of the residential dwelling's:
- 275 (A) size and facilities; and
- 276 (B) fair use of the common areas.
- 277 (7)(a) ~~[A]~~ Except as provided in Subsection (7)(b), a rule may not interfere with a
- 278 reasonable activity of a lot owner within the confines of a dwelling or lot, including
- 279 backyard landscaping or amenities, to the extent that the activity is in compliance
- 280 with local laws and ordinances, including nuisance laws and ordinances.
- 281 (b) ~~[Notwithstanding Subsection (7)(a), a]~~ A rule may prohibit an activity within the
- 282 confines of a dwelling or lot, including backyard landscaping or amenities, if the
- 283 activity:
- 284 (i) is not normally associated with a project restricted to residential use; or
- 285 (ii)(A) creates monetary costs for the association or other lot owners;
- 286 (B) creates a danger to the health or safety of occupants of other lots;
- 287 (C) generates excessive noise or traffic;
- 288 (D) creates unsightly conditions visible ~~[from]~~ to an individual standing outside the
- 289 dwelling;
- 290 (E) creates an unreasonable source of annoyance to persons outside the lot; or
- 291 (F) if there are attached dwellings, creates the potential for smoke to enter another
- 292 lot owner's dwelling, the common areas, or limited common areas.
- 293 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b)
- 294 that affect the use of or behavior inside the dwelling.
- 295 (8)(a) A rule may not, to the detriment of a lot owner and over the lot owner's written
- 296 objection to the board, alter the allocation of financial burdens among the various lots.
- 297 (b) ~~[Notwithstanding Subsection (7)(b), an]~~ An association may:
- 298 (i) change the common areas available to a lot owner;
- 299 (ii) adopt generally applicable rules for the use of common areas; or
- 300 (iii) deny use privileges to a lot owner who:

- 301 (A) is delinquent in paying assessments;
- 302 (B) abuses the common areas; or
- 303 (C) violates the governing documents.
- 304 (c) This Subsection (8) does not permit a rule that:
- 305 (i) alters the method of levying assessments; or
- 306 (ii) increases the amount of assessments as provided in the declaration.
- 307 (9)(a) Subject to Subsection (9)(b), a rule may not:
- 308 (i) prohibit the transfer of a lot; or
- 309 (ii) require the consent of the association or board to transfer a lot.
- 310 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 311 (10)(a) A rule may not require a lot owner to dispose of personal property that was in or
- 312 on a lot before the adoption of the rule or design criteria if the personal property was
- 313 in compliance with all rules and other governing documents previously in force.
- 314 (b) The exemption in Subsection (10)(a):
- 315 (i) applies during the period of the lot owner's ownership of the lot; and
- 316 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption
- 317 of the rule described in Subsection (10)(a).
- 318 (11) A rule or action by the association or action by the board may not unreasonably
- 319 impede a declarant's ability to satisfy existing development financing for community
- 320 improvements and right to develop:
- 321 (a) the project; or
- 322 (b) other properties in the vicinity of the project.
- 323 (12) A rule or association or board action may not interfere with:
- 324 (a) the use or operation of an amenity that the association does not own or control; or
- 325 (b) the exercise of a right associated with an easement.
- 326 (13) A rule may not divest a lot owner of the right to proceed in accordance with a
- 327 completed application for design review, or to proceed in accordance with another
- 328 approval process, under the terms of the governing documents in existence at the time
- 329 the completed application was submitted by the owner for review.
- 330 (14) Unless otherwise provided in the declaration, an association may by rule:
- 331 (a) regulate the use, maintenance, repair, replacement, and modification of common
- 332 areas;
- 333 (b) impose and receive any payment, fee, or charge for:
- 334 (i) the use, rental, or operation of the common areas, except limited common areas;

- 335 and
- 336 (ii) a service provided to a lot owner;
- 337 (c) impose a charge for a late payment of an assessment; or
- 338 (d) provide for the indemnification of the association's officers and board consistent with
- 339 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

340 ~~[(15) A rule may not prohibit a lot owner from installing a personal security camera~~
 341 ~~immediately adjacent to the entryway, window, or other outside entry point of the~~
 342 ~~owner's dwelling unit.]~~

343 ~~[(16)]~~ (15)(a) For any area for which one or more lot owners are responsible for
 344 landscape maintenance of any landscaping within the lot owner's lot or the common
 345 areas, the association shall adopt rules supporting water wise landscaping as defined
 346 in Section 57-8a-231 including:

- 347 (i) low water use requirements on lawns during drought conditions;
- 348 (ii) design criterion for water wise landscaping; and
- 349 (iii) limiting permissible plant material to specific water wise plant material.

350 (b) A rule may not:

- 351 (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping
 352 as defined in Section 57-8a-231; or
- 353 (ii) prohibit low water use on lawns during drought conditions.

354 ~~[(17)]~~ (16)(a) Except as provided in Subsection ~~[(17)(b)]~~ (16)(b), a rule may not prohibit
 355 the owner of a residential lot from constructing an internal accessory dwelling unit,
 356 as defined in Section 10-9a-530 or 17-27a-526, within the owner's residential lot.

357 (b) Subsection ~~[(17)(a)]~~ (16)(a) does not apply if the construction would violate:

- 358 (i) a local land use ordinance;
- 359 (ii) a building code;
- 360 (iii) a health code; or
- 361 (iv) a fire code.

362 ~~[(18)]~~ (17)(a) Except as provided in Subsection ~~[(18)(b)]~~ (17)(b), a rule may not prohibit
 363 the owner of a residential lot from making modifications, consistent with industry
 364 standards, for radon mitigation.

365 (b) Subsection ~~[(18)(a)]~~ (17)(a) does not apply if the modifications would violate:

- 366 (i) a local land use ordinance;
- 367 (ii) a building code;
- 368 (iii) a health code; or

- 369 (iv) a fire code.
- 370 (c) A rule governing the placement or external appearance of modifications for radon
371 mitigation does not apply to a lot owner's modifications if the rule would:
372 (i) unreasonably interfere with the modifications' functionality; or
373 (ii) add more than 40% of the modifications' original cost to the cost of installing the
374 modifications.
- 375 (d) A rule may require that a lot owner making modifications related to radon mitigation:
376 (i) demonstrate or provide proof of radon contamination; and
377 (ii) provide proof that the modifications and any related construction will be
378 performed by a licensed person.
- 379 ~~[(19)]~~ (18) A rule may restrict a sex offender from accessing a protected area that is
380 maintained, operated, or owned by the association, subject to the exceptions described in
381 Subsection 77-27-21.7(3).
- 382 (19)(a) As used in this Subsection (19), "vegetable garden" means a plot of ground or
383 elevated soil bed where vegetables, herbs, fruits, flowers, pollinator plants, leafy
384 greens, or other edible plants are cultivated.
- 385 (b) A rule may not prohibit a vegetable garden on the rear yard of a lot on which the
386 association does not have an ownership interest or a maintenance responsibility.
- 387 (c) A rule may:
- 388 (i) impose reasonable regulations that do not significantly increase the cost of
389 cultivating a vegetable garden or significantly decrease the efficiency of
390 cultivating a vegetable garden, including reasonable regulations on plant height,
391 water use, fertilizer use, and weed maintenance; and
- 392 (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
394 from parking a vehicle that is not a commercial vehicle, as defined in Section
395 72-9-102, in a driveway where the individual has a legal right to park.
- 396 (b) A rule may require that an individual park in a garage appurtenant to a dwelling
397 before parking elsewhere.
- 398 (21)(a) Except as provided in Subsection (21)(b), a rule may not restrict an individual
399 from operating a vehicle that is not a commercial vehicle, as defined in Section
400 72-9-102, in conformance with state traffic laws.
- 401 (b) A rule may enforce a reduced speed limit on a private roadway.
- 402 (22) A rule may not:

- 403 (a) prohibit a lot owner from installing a personal security camera immediately adjacent
 404 to the entryway, window, or other outside entry point of the owner's dwelling unit;
 405 (b) impose a requirement or restriction on:
 406 (i) a dwelling's interior, except as reasonably necessary for the safety of adjacent lots
 407 and the occupants of those lots; or
 408 (ii) the use of a public street, as defined in Section 10-9a-103;
 409 (c) restrict an individual from:
 410 (i) installing, displaying, or storing an item that the individual has a legal right to
 411 store if the item is not visible to an individual standing outside the lot;
 412 (ii) installing or keeping a properly maintained basketball standard on the individual's
 413 driveway or property if the driveway or property where the basketball standard is
 414 located is:
 415 (A) privately owned and maintained; and
 416 (B) abutting a public street; or
 417 (iii) hiring a contractor or worker solely because the contractor or worker:
 418 (A) is not on the association's preferred vendor list; or
 419 (B) does not have a professional or occupational license, unless the license is
 420 required by law; or
 421 (d) be inconsistent with a provision of the association's declaration, bylaws, or articles of
 422 incorporation.

423 ~~[(20)]~~ (23) A rule shall be reasonable.

424 ~~[(21)]~~ (24) A declaration, or an amendment to a declaration, may vary any of the
 425 requirements of Subsections (1), (2), (6), and (8) through (14), except Subsection
 426 (1)(b)(ii).

427 ~~[(22) A rule may not be inconsistent with a provision of the association's declaration,~~
 428 ~~bylaws, or articles of incorporation.]~~

429 ~~[(23)]~~ (25) This section applies to an association regardless of when the association is
 430 created.

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

432 **57-8a-231 . Water wise landscaping.**

433 (1) As used in this section:

434 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
 435 grasses.

436 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose

- 437 and applied to the soil.
- 438 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
439 through a nozzle.
- 440 (d)(i) "Vegetative coverage" means the ground level surface area covered by the
441 exposed leaf area of a plant or group of plants at full maturity.
- 442 (ii) "Vegetative coverage" does not mean the ground level surface area covered by
443 the exposed leaf area of a tree or trees.
- 444 (e) "Water wise landscaping" means any or all of the following:
- 445 (i) installation of plant materials suited to the microclimate and soil conditions that
446 can:
- 447 (A) remain healthy with minimal irrigation once established; or
448 (B) be maintained without the use of overhead spray irrigation;
- 449 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
450 and water application; or
- 451 (iii) the use of other landscape design features that:
- 452 (A) minimize the need of the landscape for supplemental water from irrigation;
453 (B) reduce the landscape area dedicated to lawn or turf; or
454 (C) encourage vegetative coverage.
- 455 (f) "Water wise plant material" means a plant material suited to water wise landscaping
456 as defined in this section.
- 457 (2) An association may not enact or enforce a governing document that prohibits, or has the
458 effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise
459 landscaping on the lot owner's lot.
- 460 (3)(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association from
461 requiring a property owner to:
- 462 (i) comply with a site plan review or other review process before installing water
463 wise landscaping;
- 464 (ii) maintain plant material in a healthy condition; and
- 465 (iii) follow specific water wise landscaping design requirements adopted by the
466 association including a requirement that:
- 467 (A) restricts or clarifies the use of mulches considered detrimental to the
468 association's operations; and
- 469 (B) restricts or prohibits the use of specific plant materials other than water wise
470 plant materials.

471 (b) An association may not require a lot owner to install or keep in place lawn or turf in
472 an area.

473 (4)(a) Subject to Subsection (4)(b), if an association does not adopt rules as required by
474 Subsection [~~57-8a-218(16)~~] 57-8a-218(15) and fails to remedy the noncompliance
475 within the time specified in Subsection (4)(c), a lot owner may file an action in state
476 court for:

477 (i) injunctive relief requiring the association to comply with the requirements of
478 Subsection [~~57-8a-218(16)~~] 57-8a-218(15);

479 (ii) \$500, or the lot owner's actual damages, whichever is greater;

480 (iii) any other remedy provided by law; and

481 (iv) reasonable costs and attorney fees.

482 (b) No fewer than 90 days before the day on which a lot owner files a complaint under
483 Subsection (4)(a), the lot owner shall deliver written notice described in Subsection
484 (4)(c) to the association.

485 (c) The lot owner shall include in a notice described in Subsection (4)(b):

486 (i) the requirements in Subsection [~~57-8a-218(16)~~] 57-8a-218(15) for adopting water
487 wise landscaping rules with which the association has failed to comply;

488 (ii) a demand that the association come into compliance with the requirements; and

489 (iii) a date, no fewer than 90 days after the day on which the lot owner delivers the
490 notice, by which the association must remedy the association's noncompliance.

491 **Section 6. Effective Date.**

492 This bill takes effect on May 7, 2025.