

Jordan D. Teuscher proposes the following substitute bill:

**Homeowners Association Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor:

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**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

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*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 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]~~ or flag.

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

111 (b) A rule may restrict a political sign or 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~~[-or]~~ , a political sign, or a flag.

115 (9) For any area for which one or more unit owners are responsible for landscape  
116 maintenance, the 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  
123 landscaping.

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

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

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

130 (i) a local land use ordinance;

- 131 (ii) a building code;
- 132 (iii) a health code; or
- 133 (iv) a fire code.
- 134 (c) A rule governing the placement or external appearance of modifications may apply to
- 135 modifications for radon mitigation unless the rule would:
- 136 (i) unreasonably interfere with the modifications' functionality; or
- 137 (ii) add more than 40% of the modifications' original cost to the cost of installing the
- 138 modifications.
- 139 (d) A rule may require that a unit owner making modifications related to radon
- 140 mitigation:
- 141 (i) demonstrate or provide proof of radon contamination; and
- 142 (ii) provide proof that the modifications and any related construction will be
- 143 performed by a licensed person.
- 144 (12)(a) Except as provided in Subsection (12)(b), a rule may not restrict an individual
- 145 from parking an operable vehicle in a driveway where the vehicle has a legal right to
- 146 park, unless the vehicle is:
- 147 (i) a commercial vehicle, as defined in Section 72-9-102;
- 148 (ii) a motor home, as defined in Section 13-20-2; or
- 149 (iii) a recreational vehicle trailer, as defined in Section 13-20-2.
- 150 (b) A rule may require that an individual park in a garage appurtenant to a unit before
- 151 parking elsewhere.
- 152 (13)(a) Except as provided in Subsection (13)(b), a rule may not restrict an individual
- 153 from operating a vehicle that is not a commercial vehicle, as defined in Section
- 154 72-9-102, in conformance with state traffic laws.
- 155 (b) A rule may enforce a reduced speed limit on a private roadway.
- 156 (14) A rule may not:
- 157 (a) impose a requirement or restriction on the use of a public street, as defined in Section
- 158 10-9a-103; or
- 159 (b) restrict an individual from:
- 160 (i) installing, displaying, or storing an item that the individual has a legal right to
- 161 store if the item is not visible to an individual standing outside the unit;
- 162 (ii) hiring a contractor or worker solely because the contractor or worker:
- 163 (A) is not on the association's preferred vendor list; or
- 164 (B) does not have a professional or occupational license, unless the license is

165 required by law.

166 [~~(12)~~] (15) A rule shall be reasonable.

167 [~~(13)~~] (16) A declaration, or an amendment to a declaration, may vary any of the  
168 requirements of Subsections (1) through (5), except Subsection (1)(b)(ii).

169 [~~(14)~~] (17) This section applies to an association of unit owners regardless of when the  
170 association of unit owners is created.

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

172 **57-8a-109 . Approval of plans.**

173 (1) As used in this section:

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

176 (i) Class A roofing;

177 (ii) non-combustible siding;

178 (iii) a fiber cement product;

179 (iv) metal roofing; or

180 (v) fire-rated gypsum board.

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

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

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

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

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

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

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

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

195 (b) the specific aspect of the proposed plan that does not conform to the specified  
196 governing document provision.

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

198 **57-8a-218 . Equal treatment by rules required -- Limits on association rules and**

199 **design criteria.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

232 ~~[(B)]~~ (ii) the exterior of the dwelling, unless the association has an ownership interest

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



- 267 (b) ~~[Notwithstanding Subsection (5)(a), a]~~ A rule may reasonably regulate the time,  
 268 place, and manner of posting a for-sale sign.
- 269 (6)(a) ~~[A]~~ Except as provided in Subsection (6)(b), a rule may not interfere with the  
 270 freedom of a lot owner to determine the composition of the lot owner's household.
- 271 (b) ~~[Notwithstanding Subsection (6)(a), an]~~ An association may:
- 272 (i) require that all occupants of a dwelling be members of a single housekeeping unit;  
 273 or
- 274 (ii) limit the total number of occupants permitted in each residential dwelling on the  
 275 basis of the residential dwelling's:
- 276 (A) size and facilities; and  
 277 (B) fair use of the common areas.
- 278 (7)(a) ~~[A]~~ Except as provided in Subsection (7)(b), a rule may not interfere with a  
 279 reasonable activity of a lot owner within the confines of a dwelling or lot, including  
 280 backyard landscaping or amenities, to the extent that the activity is in compliance  
 281 with local laws and ordinances, including nuisance laws and ordinances.
- 282 (b) ~~[Notwithstanding Subsection (7)(a), a]~~ A rule may prohibit an activity within the  
 283 confines of a dwelling or lot, including backyard landscaping or amenities, if the  
 284 activity:
- 285 (i) is not normally associated with a project restricted to residential use; or  
 286 (ii)(A) creates monetary costs for the association or other lot owners;  
 287 (B) creates a danger to the health or safety of occupants of other lots;  
 288 (C) generates excessive noise or traffic;  
 289 (D) creates unsightly conditions visible ~~[from]~~ to an individual standing outside the  
 290 dwelling;  
 291 (E) creates an unreasonable source of annoyance to persons outside the lot; or  
 292 (F) if there are attached dwellings, creates the potential for smoke to enter another  
 293 lot owner's dwelling, the common areas, or limited common areas.
- 294 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b)  
 295 that affect the use of or behavior inside the dwelling.
- 296 (8)(a) A rule may not, to the detriment of a lot owner and over the lot owner's written  
 297 objection to the board, alter the allocation of financial burdens among the various lots.
- 298 (b) ~~[Notwithstanding Subsection (7)(b), an]~~ An association may:
- 299 (i) change the common areas available to a lot owner;  
 300 (ii) adopt generally applicable rules for the use of common areas; or

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

- 335 (i) the use, rental, or operation of the common areas, except limited common areas;  
 336 and
- 337 (ii) a service provided to a lot owner;
- 338 (c) impose a charge for a late payment of an assessment; or
- 339 (d) provide for the indemnification of the association's officers and board consistent with  
 340 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 341 ~~[(15) A rule may not prohibit a lot owner from installing a personal security camera~~  
 342 ~~immediately adjacent to the entryway, window, or other outside entry point of the~~  
 343 ~~owner's dwelling unit.]~~
- 344 ~~[(16)]~~ (15)(a) For any area for which one or more lot owners are responsible for  
 345 landscape maintenance of any landscaping within the lot owner's lot or the common  
 346 areas, the association shall adopt rules supporting water wise landscaping as defined  
 347 in Section 57-8a-231 including:
- 348 (i) low water use requirements on lawns during drought conditions;
- 349 (ii) design criterion for water wise landscaping; and
- 350 (iii) limiting permissible plant material to specific water wise plant material.
- 351 (b) A rule may not:
- 352 (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping  
 353 as defined in Section 57-8a-231; or
- 354 (ii) prohibit low water use on lawns during drought conditions.
- 355 ~~[(17)]~~ (16)(a) Except as provided in Subsection ~~[(17)(b)]~~ (16)(b), a rule may not prohibit  
 356 the owner of a residential lot from constructing an internal accessory dwelling unit,  
 357 as defined in Section 10-9a-530 or 17-27a-526, within the owner's residential lot.
- 358 (b) Subsection ~~[(17)(a)]~~ (16)(a) does not apply if the construction would violate:
- 359 (i) a local land use ordinance;
- 360 (ii) a building code;
- 361 (iii) a health code; or
- 362 (iv) a fire code.
- 363 ~~[(18)]~~ (17)(a) Except as provided in Subsection ~~[(18)(b)]~~ (17)(b), a rule may not prohibit  
 364 the owner of a residential lot from making modifications, consistent with industry  
 365 standards, for radon mitigation.
- 366 (b) Subsection ~~[(18)(a)]~~ (17)(a) does not apply if the modifications would violate:
- 367 (i) a local land use ordinance;
- 368 (ii) a building code;

- 369 (iii) a health code; or  
370 (iv) a fire code.
- 371 (c) A rule governing the placement or external appearance of modifications for radon  
372 mitigation does not apply to a lot owner's modifications if the rule would:  
373 (i) unreasonably interfere with the modifications' functionality; or  
374 (ii) add more than 40% of the modifications' original cost to the cost of installing the  
375 modifications.
- 376 (d) A rule may require that a lot owner making modifications related to radon mitigation:  
377 (i) demonstrate or provide proof of radon contamination; and  
378 (ii) provide proof that the modifications and any related construction will be  
379 performed by a licensed person.
- 380 ~~[(19)]~~ (18) A rule may restrict a sex offender from accessing a protected area that is  
381 maintained, operated, or owned by the association, subject to the exceptions described in  
382 Subsection 77-27-21.7(3).
- 383 (19)(a) As used in this Subsection (19), "vegetable garden" means a plot of ground or  
384 elevated soil bed where vegetables, herbs, fruits, flowers, pollinator plants, leafy  
385 greens, or other edible plants are cultivated.
- 386 (b) A rule may not prohibit a vegetable garden on the rear yard of a lot on which the  
387 association does not have an ownership interest or a maintenance responsibility.
- 388 (c) A rule may:  
389 (i) impose reasonable regulations that do not significantly increase the cost of  
390 cultivating a vegetable garden or significantly decrease the efficiency of  
391 cultivating a vegetable garden, including reasonable regulations on plant height,  
392 water use, fertilizer use, and weed maintenance; and  
393 (ii) prohibit the cultivation of invasive or unlawful species.
- 394 (20)(a) Except as provided in Subsection (20)(b), a rule may not restrict an individual  
395 from parking an operable vehicle in a driveway where the vehicle has a legal right to  
396 park, unless the vehicle is:  
397 (i) a commercial vehicle, as defined in Section 72-9-102;  
398 (ii) a motor home, as defined in Section 13-20-2; or  
399 (iii) a recreational vehicle trailer, as defined in Section 13-20-2.
- 400 (b) A rule may require that an individual park in a garage appurtenant to a dwelling  
401 before parking elsewhere.
- 402 (21)(a) Except as provided in Subsection (21)(b), a rule may not restrict an individual

403 from operating a vehicle that is not a commercial vehicle, as defined in Section  
 404 72-9-102, in conformance with state traffic laws.

405 (b) A rule may enforce a reduced speed limit on a private roadway.

406 (22) A rule may not:

407 (a) prohibit a lot owner from installing a personal security camera immediately adjacent  
 408 to the entryway, window, or other outside entry point of the owner's dwelling unit;

409 (b) impose a requirement or restriction on:

410 (i) a dwelling's interior, except as reasonably necessary for the safety of adjacent lots  
 411 and the occupants of those lots; or

412 (ii) the use of a public street, as defined in Section 10-9a-103;

413 (c) restrict an individual from:

414 (i) installing, displaying, or storing an item that the individual has a legal right to  
 415 store if the item is not visible to an individual standing outside the lot;

416 (ii) installing or keeping a properly maintained basketball standard on the individual's  
 417 driveway or property if the driveway or property where the basketball standard is  
 418 located is:

419 (A) privately owned and maintained; and

420 (B) abutting a public street; or

421 (iii) hiring a contractor or worker solely because the contractor or worker:

422 (A) is not on the association's preferred vendor list; or

423 (B) does not have a professional or occupational license, unless the license is  
 424 required by law; or

425 (d) be inconsistent with a provision of the association's declaration, bylaws, or articles of  
 426 incorporation.

427 ~~[(20)]~~ (23) A rule shall be reasonable.

428 ~~[(21)]~~ (24) A declaration, or an amendment to a declaration, may vary any of the  
 429 requirements of Subsections (1), (2), (6), and (8) through (14), except Subsection  
 430 (1)(b)(ii).

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

433 ~~[(23)]~~ (25) This section applies to an association regardless of when the association is  
 434 created.

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

436 **57-8a-231 . Water wise landscaping.**

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

- 471 (A) restricts or clarifies the use of mulches considered detrimental to the  
472 association's operations; and
- 473 (B) restricts or prohibits the use of specific plant materials other than water wise  
474 plant materials.
- 475 (b) An association may not require a lot owner to install or keep in place lawn or turf in  
476 an area.
- 477 (4)(a) Subject to Subsection (4)(b), if an association does not adopt rules as required by  
478 Subsection [~~57-8a-218(16)~~] 57-8a-218(15) and fails to remedy the noncompliance  
479 within the time specified in Subsection (4)(c), a lot owner may file an action in state  
480 court for:
- 481 (i) injunctive relief requiring the association to comply with the requirements of  
482 Subsection [~~57-8a-218(16)~~] 57-8a-218(15);
- 483 (ii) \$500, or the lot owner's actual damages, whichever is greater;
- 484 (iii) any other remedy provided by law; and
- 485 (iv) reasonable costs and attorney fees.
- 486 (b) No fewer than 90 days before the day on which a lot owner files a complaint under  
487 Subsection (4)(a), the lot owner shall deliver written notice described in Subsection  
488 (4)(c) to the association.
- 489 (c) The lot owner shall include in a notice described in Subsection (4)(b):
- 490 (i) the requirements in Subsection [~~57-8a-218(16)~~] 57-8a-218(15) for adopting water  
491 wise landscaping rules with which the association has failed to comply;
- 492 (ii) a demand that the association come into compliance with the requirements; and
- 493 (iii) a date, no fewer than 90 days after the day on which the lot owner delivers the  
494 notice, by which the association must remedy the association's noncompliance.

495 **Section 6. Effective Date.**

496 This bill takes effect on May 7, 2025.