

1

HOA Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor:

2

LONG TITLE

3

General Description:

5 This bill amends provisions relating to the Office of the Homeowners' Association
6 Ombudsman.

7 Highlighted Provisions:

8 This bill:

- 9 ▶ requires that the Office of the Homeowners' Association Ombudsman (office) make
10 public each advisory opinion the office issues;
- 11 ▶ requires that the office provide a list of statutes and frequently asked questions that
12 impact persons under the jurisdiction of a homeowners' association;
- 13 ▶ requires that the office publish educational materials on the office's website;
- 14 ▶ requires that the office direct individuals making a phone call to the office to resources
15 the office creates;
- 16 ▶ amends the circumstances under which a lot owner may continue renting a lot in a
17 homeowners' association without a fee; and
- 18 ▶ makes technical changes.

19 Money Appropriated in this Bill:

20 None

21 Other Special Clauses:

22 None

23 Utah Code Sections Affected:

24 AMENDS:

- 25 **13-79-103**, as enacted by Laws of Utah 2025, Chapter 226
- 26 **57-8-13.1**, as last amended by Laws of Utah 2025, Chapter 226
- 27 **57-8a-105**, as last amended by Laws of Utah 2025, Chapter 226
- 28 **57-8a-209**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

29

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

31 Section 1. Section **13-79-103** is amended to read:

32 **13-79-103 . Duties and jurisdiction of office.**

33 (1) The attorneys of the office shall:

34 (a) develop and maintain expertise in and understanding of issues and statutes impacting
35 unit owners, lot owners, associations of lot owners, and associations of unit owners;
36 and

37 (b) upon request:

38 (i) analyze a complaint from a lot owner, a unit owner, an association of lot owners,
39 or an association of unit owners regarding the conduct of a lot owner, a unit
40 owner, an association of lot owners, or an association of unit owners; and

41 (ii) provide an advisory opinion as described in Section 13-79-104.

42 (2)(a) Neither the office nor the office's attorneys may represent private parties, state
43 agencies, local governments, or any other individual or entity in a legal action that
44 arises from or relates to a matter addressed in this chapter.

45 (b) No attorney of the office may be compelled to testify in a civil action filed
46 concerning the subject matter of any review or advisory opinion arranged through the
47 office.

48 (3) Except as provided in Section 13-75-105, evidence of a review by the office and the
49 opinions, writings, findings, and determinations of the office are not admissible as
50 evidence in a judicial action or arbitration.

51 (4) The office[~~z~~]

52 [~~(a)~~] shall:

53 (a) ~~[-]analyze a complaint and issue an advisory opinion only for issues relating to a
54 violation of a state statute;[-and]~~

55 (b) make public each advisory opinion the office issues in accordance with Subsection
56 (4)(a);

57 (c) provide, on the office's website:

58 (i) a list of statutes that impact unit owners, lot owners, associations of lot owners,
59 and associations of unit owners; and

60 (ii) a list of frequently asked questions that the office receives and answers to those
61 questions;

62 (d) publish educational materials on the office's website providing, in simple and easy to
63 understand language, a brief overview of state law governing associations of unit
64 owners and associations of lot owners, including:

65 (i) a description of the rights and responsibilities provided in Title 57, Chapter 8,
66 Condominium Ownership Act, to a party under the jurisdiction of Title 57,
67 Chapter 8, Condominium Ownership Act;
68 (ii) a description of the rights and responsibilities provided in Title 57, Chapter 8a,
69 Community Association Act, to a party under the jurisdiction of Title 57, Chapter
70 8a, Community Association Act; and
71 (iii) instructions regarding how an association of unit owners or an association of lot
72 owners may be organized and dismantled in accordance with this chapter; and
73 (e) direct an individual that makes a phone call to the office to the resources described in
74 this Subsection (4).

75 [(b)] (5) The office may not provide any service that requires interpreting the governing
76 documents of an association of lot owners or the governing documents of an association
77 of unit owners, including determining whether a provision of the governing documents
78 is reasonable.

79 Section 2. Section **57-8-13.1** is amended to read:

80 **57-8-13.1 . Registration with Department of Commerce.**

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

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

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

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

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

90 (c) the name and address of each manager or management committee member;

91 (d) the name, address, telephone number, and, if the contact person wishes to use email
92 or facsimile transmission for communicating payoff information, the email address or
93 facsimile number, as applicable, of a primary contact person who has association
94 payoff information that a closing agent needs in connection with the closing of a unit
95 owner's financing, refinancing, or sale of the owner's unit; and

96 (e) a registration fee set by the department in accordance with Section 63J-1-504.

97 (4)(a) An association of unit owners shall annually renew the registration of the
98 association of unit owners described in Subsection (2).

99 (b) The department may impose and set the amount of a renewal registration fee in
100 accordance with Section 63J-1-504.

101 (5) An association of unit owners that has registered under Subsection (2) shall submit to
102 the department an update to the association of unit owners' registration information, in
103 the manner established by the department, within 90 days after a change in any of the
104 information provided under Subsection (3).

105 (6)(a) During any period of noncompliance with the registration requirement described
106 in Subsection (2) or the requirement for an updated registration described in
107 Subsection (5):

108 (i) a lien may not arise under Section 57-8-44; and

109 (ii) an association of unit owners may not enforce an existing lien that arose under
110 Section 57-8-44.

111 (b) A period of noncompliance with the registration requirement of Subsection (2) or
112 with the updated registration requirement of Subsection (5) does not begin until after
113 the expiration of the 90-day period specified in Subsection (2) or (5), respectively.

114 (c) An association of unit owners that is not in compliance with the registration
115 requirement described in Subsection (2) may end the period of noncompliance by
116 registering with the department in the manner established by the department under
117 Subsection (2).

118 (d) An association of unit owners that is not in compliance with the updated registration
119 requirement described in Subsection (5) may end the period of noncompliance by
120 submitting to the department an updated registration in the manner established by the
121 department under Subsection (5).

122 (e) Except as described in Subsection (6)(f), beginning on the date an association of unit
123 owners ends a period of noncompliance:

124 (i) a lien may arise under Section 57-8-44 for any event that:

125 (A) occurred during the period of noncompliance; and

126 (B) would have given rise to a lien under Section 57-8-44 had the association of
127 unit owners been in compliance with the registration requirements described in
128 this section; and

129 (ii) an association of unit owners may enforce a lien described in Subsection [(6)(e)]
130 (6)(e)(i) or a lien that existed before the period of noncompliance.

131 (f) If an owner's unit is conveyed to an independent third party during a period of
132 noncompliance described in this Subsection (6):

133 (i) a lien that arose under Section 57-8-44 before the conveyance of the unit became
134 final is extinguished when the conveyance of the unit becomes final; and
135 (ii) an event that occurred before the conveyance of the unit became final, and that
136 would have given rise to a lien under Section 57-8-44 had the association of unit
137 owners been in compliance with the registration requirements of this section, may
138 not give rise to a lien under Section 57-8-44 if the conveyance of the unit becomes
139 final before the association of unit owners ends the period of noncompliance.

140 [§(7) The department shall publish educational materials on the department's website
141 providing, in simple and easy to understand language, a brief overview of state law
142 governing associations of unit owners, including:]

143 [(a) a description of the rights and responsibilities provided in this chapter to any party
144 under the jurisdiction of an association of unit owners; and]
145 [(b) instructions regarding how an association of unit owners may be organized and
146 dismantled in accordance with this chapter.]

147 Section 3. Section **57-8a-105** is amended to read:

148 **57-8a-105 . Registration with Department of Commerce.**

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

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

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

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

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

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

162 (c) contact information for the manager;

163 (d) the name, address, telephone number, and, if the contact person wishes to use email
164 or facsimile transmission for communicating payoff information, the email address or
165 facsimile number, as applicable, of a primary contact person who has association
166 payoff information that a closing agent needs in connection with the closing of a lot

167 owner's financing, refinancing, or sale of the owner's lot; and

168 (e) a registration fee set by the department in accordance with Section 63J-1-504.

169 (4)(a) An association shall annually renew the association's registration described in

170 Subsection (2).

171 (b) The department may impose and set the amount of a renewal registration fee in

172 accordance with Section 63J-1-504.

173 (5) An association that has registered under Subsection (2) shall submit to the department

174 an update to the association's registration information, in the manner established by the

175 department, within 90 days after a change in any of the information provided under

176 Subsection (3).

177 (6)(a) During any period of noncompliance with the registration requirement described

178 in Subsection (2) or the requirement for an updated registration described in

179 Subsection (5):

180 (i) a lien may not arise under Section 57-8a-301; and

181 (ii) an association may not enforce an existing lien that arose under Section 57-8a-301.

182 (b) A period of noncompliance with the registration requirement of Subsection (2) or

183 with the updated registration requirement of Subsection (5) does not begin until after

184 the expiration of the 90-day period specified in Subsection (2) or (5), respectively.

185 (c) An association that is not in compliance with the registration requirement described

186 in Subsection (2) may end the period of noncompliance by registering with the

187 department in the manner established by the department under Subsection (2).

188 (d) An association that is not in compliance with the updated registration requirement

189 described in Subsection (5) may end the period of noncompliance by submitting to

190 the department an updated registration in the manner established by the department

191 under Subsection (5).

192 (e) Except as described in Subsection (6)(f), beginning on the date an association ends a

193 period of noncompliance:

194 (i) a lien may arise under Section 57-8a-301 for any event that:

195 (A) occurred during the period of noncompliance; and

196 (B) would have given rise to a lien under Section 57-8a-301 had the association

197 been in compliance with the registration requirements described in this section;

198 and

199 (ii) an association may enforce a lien described in this Subsection (6)(e) or a lien that

200 existed before the period of noncompliance.

201 (f) If an owner's residential lot is conveyed to an independent third party during a period
202 of noncompliance described in this Subsection (6):
203 (i) a lien that arose under Section 57-8a-301 before the conveyance of the residential
204 lot became final is extinguished when the conveyance of the residential lot
205 becomes final; and
206 (ii) an event that occurred before the conveyance of the residential lot became final,
207 and that would have given rise to a lien under Section 57-8a-301 had the
208 association been in compliance with the registration requirements of this section,
209 may not give rise to a lien under Section 57-8a-301 if the conveyance of the
210 residential lot becomes final before the association ends the period of
211 noncompliance.

212 [(7) The department shall publish educational materials on the department's website
213 providing, in simple and easy to understand language, a brief overview of state law
214 governing associations, including:]

215 [(a) a description of the rights and responsibilities provided in this chapter to any party
216 under the jurisdiction of an association; and]
217 [(b) instructions regarding how an association may be organized and dismantled in
218 accordance with this chapter.]

219 [(8)] (7)(a) Unless otherwise expressly exempted, this chapter applies to an association
220 that registers, or renews or updates the association's registration, with the department
221 under this section.

222 (b) This section applies to an association regardless of when the association is created.
223 Section 4. Section **57-8a-209** is amended to read:

224 **57-8a-209 . Rental restrictions.**

225 (1)(a) Subject to Subsections (1)(b), (5), (6), and (10), an association may:
226 (i) create restrictions on the number and term of rentals in an association; or
227 (ii) prohibit rentals in the association.
228 (b) Except as provided in Subsection (1)(c), an association that creates a rental
229 restriction or prohibition in accordance with Subsection (1)(a) shall create the rental
230 restriction or prohibition in a recorded declaration of covenants, conditions, and
231 restrictions, or by amending the recorded declaration of covenants, conditions, and
232 restrictions.
233 (c) An association may establish, by rule, a minimum lease term of six months or less.
234 (2) If an association prohibits or imposes a restriction on the number and term of rentals or

235 charges a fee described in Subsection (9)(c), the association shall:

236 (a) exempt the following from the prohibition, restriction, or fee:

237 (i) a lot owner in the military for the period of the lot owner's deployment;

238 (ii) a lot occupied by a lot owner's parent, child, or sibling;

239 (iii) a lot owner whose employer has relocated the lot owner for two years or less;

240 (iv) a lot owned by an entity that is occupied by an individual who:

241 (A) has voting rights under the entity's organizing documents; and

242 (B) has a 25% or greater share of ownership, control, and right to profits and
243 losses of the entity; or

244 (v) a lot owned by a trust or other entity created for estate planning purposes if the
245 trust or other estate planning entity was created for:

246 (A) the estate of a current resident of the lot; or

247 (B) the parent, child, or sibling of the current resident of the lot;

248 (b) allow a lot owner who has a rental in the association before the time the rental
249 restriction described in Subsection [~~(1)(a) is recorded with the county recorder of the~~
250 ~~county in which the association is located~~] (1) becomes effective to continue renting
251 without a fee described in Subsection (9)(c) until:

252 (i) the lot owner occupies the lot;

253 (ii) an officer, owner, member, trustee, beneficiary, director, or person holding a
254 similar position of ownership or control of an entity or trust that holds an
255 ownership interest in the lot, occupies the lot; or

256 (iii) the lot is transferred; and

257 (c) create, by rule or resolution, procedures to:

258 (i) determine and track the number of rentals and lots in the association subject to the
259 provisions described in Subsections (2)(a) and (b); and

260 (ii) ensure consistent administration and enforcement of any rental prohibition,
261 restriction, or fee.

262 (3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the
263 following occur:

264 (a) the conveyance, sale, or other transfer of a lot by deed;

265 (b) the granting of a life estate in the lot; or

266 (c) if the lot is owned by a limited liability company, corporation, partnership, or other
267 business entity, the sale or transfer of more than 75% of the business entity's share,
268 stock, membership interests, or partnership interests in a 12-month period.

269 (4) This section does not limit or affect residency age requirements for an association that
270 complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec.
271 3607.

272 (5) A declaration of covenants, conditions, and restrictions or amendments to the
273 declaration of covenants, conditions, and restrictions recorded before the transfer of the
274 first lot from the initial declarant may prohibit or restrict rentals without providing for
275 the exceptions, provisions, and procedures required under Subsection (2).

276 (6)(a) Subsections (1) through (5) do not apply to:
277 (i) an association that contains a time period unit as defined in Section 57-8-3;
278 (ii) any other form of timeshare interest as defined in Section 57-19-2; or
279 (iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009,
280 unless, on or after May 12, 2015, the association:
281 (A) adopts a rental restriction or prohibition; or
282 (B) amends an existing rental restriction or prohibition.

283 (b) An association that adopts a rental restriction or amends an existing rental restriction
284 or prohibition before May 9, 2017, is not required to include the exemption described
285 in Subsection (2)(a)(iv).

286 (7) Notwithstanding this section, an association may restrict or prohibit rentals without an
287 exception described in Subsection (2) if:
288 (a) the restriction or prohibition receives unanimous approval by all lot owners; and
289 (b) when the restriction or prohibition requires an amendment to the association's
290 recorded declaration of covenants, conditions, and restrictions, the association fulfills
291 all other requirements for amending the recorded declaration of covenants,
292 conditions, and restrictions described in the association's governing documents.

293 (8) Except as provided in Subsection (9), an association may not require a lot owner who
294 owns a rental lot to:
295 (a) obtain the association's approval of a prospective renter;
296 (b) give the association:
297 (i) a copy of a rental application;
298 (ii) a copy of a renter's or prospective renter's credit information or credit report;
299 (iii) a copy of a renter's or prospective renter's background check; or
300 (iv) documentation to verify the renter's age;
301 (c) pay an additional assessment, fine, or fee because the lot is a rental lot;
302 (d) use a lease agreement provided by the association; or

303 (e) obtain the association's approval of a lease agreement.

304 (9)(a) A lot owner who owns a rental lot shall give an association the documents
305 described in Subsection (8)(b) if the lot owner is required to provide the documents
306 by court order or as part of discovery under the Utah Rules of Civil Procedure.

307 (b) If an association's declaration of covenants, conditions, and restrictions lawfully
308 prohibits or restricts occupancy of the lots by a certain class of individuals, the
309 association may require a lot owner who owns a rental lot to give the association the
310 information described in Subsection (8)(b), if:

311 (i) the information helps the association determine whether the renter's occupancy of
312 the lot complies with the association's declaration of covenants, conditions, and
313 restrictions; and

314 (ii) the association uses the information to determine whether the renter's occupancy
315 of the lot complies with the association's declaration of covenants, conditions, and
316 restrictions.

317 (c) An association that permits at least 35% of the lots in the association to be rental lots
318 may charge a lot owner who owns a rental lot a fee of up to \$200 once every 12
319 months to defray the association's additional administrative expenses directly related
320 to a lot that is a rental lot, as detailed in a notice described in Subsection (12).

321 (d) An association may require a lot owner who owns a rental lot and the renter of the lot
322 owner's rental lot to sign an addendum to a lease agreement provided by the
323 association.

324 (e) Before an association may charge a fee described in Subsection (9)(c), an association
325 shall:

326 (i) provide notice to each lot owner in the association of a board meeting described in
327 Subsection (9)(e)(ii) 15 days before the day on which the association holds the
328 board meeting;

329 (ii) hold a board meeting to discuss and allow lot members to publicly comment on:
330 (A) the new administrative expenses that the association intends to cover using the
331 funds from the fee; and

332 (B) the circumstances that require the association to impose or increase the fee;
333 and

334 (iii) ensure that during the board meeting described in Subsection (9)(e)(ii), the board
335 approves the fee by a majority vote.

336 (10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the

337 rental of an internal accessory dwelling unit, as defined in Section 10-21-101 or
338 17-80-101, constructed within a lot owner's residential lot, if the internal accessory
339 dwelling unit complies with all applicable:
340 (a) land use ordinances;
341 (b) building codes;
342 (c) health codes; and
343 (d) fire codes.

344 (11) The provisions of Subsections (8) through (10) apply to an association regardless of
345 when the association is created.

346 (12) Within 30 days after the day on which the association imposes a fee described in
347 Subsection (9)(c), an association shall provide to each lot owner impacted by the fee a
348 notice describing:
349 (a) the new administrative expenses that the association intends to cover using the funds
350 from the fee; and
351 (b) the circumstances that require the association to impose or increase the fee.

352 (13)(a) A lot owner may contest a fee described in Subsection (9)(c) by providing to the
353 association a written request that the association waive the fee if:
354 (i) the association fails to provide the notice described in Subsection (12) within 30
355 days after the day on which the association imposes the fee; or
356 (ii) the notice the association provides to the lot owner does not contain the
357 information required in Subsection (12).

358 (b) If a lot owner contests a fee under this Subsection (13) by submitting a written
359 request, an association of lot owners shall waive the fee if:
360 (i) the association does not provide the notice described in Subsection (12) to the lot
361 owner; or
362 (ii) a notice provided by the association does not contain the information required in
363 Subsection (12).

364 (14)(a) A lot owner of a rental lot may designate, in a written notice to the association, a
365 primary contact individual who is not the lot owner with whom the association may
366 communicate as though the primary contact individual is the lot owner.

367 (b) If a lot owner designates a primary contact individual under this Subsection (14), the
368 association shall provide the lot owner a written notice that confirms the association
369 has changed the association's records to identify the primary contact individual
370 designated by the lot owner.

371 **Section 5. Effective Date.**

372 This bill takes effect on May 6, 2026.