

Effective 5/6/2026

57-8-13.1 Registration with Department of Commerce.

- (1) As used in this section:
 - (a) "Department" means the Department of Commerce created in Section 13-1-2.
 - (b) "Office" means the Office of the Homeowners' Association Ombudsman created in Section 13-79-102.
- (2) No later than 90 days after the recording of a declaration, an association of unit owners shall register with the department in the manner that the department establishes.
- (3) The department shall require an association of unit owners registering as required in this section to provide with each registration:
 - (a) the name and address of the association of unit owners;
 - (b) the name, telephone number, and, if applicable, email address of the president of the association of unit owners;
 - (c) the name of each manager or management committee member;
 - (d) the name, address, telephone number, and, if the contact person wishes to use email or facsimile transmission for communicating payoff information, the email address or facsimile number, as applicable, of a primary contact person who has association payoff information that a closing agent needs in connection with the closing of a unit owner's financing, refinancing, or sale of the owner's unit;
 - (e) a registration fee that the department sets in accordance with Section 63J-1-504; and
 - (f) a statement of whether or not the association of unit owners imposes a reinvestment fee or a transfer fee in accordance with Section 57-1-46.
- (4)
 - (a) An association of unit owners shall annually renew the registration of the association of unit owners described in Subsection (2).
 - (b) The department may impose and set the amount of a renewal registration fee in accordance with Section 63J-1-504.
- (5) An association of unit owners that registers in accordance with Subsection (2) shall submit to the department an update to the association of unit owners' registration information, in the manner that the department establishes, within 90 days after the day on which a change in any of the information provided under Subsection (3) occurs.
- (6)
 - (a) During any period of noncompliance with the registration requirement described in Subsection (2) or the requirement for an updated registration described in Subsection (5):
 - (i) a lien may not arise under Section 57-8-44; and
 - (ii) an association of unit owners may not enforce an existing lien that arose under Section 57-8-44.
 - (b) A period of noncompliance with the registration requirement of Subsection (2) or with the updated registration requirement of Subsection (5) does not begin until after the expiration of the 90-day period specified in Subsection (2) or (5), respectively.
 - (c) An association of unit owners that is not in compliance with the registration requirement described in Subsection (2) may end the period of noncompliance by registering with the department in the manner that the department establishes under Subsection (2).
 - (d) An association of unit owners that is not in compliance with the updated registration requirement described in Subsection (5) may end the period of noncompliance by submitting to the department an updated registration in the manner that the department establishes under Subsection (5).

- (e) Except as described in Subsection (6)(f), beginning on the date an association of unit owners ends a period of noncompliance:
 - (i) a lien may arise under Section 57-8-44 for any event that:
 - (A) occurred during the period of noncompliance; and
 - (B) would have given rise to a lien under Section 57-8-44 had the association of unit owners been in compliance with the registration requirements described in this section; and
 - (ii) an association of unit owners may enforce a lien described in Subsection (6)(e)(i) or a lien that existed before the period of noncompliance.
- (f) If an owner's unit is conveyed to an independent third party during a period of noncompliance described in this Subsection (6):
 - (i) a lien that arose under Section 57-8-44 before the conveyance of the unit became final is extinguished when the conveyance of the unit becomes final; and
 - (ii) an event that occurred before the conveyance of the unit became final, and that would have given rise to a lien under Section 57-8-44 had the association of unit owners been in compliance with the registration requirements of this section, may not give rise to a lien under Section 57-8-44 if the conveyance of the unit becomes final before the association of unit owners ends the period of noncompliance.
- (7) On the office's website, the office shall provide a disclaimer that states that a person may not rely upon the disclosure of a reinvestment fee or transfer fee that an association of unit owners makes in accordance with Subsection (3)(f) when creating a document associated with the purchase of real property burdened by the reinvestment fee or transfer fee.

Amended by Chapter 123, 2026 General Session