

Effective 3/23/2016

**57-8-16.5 Appointment and removal of committee members and association officers --
Renewal or ratification of contracts -- Failure to establish association or committee.**

- (1)
- (a) The declaration may authorize the declarant, or a managing agent or some other person or persons selected or to be selected by the declarant, to appoint and remove some or all of the members of the management committee or some or all of the officers of the association of unit owners, or to exercise powers and responsibilities otherwise assigned by the declaration and by this act to the association of unit owners, its officers, or the management committee.
 - (b) If the declaration authorizes the declarant to appoint or remove some or all members of the management committee or some or all of the officers of the association of unit owners during the period of control contemplated by this Subsection (1), the declarant may appoint the declarant's officers, employees or agents as members of the management committee or as officers of the association of unit owners.
 - (c) No amendment to the declaration not consented to by all unit owners shall increase the scope of this authorization, and no such authorization shall be valid after the first to occur of the following:
 - (i) expiration of the time limit set by the declaration, which shall not exceed six years in the case of an expandable condominium, four years in the case of a condominium project containing any convertible land, or three years in the case of any other condominium project; or
 - (ii) after units to which three-fourths of the undivided interest in the common areas and facilities appertain have been conveyed, or after all additional land has been added to the project and all convertible land has been converted, whichever last occurs.
 - (2) If entered into during the period of control contemplated by Subsection (1), no management contract, lease of recreational areas or facilities, or any other contract or lease designed to benefit the declarant which was executed by or on behalf of the association of unit owners or the unit owners as a group shall be binding after such period of control unless then renewed or ratified by the consent of unit owners of units to which a majority of the votes in the association of unit owners appertains.
 - (3) If the association of unit owners or management committee is not in existence or does not have officers at the time of the creation of a condominium project, the declarant shall, until there is an association or management committee with these officers, have the power and responsibility to act in all instances where this act or the declaration requires action by the association of unit owners, the management committee, or any of the officers of them.
 - (4) This section shall be strictly construed to protect the rights of the unit owners.

Amended by Chapter 210, 2016 General Session