

Effective 5/12/2015

57-8-37 Fines.

- (1) A management committee may assess a fine against a unit owner for a violation of the association of unit owners' governing documents in accordance with the provisions of this section.
- (2)
 - (a) Before assessing a fine under Subsection (1), the management committee shall give the unit owner a written warning that:
 - (i) describes the violation;
 - (ii) states the rule or provision of the association of unit owners' governing documents that the unit owner's conduct violates;
 - (iii) states that the management committee may, in accordance with the provisions of this section, assess fines against the unit owner if a continuing violation is not cured or if the unit owner commits similar violations within one year after the day on which the management committee gives the unit owner the written warning or assesses a fine against the unit owner under this section; and
 - (iv) if the violation is a continuing violation, states a time that is not less than 48 hours after the day on which the management committee gives the unit owner the written warning by which the unit owner shall cure the violation.
 - (b) A management committee may assess a fine against a unit owner if:
 - (i) within one year after the day on which the management committee gives the unit owner a written warning described in Subsection (2)(a), the unit owner commits another violation of the same rule or provision identified in the written warning; or
 - (ii) for a continuing violation, the unit owner does not cure the violation within the time period that is stated in the written warning described in Subsection (2)(a).
 - (c) If permitted by the association of unit owners' governing documents, after a management committee assesses a fine against a unit owner under this section, the management committee may, without further warning under this Subsection (2), assess an additional fine against the unit owner each time the unit owner:
 - (i) commits a violation of the same rule or provision within one year after the day on which the management committee assesses a fine for a violation of the same rule or provision; or
 - (ii) allows a violation to continue for 10 days or longer after the day on which the management committee assesses the fine.
 - (d) The aggregate amount of fines assessed against a unit owner for violations of the same rule or provision of the governing documents may not exceed \$500 in any one calendar month.
- (3) A fine assessed under Subsection (1) shall:
 - (a) be made only for a violation of a rule, covenant, condition, or restriction that is in the association of unit owners' governing documents;
 - (b) be in the amount provided for in the association of unit owners' governing documents and in accordance with Subsection (2)(d); and
 - (c) accrue interest and late fees as provided in the association of unit owners' governing documents.
- (4)
 - (a) A unit owner who is assessed a fine under Subsection (1) may request an informal hearing before the management committee to dispute the fine within 30 days after the day on which the unit owner receives notice that the fine is assessed.
 - (b) At a hearing described in Subsection (4)(a), the management committee shall:

- (i) provide the unit owner a reasonable opportunity to present the unit owner's position to the management committee; and
 - (ii) allow the unit owner, a committee member, or any other person involved in the hearing to participate in the hearing by means of electronic communication.
 - (c) If a unit owner timely requests an informal hearing under Subsection (4)(a), no interest or late fees may accrue until after the management committee conducts the hearing and the unit owner receives a final decision.
- (5) A unit owner may appeal a fine assessed under Subsection (1) by initiating a civil action within 180 days after:
- (a) if the unit owner timely requests an informal hearing under Subsection (4), the day on which the unit owner receives a final decision from the management committee; or
 - (b) if the unit owner does not timely request an informal hearing under Subsection (4), the day on which the time to request an informal hearing under Subsection (4) expires.
- (6)
- (a) Subject to Subsection (6)(b), a management committee may delegate the management committee's rights and responsibilities under this section to a managing agent.
 - (b) A management committee may not delegate the management committee's rights or responsibilities described in Subsection (4)(b).
- (7) The provisions of this section apply to an association of unit owners regardless of when the association of unit owners is created.

Amended by Chapter 22, 2015 General Session