

Effective 5/7/2025

57-8-39 Limitation on requirements for amending governing documents -- Limitation on contracts.

- (1)
 - (a)
 - (i) To amend the governing documents, the governing documents may not require:
 - (A) for an amendment adopted after the period of administrative control, the vote or approval of unit owners with more than 67% of the voting interests;
 - (B) the approval of any specific unit owner; or
 - (C) the vote or approval of lien holders holding more than 67% of the first position security interests secured by a mortgage or trust deed in the association of unit owners.
 - (ii) An amendment to the declaration after the period of administrative control may be adopted by a majority vote of voters, or a greater percentage if required in the declaration, at a meeting where at least 51% of the voting interests are present.
 - (iii) Any provision in the governing documents that prohibits a vote or approval to amend any part of the governing documents during a particular time period is invalid.
 - (b) Subsection (1)(a) does not apply to an amendment affecting only:
 - (i) the undivided interest of each unit owner in the common areas and facilities, as expressed in the declaration;
 - (ii) unit boundaries; or
 - (iii) unit owners' voting rights.
 - (c) The management committee may not amend a declaration.
- (2)
 - (a) A contract for services such as garbage collection, maintenance, lawn care, or snow removal executed on behalf of the association of unit owners during a period of administrative control is binding beyond the period of administrative control unless terminated by the management committee after the period of administrative control ends.
 - (b) Subsection (2)(a) does not apply to golf course and amenity management, utilities, cable services, and other similar services that require an investment of infrastructure or capital.
- (3) Voting interests under Subsection (1) are calculated in the manner required by the governing documents.
- (4) Nothing in this section affects any other rights reserved by the declarant.
- (5) This section applies to an association of unit owners regardless of when the association of unit owners is created.

Amended by Chapter 226, 2025 General Session