

Effective 7/1/2014

57-8-4.5 Removing or altering partition or creating aperture between adjoining units.

- (1) Subject to the declaration, a unit owner may, after acquiring an adjoining unit that shares a common wall with the unit owner's unit:
 - (a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or
 - (b) create an aperture to the adjoining unit or portion of a unit.
- (2) A unit owner may not take an action under Subsection (1) if the action would:
 - (a) impair the structural integrity or mechanical systems of the building or either unit;
 - (b) reduce the support of any portion of the common areas and facilities or another unit; or
 - (c) constitute a violation of Section 10-9a-608 or 17-27a-608, as applicable, a local government land use ordinance, or a building code.
- (3) The management committee may require a unit owner to submit, at the unit owner's expense, a registered professional engineer's or registered architect's opinion stating that a proposed change to the unit owner's unit will not:
 - (a) impair the structural integrity or mechanical systems of the building or either unit;
 - (b) reduce the support or integrity of common areas and facilities; or
 - (c) compromise structural components.
- (4) The management committee may require a unit owner to pay all of the legal and other expenses of the association of unit owners related to a proposed alteration to the unit or building under this section.
- (5) An action under Subsection (1) does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.

Enacted by Chapter 152, 2013 General Session