

Effective 5/12/2015

57-8-56 Association of unit owners' right to pay delinquent utilities.

- (1) Upon request in accordance with Subsection (2), at least 10 days before the day on which an electrical corporation or a gas corporation discontinues service to a unit, the electrical corporation or gas corporation shall give the association of unit owners:
 - (a) written notice that the electrical corporation or gas corporation will discontinue service to the unit; and
 - (b) an opportunity to pay any delinquent charges and maintain service to the unit.
- (2) An association of unit owners may request the notice and opportunity to pay described in Subsection (1) by sending a written request to the electrical corporation or gas corporation that includes:
 - (a) the address of each unit in the association of unit owners;
 - (b) the association of unit owners' name, mailing address, phone number, and email address; and
 - (c) the address where the electrical corporation or gas corporation may send notices.
- (3) If, after an electrical corporation or a gas corporation sends a written notice described in Subsection (1) to an association of unit owners and the association of unit owners does not pay the delinquent charges within 10 days after the day on which the electrical corporation or gas corporation sends the notice, the electrical corporation or gas corporation may discontinue service to the unit.
- (4) An association of unit owners may collect any payment to an electrical corporation or a gas corporation under this section as an assessment in accordance with Section 57-8-44.
- (5)
 - (a) If, after an association of unit owners receives a written notice described in Subsection (1), the association of unit owners decides not to pay the delinquent charges, the association of unit owners may, if permitted by the association of unit owners' governing documents, and after reasonable notice to the unit owner:
 - (i) enter the unit; and
 - (ii) winterize the unit.
 - (b) A person who enters a unit in accordance with Subsection (5)(a) is not liable for trespass.
 - (c) An association of unit owners may charge a unit owner an assessment for the actual and reasonable costs of winterizing a unit in accordance with this Subsection (5).

Enacted by Chapter 213, 2015 General Session

Amended by Chapter 325, 2015 General Session, (Coordination Clause)