

Effective 5/10/2016

57-8-8.1 Equal treatment by rules required -- Limits on rules.

- (1)
 - (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit owners similarly.
 - (b) Notwithstanding Subsection (1)(a), a rule may:
 - (i) vary according to the level and type of service that the association of unit owners provides to unit owners;
 - (ii) differ between residential and nonresidential uses; or
 - (iii) for a unit that a unit owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals that may use the common areas and facilities as the rental unit tenant's guest or as the unit owner's guest.
- (2)
 - (a) If a unit owner owns a rental unit and is in compliance with the association of unit owners' governing documents and any rule that the association of unit owners adopts under Subsection (4), a rule may not treat the unit owner differently because the unit owner owns a rental unit.
 - (b) Notwithstanding Subsection (2)(a), a rule may:
 - (i) limit or prohibit a rental unit owner from using the common areas and facilities for purposes other than attending an association meeting or managing the rental unit;
 - (ii) if the rental unit owner retains the right to use the association of unit owners' common areas and facilities, even occasionally:
 - (A) charge a rental unit owner a fee to use the common areas and facilities; and
 - (B) for a unit that a unit owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals that may use the common areas and facilities as the rental unit tenant's guest or as the unit owner's guest; or
 - (iii) include a provision in the association of unit owners' governing documents that:
 - (A) requires each tenant of a rental unit to abide by the terms of the governing documents; and
 - (B) holds the tenant and the rental unit owner jointly and severally liable for a violation of a provision of the governing documents.
- (3)
 - (a) A rule may not interfere with the freedom of a unit owner to determine the composition of the unit owner's household.
 - (b) Notwithstanding Subsection (3)(a), an association of unit owners may:
 - (i) require that all occupants of a dwelling be members of a single housekeeping unit; or
 - (ii) limit the total number of occupants permitted in each residential dwelling on the basis of the residential dwelling's:
 - (A) size and facilities; and
 - (B) fair use of the common areas and facilities.
- (4) Unless contrary to a declaration, a rule may require a minimum lease term.
- (5) Unless otherwise provided in the declaration, an association of unit owners may by rule:
 - (a) regulate the use, maintenance, repair, replacement, and modification of common areas and facilities;
 - (b) impose and receive any payment, fee, or charge for:
 - (i) the use, rental, or operation of the common areas, except limited common areas and facilities; and
 - (ii) a service provided to a unit owner;

- (c) impose a charge for a late payment of an assessment; or
 - (d) provide for the indemnification of the association of unit owners' officers and management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (6) A rule shall be reasonable.
- (7) A declaration, or an amendment to a declaration, may vary any of the requirements of Subsections (1) through (5), except Subsection (1)(b)(ii).
- (8) This section applies to an association of unit owners regardless of when the association of unit owners is created.

Amended by Chapter 154, 2016 General Session

Amended by Chapter 348, 2016 General Session