

Effective 5/6/2026

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) 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) Except as provided in Subsection (2)(b), 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) 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) Except as provided in Subsection (3)(b), a rule may not interfere with the freedom of a unit owner to determine the composition of the unit owner's household.
 - (b) 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) Subject to Subsection (14), an association of unit owners may by rule:
 - (a) unless otherwise provided in the declaration:
 - (i) regulate the use, maintenance, repair, replacement, and modification of common areas and facilities; and
 - (ii) impose and receive any payment, fee, or charge for:
 - (A) the use, rental, or operation of the common areas, except limited common areas and facilities; or
 - (B) a service provided to a unit owner;

- (b) impose, for a late payment of an assessment:
 - (i) a late fee, not to exceed the greater of:
 - (A) 10% of the assessment amount; or
 - (B) \$50; and
 - (ii) interest on the assessment and a late fee of up to 1.5% per month; or
 - (c) 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.
- (5)
- (a) Except as provided in Subsection (5)(b), a rule may not prohibit a unit owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the owner's condominium unit.
 - (b) A rule may prohibit a unit owner from installing a personal security camera in a common area not physically connected to the owner's unit.
- (6)
- (a) A rule may not abridge the right of a unit owner to display a religious or holiday sign, symbol, or decoration inside the owner's condominium unit.
 - (b) An association may adopt a reasonable time, place, and manner restriction with respect to a display that is visible from the exterior of a unit.
- (7)
- (a) A rule may not:
 - (i) prohibit a unit owner from displaying in a window of the owner's condominium unit:
 - (A) a for-sale sign;
 - (B) a political sign; or
 - (C) a flag; or
 - (ii) except as provided Subsection (7)(b), regulate the content or establish specific design criteria for the content of a political sign or flag.
 - (b) A rule may restrict a political sign or flag that contains obscene, profane, or commercial content.
 - (c) A rule may reasonably regulate the size and time, place, and manner of posting a for-sale sign, a political sign, or a flag.
- (8) For any area for which one or more unit owners, but not the association, are responsible for landscape maintenance, the association of unit owners:
- (a) shall adopt rules supporting water wise landscaping, including:
 - (i) low water use requirements on lawns during drought conditions;
 - (ii) design criterion for water wise landscaping; and
 - (iii) limiting permissible plant material to specific water wise plant material;
 - (b) may not prohibit low water use on lawns during drought conditions; and
 - (c) except where reasonably necessary for erosion control, may not prohibit or restrict the conversion of a grass park strip of less than 8 feet wide to water-efficient landscaping.
- (9) A rule may restrict a sex offender from accessing a protected area that is maintained, operated, or owned by the association, subject to the exceptions described in Subsection 53-29-306(3).
- (10)
- (a) Except as provided in this Subsection (10), a rule may not prohibit a unit owner from making modifications, consistent with industry standards, for radon mitigation.
 - (b) Subsection (10)(a) does not apply if the modifications would violate:
 - (i) a local land use ordinance;
 - (ii) a building code;
 - (iii) a health code; or

- (iv) a fire code.
 - (c) A rule governing the placement or external appearance of modifications may apply to modifications for radon mitigation unless the rule would:
 - (i) unreasonably interfere with the modifications' functionality; or
 - (ii) add more than 40% of the modifications' original cost to the cost of installing the modifications.
 - (d) A rule may require that a unit owner making modifications related to radon mitigation:
 - (i) demonstrate or provide proof of radon contamination; and
 - (ii) provide proof that the modifications and any related construction will be performed by a licensed person.
- (11)
- (a) Except as provided in Subsection (11)(b), a rule may not restrict an individual from parking an operable vehicle in a driveway where the vehicle has a legal right to park, unless the vehicle is:
 - (i) a commercial vehicle, as that term is defined in Section 72-9-102;
 - (ii) a motor home, as that term is defined in Section 13-20-2;
 - (iii) a recreational vehicle trailer, as that term is defined in Section 13-20-2;
 - (iv) a trailer, as that term is defined in Section 41-1a-102;
 - (v) an off-highway vehicle, as that term is defined in Section 41-22-2;
 - (vi) special mobile equipment, as that term is defined in Section 41-1a-102; or
 - (vii) a motorboat, as that term is defined in Section 73-18-2.
 - (b) A rule may require that an individual park in a garage appurtenant to a unit before parking elsewhere.
- (12)
- (a) Except as provided in Subsection (12)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as that term is defined in Section 72-9-102, in conformance with state traffic laws.
 - (b) A rule may enforce a reduced speed limit on a private roadway.
- (13) A rule may not:
- (a) impose a requirement or restriction on the use of a public street, as that term is defined in Section 10-20-102; or
 - (b) restrict an individual from:
 - (i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not visible to an individual standing outside the unit; or
 - (ii) hiring a contractor or worker solely because the contractor or worker:
 - (A) is not on the association's preferred vendor list; or
 - (B) does not have a professional or occupational license, unless the license is required by law.
- (14) A rule shall be reasonable.
- (15) A declaration, or an amendment to a declaration, may not vary the requirements of Subsection (1)(b)(ii).
- (16) This section applies to an association of unit owners regardless of when the association of unit owners is created.
- (17) Before imposing a fee under Subsection (4), an association of unit owners shall:
- (a) adopt a fee schedule by rule that describes the amount of each fee the association of unit owners shall impose; and
 - (b) provide a copy of the fee schedule to each unit owner.

Amended by Chapter 62, 2026 General Session