

Effective 5/1/2024

57-8a-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Assessment" means a charge imposed or levied:
 - (i) by the association;
 - (ii) on or against a lot or a lot owner; and
 - (iii) pursuant to a governing document recorded with the county recorder.
 - (b) "Assessment" includes:
 - (i) a common expense; and
 - (ii) an amount assessed against a lot owner under Subsection 57-8a-405(7).
- (2)
 - (a) Except as provided in Subsection (2)(b), "association" means a corporation or other legal entity, any member of which:
 - (i) is an owner of a residential lot located within the jurisdiction of the association, as described in the governing documents; and
 - (ii) by virtue of membership or ownership of a residential lot is obligated to pay:
 - (A) real property taxes;
 - (B) insurance premiums;
 - (C) maintenance costs; or
 - (D) for improvement of real property not owned by the member.
 - (b) "Association" or "homeowner association" does not include an association created under Chapter 8, Condominium Ownership Act.
- (3) "Board meeting" means a gathering of a board, whether in person or by means of electronic communication, at which the board can take binding action.
- (4) "Board of directors" or "board" means the entity, regardless of name, with primary authority to manage the affairs of the association.
- (5) "Common areas" means property that the association:
 - (a) owns;
 - (b) maintains;
 - (c) repairs; or
 - (d) administers.
- (6) "Common expense" means costs incurred by the association to exercise any of the powers provided for in the association's governing documents.
- (7) "Declarant":
 - (a) means the person who executes a declaration and submits it for recording in the office of the recorder of the county in which the property described in the declaration is located; and
 - (b) includes the person's successor and assign.
- (8) "Director" means a member of the board of directors.
- (9) "Electrical corporation" means the same as that term is defined in Section 54-2-1.
- (10) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- (11)
 - (a) "Governing documents" means a written instrument by which the association may:
 - (i) exercise powers; or
 - (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the association.
 - (b) "Governing documents" includes:
 - (i) articles of incorporation;
 - (ii) bylaws;

- (iii) a plat;
 - (iv) a declaration of covenants, conditions, and restrictions; and
 - (v) rules of the association.
- (12) "Independent third party" means a person that:
- (a) is not related to the owner of the residential lot;
 - (b) shares no pecuniary interests with the owner of the residential lot; and
 - (c) purchases the residential lot in good faith and without the intent to defraud a current or future lienholder.
- (13) "Judicial foreclosure" means a foreclosure of a lot:
- (a) for the nonpayment of an assessment;
 - (b) in the manner provided by law for the foreclosure of a mortgage on real property; and
 - (c) as provided in Part 3, Collection of Assessments.
- (14) "Lease" or "leasing" means regular, exclusive occupancy of a lot:
- (a) by a person or persons other than the owner; and
 - (b) for which the owner receives a consideration or benefit, including a fee, service, gratuity, or emolument.
- (15) "Limited common areas" means common areas described in the declaration and allocated for the exclusive use of one or more lot owners.
- (16) "Lot" means:
- (a) a lot, parcel, plot, or other division of land:
 - (i) designated for separate ownership or occupancy; and
 - (ii)
 - (A) shown on a recorded subdivision plat; or
 - (B) the boundaries of which are described in a recorded governing document; or
 - (b)
 - (i) a unit in a condominium association if the condominium association is a part of a development; or
 - (ii) a unit in a real estate cooperative if the real estate cooperative is part of a development.
- (17)
- (a) "Means of electronic communication" means an electronic system that allows individuals to communicate orally in real time.
 - (b) "Means of electronic communication" includes:
 - (i) web conferencing;
 - (ii) video conferencing; and
 - (iii) telephone conferencing.
- (18) "Mixed-use project" means a project under this chapter that has both residential and commercial lots in the project.
- (19) "Nonjudicial foreclosure" means the sale of a lot:
- (a) for the nonpayment of an assessment;
 - (b) in the same manner as the sale of trust property under Sections 57-1-19 through 57-1-34; and
 - (c) as provided in Part 3, Collection of Assessments.
- (20) "Period of administrative control" means the period during which the person who filed the association's governing documents or the person's successor in interest retains authority to:
- (a) appoint or remove members of the association's board of directors; or
 - (b) exercise power or authority assigned to the association under the association's governing documents.
- (21) "Political sign" means any sign or document that advocates:
- (a) the election or defeat of a candidate for public office; or

- (b) the approval or defeat of a ballot proposition.
- (22) "Protected area" means the same as that term is defined in Section 77-27-21.7.
- (23) "Rentals" or "rental lot" means:
 - (a) a lot that:
 - (i) is not owned by an entity or trust; and
 - (ii) is occupied by an individual while the lot owner is not occupying the lot as the lot owner's primary residence;
 - (b) an occupied lot owned by an entity or trust, regardless of who occupies the lot; or
 - (c) an internal accessory dwelling unit as defined in Section 10-9a-530 or 17-27a-526.
- (24) "Residential lot" means a lot, the use of which is limited by law, covenant, or otherwise to primarily residential or recreational purposes.
- (25)
 - (a) "Rule" means a policy, guideline, restriction, procedure, or regulation of an association that:
 - (i) is not set forth in a contract, easement, article of incorporation, bylaw, or declaration; and
 - (ii) governs:
 - (A) the conduct of persons; or
 - (B) the use, quality, type, design, or appearance of real property or personal property.
 - (b) "Rule" does not include the internal business operating procedures of a board.
- (26) "Sex offender" means the same as that term is defined in Section 77-27-21.7.
- (27) "Solar energy system" means:
 - (a) a system that is used to produce electric energy from sunlight; and
 - (b) the components of the system described in Subsection (27)(a).

Amended by Chapter 519, 2024 General Session