

Effective 5/6/2026

57-8a-212 Content of a declaration.

- (1) An initial declaration shall contain:
 - (a) the name of the project;
 - (b) the name of the association;
 - (c) a statement that the project is not a cooperative;
 - (d) a statement indicating any portions of the project that contain condominiums governed by Chapter 8, Condominium Ownership Act;
 - (e) a statement that the project is governed by this chapter;
 - (f) if the declarant desires to reserve the option to expand the project, a statement reserving the option to expand the project;
 - (g) the name of each county in which any part of the project is located;
 - (h) a legally sufficient description of the real estate included in the project;
 - (i) a description of any limited common areas and any real estate that is or is required to become common areas;
 - (j) any restriction on the alienation of a lot, including a restriction on leasing; and
 - (k)
 - (i) an appointment of a trustee who qualifies under Subsection 57-1-21(1)(a)(i) or (iv); and
 - (ii) the following statement: "The declarant hereby conveys and warrants pursuant to U.C.A. Sections 57-1-20 and 57-8a-302 to (name of trustee), with power of sale, the lot and all improvements to the lot for the purpose of securing payment of assessments under the terms of the declaration."
- (2) A declaration may contain any other information the declarant considers appropriate, including a restriction on the use of a lot, the number of persons who may occupy a lot, or other qualifications of a person who may occupy a lot.
- (3) The location of a limited common area or real estate described in Subsection (1)(g) may be shown on a subdivision plat.
- (4) A declaration, or an amendment to a declaration may not:
 - (a) prohibit a lot owner from displaying in a window of the owner's lot:
 - (i) a for-sale sign;
 - (ii) a political sign; or
 - (iii) a flag;
 - (b) regulate the content or establish specific design criteria for the content of a political sign or flag, except to restrict a political sign or flag that contains obscene, profane, or commercial content;
 - (c) prohibit low water use on lawns during drought conditions;
 - (d) except where reasonably necessary for erosion control, prohibit or restrict the conversion of a grass park strip of less than eight feet wide to water-efficient landscaping;
 - (e) prohibit a lot owner from making modifications, consistent with industry standards, for radon mitigation, unless the modifications would violate:
 - (i) a local land use ordinance;
 - (ii) a building code;
 - (iii) a health code; or
 - (iv) a fire code;
 - (f) 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;
 - (g) restrict an individual from operating a vehicle that is not a commercial vehicle, as that term is defined in Section 72-9-102, in accordance with state traffic laws;
 - (h) impose a requirement or restriction on the use of a public street, as that term is defined in Section 10-20-102;
 - (i) 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;
 - (j) restrict a lot owner from displaying a religious or holiday sign, symbol, or decoration on:
 - (i) the lot; or
 - (ii) the exterior of the lot, unless the association has an ownership interest in, or maintenance, repair, or replacement obligation for the exterior;
 - (k) interfere with reasonable activity of a lot owner within the confines of the lot, to the extent that the activity is in compliance with local laws and ordinances, including nuisance laws and ordinances;
 - (l)
 - (i) prohibit the transfer of a lot; or
 - (ii) require the consent of the association or management committee to transfer a lot;
 - (m) prohibit a unit owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the lot;
 - (n) impose a restriction on the interior of a dwelling, except as reasonably necessary for the safety of adjacent lots and the occupants of the lots; or
 - (o) restrict an individual from installing or keeping a properly maintained basketball standard on the individual's driveway or property if the driveway or property where the basketball standard is located is:
 - (i) privately owned and maintained; and
 - (ii) abutting a public street.
- (5) A declaration, or an amendment to a declaration may:
- (a) require that an individual park in a garage appurtenant to a unit before parking elsewhere;
 - (b) enforce a reduced speed limit on a private roadway;
 - (c) reasonably regulate the size and time, place, and manner of posting a for-sale sign, a political sign, or a flag;
 - (d) 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); or
 - (e) adopt a reasonable time, place, and manner restriction with respect to a religious or holiday sign, symbol, or decoration that is:
 - (i) outside of or on the lot; or
 - (ii) visible from outside the dwelling.

