

Effective 5/6/2026

57-8a-218 Equal treatment by rules required -- Limits on association rules and design criteria.

- (1)
 - (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot owners similarly.
 - (b) A rule may:
 - (i) vary according to the level and type of service that the association provides to lot owners;
 - (ii) differ between residential and nonresidential uses; and
 - (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner.
- (2)
 - (a) Except as provided in Subsection (2)(b), if a lot owner owns a rental lot and is in compliance with the association's governing documents and any rule that the association adopts under Subsection (4), a rule may not treat the lot owner differently because the lot owner owns a rental lot.
 - (b) A rule may:
 - (i) limit or prohibit a rental lot owner from using the common areas for purposes other than attending an association meeting or managing the rental lot;
 - (ii) if the rental lot owner retains the right to use the association's common areas, even occasionally:
 - (A) charge a rental lot owner a fee to use the common areas; or
 - (B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner; or
 - (iii) include a provision in the association's governing documents that:
 - (A) requires each tenant of a rental lot to abide by the terms of the governing documents; and
 - (B) holds the tenant and the rental lot 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 abridge the rights of a lot owner to display a religious or holiday sign, symbol, or decoration on:
 - (i) a lot;
 - (ii) the exterior of the dwelling, unless the association has an ownership interest in, or a maintenance, repair, or replacement obligation for, the exterior; or
 - (iii) the front yard of the dwelling, unless the association has an ownership interest in, or a maintenance, repair, or replacement obligation for, the yard.
 - (b) The association may adopt a reasonable time, place, and manner restriction with respect to a display that is:
 - (i) outside a dwelling on:
 - (A) a lot;
 - (B) the exterior of the dwelling; or
 - (C) the front yard of the dwelling; and
 - (ii) visible from outside the lot.
- (4)
 - (a) A rule may not prohibit a lot owner from displaying a political sign or flag on:
 - (i) a lot;

- (ii) the exterior of the dwelling, regardless of whether the association has an ownership interest in the exterior; or
 - (iii) the front yard of the dwelling, regardless of whether the association has an ownership interest in the yard.
 - (b) Except as provided in Subsection (4)(c), a rule may not regulate the content of a political sign or flag.
 - (c) A rule may restrict a political sign or flag that contains obscene, profane, or commercial content.
 - (d) A rule may reasonably regulate the time, place, and manner of posting a political sign or flag.
 - (e) An association design provision may not establish design criteria for a political sign or flag.
- (5)
- (a) A rule may not prohibit a lot owner from displaying a for-sale sign on:
 - (i) a lot;
 - (ii) the exterior of the dwelling, regardless of whether the association has an ownership interest in the exterior; or
 - (iii) the front yard of the dwelling, regardless of whether the association has an ownership interest in the yard.
 - (b) A rule may reasonably regulate the time, place, and manner of posting a for-sale sign.
- (6)
- (a) Except as provided in Subsection (6)(b), a rule may not interfere with the freedom of a lot owner to determine the composition of the lot owner's household.
 - (b) An association 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.
- (7)
- (a) Except as provided in Subsection (7)(b), a rule may not interfere with a reasonable activity of a lot owner within the confines of a dwelling or lot, including backyard landscaping or amenities, to the extent that the activity is in compliance with local laws and ordinances, including nuisance laws and ordinances.
 - (b) A rule may prohibit an activity within the confines of a dwelling or lot, including backyard landscaping or amenities, if the activity:
 - (i) is not normally associated with a project restricted to residential use; or
 - (ii)
 - (A) creates monetary costs for the association or other lot owners;
 - (B) creates a danger to the health or safety of occupants of other lots;
 - (C) generates excessive noise or traffic;
 - (D) creates unsightly conditions visible to an individual standing outside the dwelling;
 - (E) creates an unreasonable source of annoyance to persons outside the lot; or
 - (F) if there are attached dwellings, creates the potential for smoke to enter another lot owner's dwelling, the common areas, or limited common areas.
 - (c) If permitted by law, an association may adopt rules described in Subsection (7)(b) that affect the use of or behavior inside the dwelling.
- (8)
- (a) A rule may not, to the detriment of a lot owner and over the lot owner's written objection to the board, alter the allocation of financial burdens among the various lots.

- (b) An association may:
 - (i) change the common areas available to a lot owner;
 - (ii) adopt generally applicable rules for the use of common areas; or
 - (iii) deny use privileges to a lot owner who:
 - (A) is delinquent in paying assessments;
 - (B) abuses the common areas; or
 - (C) violates the governing documents.
- (c) This Subsection (8) does not permit a rule that:
 - (i) alters the method of levying assessments; or
 - (ii) increases the amount of assessments as provided in the declaration.
- (9) A rule may not:
 - (a) prohibit the transfer of a lot; or
 - (b) require the consent of the association or board to transfer a lot.
- (10)
 - (a) A rule may not require a lot owner to dispose of personal property that was in or on a lot before the adoption of the rule or design criteria if the personal property was in compliance with all rules and other governing documents previously in force.
 - (b) The exemption in Subsection (10)(a):
 - (i) applies during the period of the lot owner's ownership of the lot; and
 - (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of the rule described in Subsection (10)(a).
- (11) A rule or action by the association or action by the board may not unreasonably impede a declarant's ability to satisfy existing development financing for community improvements and right to develop:
 - (a) the project; or
 - (b) other properties in the vicinity of the project.
- (12) A rule or association or board action may not interfere with:
 - (a) the use or operation of an amenity that the association does not own or control; or
 - (b) the exercise of a right associated with an easement.
- (13) A rule may not divest a lot owner of the right to proceed in accordance with a completed application for design review, or to proceed in accordance with another approval process, under the terms of the governing documents in existence at the time the completed application was submitted by the owner for review.
- (14) Unless otherwise provided in the declaration, an association may by rule:
 - (a) regulate the use, maintenance, repair, replacement, and modification of common areas;
 - (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
 - (ii) a service provided to a lot owner;
 - (c) impose a charge for a late payment of an assessment; or
 - (d) provide for the indemnification of the association's officers and board consistent with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (15)
 - (a) For any area for which one or more lot owners, but not the association, are responsible for landscape maintenance of any landscaping within the lot owner's lot or the common areas, the association shall adopt rules supporting water wise landscaping as defined in Section 57-8a-231 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) A rule may not:
 - (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping as defined in Section 57-8a-231;
 - (ii) prohibit low water use on lawns during drought conditions; or
 - (iii) prohibit, or have the effect of prohibiting, a lot owner from removing vegetation from the lot owner's lot that is within a designated wildland-urban interface area, as defined in Section 65A-1-1.
- (16)
 - (a) Except as provided in Subsection (16)(b), a rule may not prohibit the owner of a residential lot from constructing an internal accessory dwelling unit, as defined in Section 10-21-101 or 17-80-101, within the owner's residential lot.
 - (b) Subsection (16)(a) does not apply if the construction would violate:
 - (i) a local land use ordinance;
 - (ii) a building code;
 - (iii) a health code; or
 - (iv) a fire code.
- (17)
 - (a) Except as provided in Subsection (17)(b), a rule may not prohibit the owner of a residential lot from making modifications, consistent with industry standards, for radon mitigation.
 - (b) Subsection (17)(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 for radon mitigation does not apply to a lot owner's modifications if 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 lot 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.
- (18) 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).
- (19)
 - (a) As used in this Subsection (19), "vegetable garden" means a plot of ground or elevated soil bed where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants are cultivated.
 - (b) A rule may not prohibit a vegetable garden on the rear yard of a lot on which the association does not have an ownership interest or a maintenance responsibility.
 - (c) A rule may:
 - (i) impose reasonable regulations that do not significantly increase the cost of cultivating a vegetable garden or significantly decrease the efficiency of cultivating a vegetable garden, including reasonable regulations on plant height, water use, fertilizer use, and weed maintenance; and

(ii) prohibit the cultivation of invasive or unlawful species.

(20)

(a) Except as provided in Subsection (20)(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 defined in Section 72-9-102;
- (ii) a motor home, as defined in Section 13-20-2;
- (iii) a recreational vehicle trailer, as 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 dwelling before parking elsewhere.

(21)

(a) Except as provided in Subsection (21)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as 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.

(22) A rule may not:

(a) prohibit a lot owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the owner's dwelling unit;

(b) impose a requirement or restriction on:

- (i) a dwelling's interior, except as reasonably necessary for the safety of adjacent lots and the occupants of those lots; or
- (ii) the use of a public street, as defined in Section 10-20-102;

(c) 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 lot;
- (ii) 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:
 - (A) privately owned and maintained; and
 - (B) abutting a public street; or
- (iii) 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; or

(d) be inconsistent with a provision of the association's declaration, bylaws, or articles of incorporation.

(23) A rule shall be reasonable.

(24) A declaration, or an amendment to a declaration, may not vary the requirements of Subsection (1)(b)(ii).

(25) This section applies to an association regardless of when the association is created.

Amended by Chapter 79, 2026 General Session