

Effective 7/1/2014

57-8a-222 Removing or altering partition or creating aperture between dwelling units on adjoining lots.

- (1) Subject to the declaration, a lot owner may, after acquiring an adjoining lot with a dwelling unit that shares a common wall with a dwelling unit on the lot owner's lot:
 - (a) remove or alter a partition between the lot owner's lot and the acquired lot, even if the partition is entirely or partly common areas; or
 - (b) create an aperture to the adjoining lot or portion.
- (2) A lot owner may not take an action under Subsection (1) if the action would:
 - (a) impair the structural integrity or mechanical systems of the building or either lot;
 - (b) reduce the support of any portion of the common areas or another lot; or
 - (c) constitute a violation of Section 10-9a-608 or 17-27a-608, as applicable, a local government land use ordinance, or a building code.
- (3) The board may require a lot owner to submit, at the lot owner's expense, a registered professional engineer's or registered architect's opinion stating that a proposed change to the lot owner's lot will not:
 - (a) impair the structural integrity or mechanical systems of the building or either lot;
 - (b) reduce the support or integrity of common areas; or
 - (c) compromise structural components.
- (4) The board may require a lot owner to pay all of the association's legal and other expenses related to a proposed alteration to the lot or building under this section.
- (5) An action under Subsection (1) does not change an assessment or voting right attributable to the lot owner's lot or the acquired lot, unless the declaration provides otherwise.

Enacted by Chapter 152, 2013 General Session