

Effective 5/12/2015

57-8a-225 Association's right to pay delinquent utilities.

- (1) Upon request in accordance with Subsection (2), at least 10 days before the day on which an electrical corporation or a gas corporation discontinues service to a lot, the electrical corporation or gas corporation shall give the association:
 - (a) written notice that the electrical corporation or gas corporation will discontinue service to the lot; and
 - (b) an opportunity to pay any delinquent charges and maintain service to the lot.
- (2) An association may request the notice and opportunity to pay described in Subsection (1) by sending a written request to the electrical corporation or gas corporation that includes:
 - (a) the address of each lot in the association;
 - (b) the association's name, mailing address, phone number, and email address; and
 - (c) the address where the electrical corporation or gas corporation may send notices.
- (3) If, after an electrical corporation or a gas corporation sends a written notice described in Subsection (1) to an association and the association does not pay the delinquent charges within 10 days after the day on which the electrical corporation or gas corporation sends the notice, the electrical corporation or gas corporation may discontinue service to the lot.
- (4) An association may collect any payment to an electrical corporation or a gas corporation under this section as an assessment in accordance with Section 57-8a-301.
- (5)
 - (a) If, after an association receives a written notice described in Subsection (1), the association decides not to pay the delinquent charges, the association may, if permitted by the association's governing documents, and after reasonable notice to the lot owner:
 - (i) enter the lot; and
 - (ii) winterize the lot.
 - (b) A person who enters a lot in accordance with Subsection (5)(a) is not liable for trespass.
 - (c) An association may charge a lot owner an assessment for the actual and reasonable costs of winterizing a lot in accordance with this Subsection (5).

Enacted by Chapter 213, 2015 General Session

Amended by Chapter 325, 2015 General Session, (Coordination Clause)