

1                   **HOMEOWNER ASSOCIATION REGISTRATION AMENDMENTS**

2   2012 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Don L. Ipson**

5                                   Senate Sponsor: Stephen H. Urquhart

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7                   **LONG TITLE**

8                   **General Description:**

9                   This bill modifies provisions relating to condominium and community association  
10 registration requirements.

11                   **Highlighted Provisions:**

12                   This bill:

13                   ▶ specifies that a period of noncompliance for a condominium or community  
14 association's failure to meet registration and updated registration requirements does  
15 not begin until after expiration of the time within which the registration or updated  
16 registration is required; and

17                   ▶ makes technical changes.

18                   **Money Appropriated in this Bill:**

19                   None

20                   **Other Special Clauses:**

21                   None

22                   **Utah Code Sections Affected:**

23                   AMENDS:

24                   **57-8-13.1**, as enacted by Laws of Utah 2011, Chapter 255

25                   **57-8a-105**, as enacted by Laws of Utah 2011, Chapter 255

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27                   *Be it enacted by the Legislature of the state of Utah:*

28                   Section 1. Section **57-8-13.1** is amended to read:

29                   **57-8-13.1. Registration with Department of Commerce.**

30 (1) As used in this section, "department" means the Department of Commerce created  
31 in Section 13-1-2.

32 (2) (a) No later than 90 days after the recording of a declaration, an association of unit  
33 owners shall register with the department in the manner established by the department.

34 (b) An association of unit owners existing under a declaration recorded before May 10,  
35 2011, shall, no later than July 1, 2011, register with the department in the manner established  
36 by the department.

37 (3) The department shall require an association of unit owners registering as required  
38 in this section to provide with each registration:

39 (a) the name and address of the association of unit owners;

40 (b) the name, address, telephone number, and, if applicable, email address of the  
41 president of the association of unit owners;

42 (c) the name and address of each management committee member;

43 (d) the name, address, telephone number, and, if the contact person wishes to use email  
44 or facsimile transmission for communicating payoff information, the email address or facsimile  
45 number, as applicable, of a primary contact person who has association payoff information that  
46 a closing agent needs in connection with the closing of a unit owner's financing, refinancing, or  
47 sale of the owner's unit; and

48 (e) a registration fee not to exceed \$37.

49 (4) An association of unit owners that has registered under Subsection (2) shall submit  
50 to the department an updated registration, in the manner established by the department, within  
51 90 days after a change in any of the information provided under Subsection (3).

52 (5) (a) During any period of noncompliance with the registration [~~requirements~~]  
53 requirement of Subsection (2) or the requirement for an updated registration under Subsection  
54 (4):

55 [~~(a)~~] (i) a lien for the nonpayment of common expenses may not arise under Section  
56 57-8-20 against any condominium unit; and

57 [~~(b)~~] (ii) an association of unit owners may not enforce a previous lien under Section

58 57-8-20 against any condominium unit.

59 (b) A period of noncompliance with the registration requirement of Subsection (2) or  
60 with the updated registration requirement of Subsection (4) does not begin until after the  
61 expiration of the 90-day period specified in Subsection (2) or (4), respectively.

62 Section 2. Section **57-8a-105** is amended to read:

63 **57-8a-105. Registration with Department of Commerce.**

64 (1) As used in this section, "department" means the Department of Commerce created  
65 in Section 13-1-2.

66 (2) (a) No later than 90 days after the recording of a declaration of covenants,  
67 conditions, and restrictions establishing an association, the association shall register with the  
68 department in the manner established by the department.

69 (b) An association existing under a declaration of covenants, conditions, and  
70 restrictions recorded before May 10, 2011, shall, no later than July 1, 2011, register with the  
71 department in the manner established by the department.

72 (3) The department shall require an association registering as required in this section to  
73 provide with each registration:

74 (a) the name and address of the association;

75 (b) the name, address, telephone number, and, if applicable, email address of the chair  
76 of the association board;

77 (c) contact information for the manager;

78 (d) the name, address, telephone number, and, if the contact person wishes to use email  
79 or facsimile transmission for communicating payoff information, the email address or facsimile  
80 number, as applicable, of a primary contact person who has association payoff information that  
81 a closing agent needs in connection with the closing of a lot owner's financing, refinancing, or  
82 sale of the owner's lot; and

83 (e) a registration fee not to exceed \$37.

84 (4) An association that has registered under Subsection (2) shall submit to the  
85 department an updated registration, in the manner established by the department, within 90

86 days after a change in any of the information provided under Subsection (3).

87 (5) ~~(a)~~ (a) During any period of noncompliance with the registration [~~requirements~~  
88 requirement] of Subsection (2) or the requirement for an updated registration under Subsection  
89 (4):

90 [~~(a)~~] (i) a lien for the nonpayment of an assessment may not arise under Section  
91 57-8a-203 against any lot; and

92 [~~(b)~~] (ii) an association may not enforce a previous lien under Section 57-8a-203  
93 against any lot.

94 (b) A period of noncompliance with the registration requirement of Subsection (2) or  
95 with the updated registration requirement of Subsection (4) does not begin until after the  
96 expiration of the 90-day period specified in Subsection (2) or (4), respectively.