

**HOMEOWNER ASSOCIATION BYLAWS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to a homeowner association's bylaws.

**Highlighted Provisions:**

This bill:

- ▶ prohibits certain restrictions on a homeowner association's ability to meet for the purpose of amending the association's bylaws; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**57-8-16**, as last amended by Laws of Utah 1997, Chapter 230

**57-8a-216**, as enacted by Laws of Utah 2011, Chapter 355

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

Section 1. Section **57-8-16** is amended to read:

**57-8-16. Contents of bylaws.**

(1) The bylaws may provide for the following:



28           ~~[(1)]~~ (a) the establishment of a management committee, the number of persons  
29 constituting the committee and the method of selecting the members of the committee; the  
30 powers and duties of the management committee; and whether or not the management  
31 committee may engage the services of a manager;

32           ~~[(2)]~~ (b) the method of calling meetings of the unit owners~~;~~, what percentage of the  
33 unit owners shall constitute a quorum~~;~~ and be authorized to transact business;

34           ~~[(3)]~~ (c) the maintenance, repair, and replacement of the common areas and facilities  
35 and payment therefor;

36           ~~[(4)]~~ (d) the manner of collecting from the unit owners their share of the common  
37 expenses;

38           ~~[(5)]~~ (e) the designation and removal of personnel necessary for the maintenance,  
39 repair, and replacement of the common areas and facilities;

40           ~~[(6)]~~ (f) the method of adopting and of amending administrative rules and regulations  
41 governing the details of the operation and use of the common areas and facilities;

42           ~~[(7)-(a)]~~ (g) (i) restrictions on and requirements respecting the use and maintenance of  
43 the units and the use of the common areas and facilities as are designed to prevent  
44 unreasonable interference with the use of their respective units and of the common areas and  
45 facilities by the several unit owners; and

46           ~~[(b)]~~ (ii) restrictions regarding the use of the units ~~[may include]~~, including other  
47 prohibitions on, or allowance of, smoking tobacco products;

48           ~~[(8)]~~ (h) the percentage of votes required to amend the bylaws; and

49           ~~[(9)]~~ (i) other provisions as may be considered necessary for the administration of the  
50 property consistent with this act.

51           (2) An association of unit owners' bylaws may not limit the date on which the  
52 association of unit owners may meet to amend the association of unit owners' bylaws.

53           Section 2. Section **57-8a-216** is amended to read:

54           **57-8a-216. Association bylaws -- Recording required -- Bylaw requirements.**

55           (1) (a) No later than the date of the first lot sale, an association shall file its bylaws for  
56 recording in the office of the recorder of each county in which any part of the real estate  
57 included within the association is located.

58           (b) If an association fails to file bylaws for recording within the time specified in

59 Subsection (1)(a), the board may file the bylaws for recording as provided in Subsection (1)(a).

60 (2) Unless otherwise provided in the declaration, an association's bylaws shall state:

61 (a) the number of board members;

62 (b) the title of each of the association's officers;

63 (c) the manner and method of officer election by the board or, if the declaration  
64 requires, by the lot owners;

65 (d) (i) the board member's and officer's:

66 (A) qualifications;

67 (B) powers and duties; and

68 (C) terms of office;

69 (ii) the method for removing a board member or officer; and

70 (iii) the method for filling a board member or officer vacancy;

71 (e) the powers that the board or officers may delegate to other persons or to a managing  
72 agent;

73 (f) the officers who may prepare, execute, certify, and record amendments to the  
74 declaration on behalf of the association;

75 (g) a method for the board or lot owners to amend the bylaws, consistent with Section  
76 16-6a-1010; and

77 (h) subject to the provisions of the declaration and unless the declaration or this chapter  
78 requires that a provision appear in a declaration, any other matter that is necessary or  
79 appropriate for conducting the affairs of the association, including:

80 (i) meetings;

81 (ii) voting requirements; and

82 (iii) quorum requirements.

83 (3) An association shall file any amended bylaws for recording in the same manner as  
84 the association is required to file the initial bylaws for recording under Subsection (1).

85 (4) An association's bylaws may not limit the date on which the association may meet  
86 to amend the association's bylaws.

**Legislative Review Note**  
**as of 1-28-15 9:59 AM**

**Office of Legislative Research and General Counsel**