

1 **PENALTY FOR NON-RESPONSE TO INFORMATION**
2 **REQUEST**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Todd Weiler**

6 House Sponsor: Mike Schultz

8 **LONG TITLE**

9 **General Description:**

10 This bill enacts provisions relating to a condominium association or a community
11 association.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ addresses a unit owner's or a lot owner's right to file an action against an association
15 if the association fails to timely respond to a request for information.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **57-8-56**, Utah Code Annotated 1953

23 **57-8a-225**, Utah Code Annotated 1953

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

26 Section 1. Section **57-8-56** is enacted to read:

27 **57-8-56. Failure to respond to information request.**



28 (1) Subject to Subsection (2), if an association of unit owners fails to timely comply
29 with a request for information that a unit owner submits in accordance with this chapter or the
30 association of unit owners' governing documents, the unit owner may file an action in court for
31 \$300 or actual damages.

32 (2) At least 10 days before the day on which a unit owner files an action described in
33 Subsection (1), the unit owner shall deliver a written notice to the association of unit owners
34 that:

35 (a) states the unit owner's name, address, telephone number, and email address;

36 (b) describes the request for information with which the association of unit owners
37 failed to timely comply, including the date on which the unit owner submitted the information
38 request to the association of unit owners;

39 (c) states a date:

40 (i) that is at least 10 days after the day on which the unit owner delivers the written
41 notice to the association of unit owners; and

42 (ii) on which the association of unit owners shall comply with the request for
43 information; and

44 (d) conspicuously states that if the association of unit owners fails to comply with the
45 request for information by the date described in Subsection (2)(c), the unit owner may file an
46 action against the association of unit owners in accordance with Subsection (1) and may be
47 entitled to \$300 or actual damages.

48 Section 2. Section **57-8a-225** is enacted to read:

49 **57-8a-225. Failure to respond to information request.**

50 (1) Subject to Subsection (2), if an association fails to timely comply with a request for
51 information that a lot owner submits in accordance with this chapter or the association's
52 governing documents, the lot owner may file an action in court for \$300 or actual damages.

53 (2) At least 10 days before the day on which a lot owner files an action described in
54 Subsection (1), the lot owner shall deliver a written notice to the association that:

55 (a) states the lot owner's name, address, telephone number, and email address;

56 (b) describes the request for information with which the association failed to timely
57 comply, including the date on which the lot owner submitted the information request to the
58 association;

59 (c) states a date:
60 (i) that is at least 10 days after the day on which the lot owner delivers the written
61 notice to the association; and
62 (ii) on which the association shall comply with the request for information; and
63 (d) conspicuously states that if the association fails to comply with the request for
64 information by the date described in Subsection (2)(c), the lot owner may file an action against
65 the association in accordance with Subsection (1) and may be entitled to \$300 or actual
66 damages.

Legislative Review Note
as of 2-17-15 8:48 AM

Office of Legislative Research and General Counsel