

CONDOMINIUM ASSOCIATION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends a provision related to rules enacted by an association of unit owners.

Highlighted Provisions:

This bill:

▶ allows an association of unit owners to enact a rule, for a unit that a unit owner leases for a term of less than ~~H→ [three months]~~ **30 days** ~~←H~~, that ~~H→ [limits]~~ **imposes a reasonable limit on** ~~←H~~ the number of individuals that may use the common areas and facilities as the rental unit tenant's guest or as the unit owner's guest.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-8-8.1, as enacted by Laws of Utah 2015, Chapter 22

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

Section 1. Section **57-8-8.1** is amended to read:

57-8-8.1. Equal treatment by rules required -- Limits on rules.

(1) (a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit



28 owners similarly.

29 (b) Notwithstanding Subsection (1)(a), a rule may:

30 (i) vary according to the level and type of service that the association of unit owners
31 provides to unit owners; ~~and~~

32 (ii) differ between residential and nonresidential uses[-]; or

33 (iii) for a unit that a unit owner leases for a term of less than ~~30 days~~ **→ [three months]**

33a **← 30 days** , **→ impose a reasonable ← limit → on ← the**
34 number of individuals that may use the common areas and facilities as the rental unit tenant's
35 guest or as the unit owner's guest.

36 (2) (a) If a unit owner owns a rental unit and is in compliance with the association of
37 unit owners' governing documents and any rule that the association of unit owners adopts under
38 Subsection (4), a rule may not treat the unit owner differently because the unit owner owns a
39 rental unit.

40 (b) Notwithstanding Subsection (2)(a), a rule may:

41 (i) limit or prohibit a rental unit owner from using the common areas and facilities for
42 purposes other than attending an association meeting or managing the rental unit;

43 (ii) if the rental unit owner retains the right to use the association of unit owners'
44 common areas and facilities, even occasionally[-];

45 (A) charge a rental unit owner a fee to use the common areas and facilities; and

46 (B) for a unit that a unit owner leases for a term of less than ~~30 days~~ **→ [three months]**

46a **← 30 days** , **→ impose a reasonable ← limit → on ← the**
47 number of individuals that may use the common areas and facilities as the rental unit tenant's
48 guest or as the unit owner's guest; or

49 (iii) include a provision in the association of unit owners' governing documents that:

50 (A) requires each tenant of a rental unit to abide by the terms of the governing
51 documents; and

52 (B) holds the tenant and the rental unit owner jointly and severally liable for a violation
53 of a provision of the governing documents.

54 (3) (a) A rule may not interfere with the freedom of a unit owner to determine the
55 composition of the unit owner's household.

56 (b) Notwithstanding Subsection (3)(a), an association of unit owners may:

57 (i) require that all occupants of a dwelling be members of a single housekeeping unit;

58 or