

1                                   **CONDOMINIUM ASSOCIATION AMENDMENTS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Kraig Powell**

5   Senate Sponsor: Kevin T. Van Tassell

---

---

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ allows an association of unit owners to enact a rule, for a unit that a unit owner  
13 leases for a term of less than 30 days, that imposes a reasonable limit on the number  
14 of individuals that may use the common areas and facilities as the rental unit  
15 tenant's guest or as the unit owner's guest.

16 **Money Appropriated in this Bill:**

17                   None

18 **Other Special Clauses:**

19                   None

20 **Utah Code Sections Affected:**

21 AMENDS:

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

---

---

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

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

26                   **57-8-8.1. Equal treatment by rules required -- Limits on rules.**

27                   (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, impose a  
34 reasonable limit on the number of individuals that may use the common areas and facilities as  
35 the rental unit tenant's 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, impose a  
47 reasonable limit on the number of individuals that may use the common areas and facilities as  
48 the rental unit tenant's 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

59 (ii) limit the total number of occupants permitted in each residential dwelling on the  
60 basis of the residential dwelling's:

61 (A) size and facilities; and

62 (B) fair use of the common areas and facilities.

63 (4) Unless contrary to a declaration, a rule may require a minimum lease term.

64 (5) Unless otherwise provided in the declaration, an association of unit owners may by  
65 rule:

66 (a) regulate the use, maintenance, repair, replacement, and modification of common  
67 areas and facilities;

68 (b) impose and receive any payment, fee, or charge for:

69 (i) the use, rental, or operation of the common areas, except limited common areas and  
70 facilities; and

71 (ii) a service provided to a unit owner;

72 (c) impose a charge for a late payment of an assessment; or

73 (d) provide for the indemnification of the association of unit owners' officers and board  
74 consistent with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

75 (6) A rule shall be reasonable.

76 (7) A declaration, or an amendment to a declaration, may vary any of the requirements  
77 of Subsections (1) through (5), except Subsection (1)(b)(ii).

78 (8) This section applies to an association regardless of when the association is created.