

1 **CONDOMINIUM AND COMMUNITY ASSOCIATION**

2 **REGULATION AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: James A. Dunnigan

7

LONG TITLE

8 **Committee Note:**

9 The Business and Labor Interim Committee recommended this bill.

10 Legislative Vote: 14 voting for 0 voting against 6 absent

11 **General Description:**

12 This bill amends the Condominium Ownership Act and the Community Association
13 Act.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ prevents a condominium or homeowners association from prohibiting a
17 condominium unit or lot owner from installing a personal security camera on the
18 owner's ~~unit or structure on the owner's lot~~ dwelling unit ; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 57-8-8.1, as last amended by Laws of Utah 2016, Chapters 154 and 348
27



59 of a provision of the governing documents.

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

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

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

64 or

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

67 (A) size and facilities; and

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

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

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

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

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

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

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

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

79 (d) provide for the indemnification of the association of unit owners' officers and
80 management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit
81 Corporation Act.

82 (6) (a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner
83 from installing a personal security camera ~~that is~~ immediately adjacent to ~~the~~ the entryway,
83a window, or ~~that is~~ other ~~entry points~~ outside ~~the~~ entry point ~~of~~ of the owner's
84 condominium unit.

85 (b) A rule may prohibit a unit owner from installing a personal security camera in a
86 common area not physically connected to the owner's unit.

87 ~~(6)~~ (7) A rule shall be reasonable.

88 ~~(7)~~ (8) A declaration, or an amendment to a declaration, may vary any of the
89 requirements of Subsections (1) through (5), except Subsection (1)(b)(ii).

183 (12) A rule may not divest a lot owner of the right to proceed in accordance with a
 184 completed application for design review, or to proceed in accordance with another approval
 185 process, under the terms of the governing documents in existence at the time the completed
 186 application was submitted by the owner for review.

187 (13) Unless otherwise provided in the declaration, an association may by rule:

188 (a) regulate the use, maintenance, repair, replacement, and modification of common
 189 areas;

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

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

192 (ii) a service provided to a lot owner;

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

194 (d) provide for the indemnification of the association's officers and board consistent
 195 with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

196 (14) A rule may not prohibit a lot owner from installing a personal security camera ~~on~~ **→** ~~on~~
 197 **a structure on the owner's lot.] immediately adjacent to the entryway, window, or other outside**
 197a **entry point of the owner's dwelling unit. ←~~H~~**

198 [~~14~~] (15) A rule shall be reasonable.

199 [~~15~~] (16) A declaration, or an amendment to a declaration, may vary any of the
 200 requirements of Subsections (1) through (13), except Subsection (1)(b)(ii).

201 [~~16~~] (17) A rule may not be inconsistent with a provision of the association's
 202 declaration, bylaws, or articles of incorporation.

203 [~~17~~] (18) This section applies to an association regardless of when the association is
 204 created.