

491 (8) Except as provided in Subsection (9), an association of unit owners may not require
492 a unit owner who owns a rental unit to:

- 493 (a) obtain the association of unit owners' approval of a prospective renter;
494 (b) give the association of unit owners:
495 (i) a copy of a rental application;
496 (ii) a copy of a renter's or prospective renter's credit information or credit report;
497 (iii) a copy of a renter's or prospective renter's background check; or
498 (iv) documentation to verify the renter's age; [or]

499 (c) pay an additional assessment, fine, or fee because the unit is a rental unit[-];

500 (d) use a lease agreement provided by the association; ~~§→ or ←§~~

501 (e) obtain the association's approval of a lease agreement ~~§→ [;] . ←§~~

502 ~~§→ [(f) use a lease agreement for an initial term longer than six months; or~~

503 ~~— (g) otherwise make a rental unit available for an initial term longer than six months.] ←§~~

504 (9) (a) A unit owner who owns a rental unit shall give an association of unit owners the
505 documents described in Subsection (8)(b) if the unit owner is required to provide the
506 documents by court order or as part of discovery under the Utah Rules of Civil Procedure.

507 (b) If an association of unit owners' declaration lawfully prohibits or restricts
508 occupancy of the units by a certain class of individuals, the association of unit owners may
509 require a unit owner who owns a rental unit to give the association of unit owners the
510 information described in Subsection (8)(b), if:

511 (i) the information helps the association of unit owners determine whether the renter's
512 occupancy of the unit complies with the association of unit owners' declaration; and

513 (ii) the association of unit owners uses the information to determine whether the
514 renter's occupancy of the unit complies with the association of unit owners' declaration.

515 (c) An association that permits ~~§→ [f] ←§~~ at least 35% of the ~~§→ [f] ←§~~ units in the
515a association to be rental

516 units may charge a unit owner who owns a rental unit an annual fee of up to \$200 to defray the
517 association's additional administrative expenses directly related to a unit that is a rental unit, as
518 detailed in an accounting provided to the unit owner.

519 (d) An association may require a unit owner who owns a rental unit and the renter of
520 the unit owner's rental unit to sign an addendum to a lease agreement provided by the
521 association.

522 (10) The provisions of Subsections (8) and (9) apply to an association of unit owners
523 regardless of when the association of unit owners is created.

524 Section 6. Section **57-8-32** is amended to read:

525 **57-8-32. Sale of property ~~§~~ and common areas and facilities ~~←§~~ .**

526 (1) ~~§~~ [Unless] Subject to Subsection 10-9a-605(5) or 17-27a-606(5), unless ←§
526a otherwise provided in the declaration or bylaws, and notwithstanding the
527 provisions of Sections 57-8-30 and 57-8-31, the unit owners may~~[-at a meeting of unit owners~~
528 ~~called for the purpose of voting,]~~ by an affirmative vote of at least 67% of unit owners, elect to
529 sell, convey, transfer, or otherwise dispose of the property or all or part of the common areas
530 and facilities.

531 (2) An affirmative vote described in Subsection (1) is binding upon all unit owners,
532 and each unit owner shall execute and deliver the appropriate instruments and perform all acts
533 as necessary to effect the sale, conveyance, transfer, or other disposition of the property or
534 common areas and facilities.

535 (3) The general easement of ingress, egress, and use of the common areas and facilities
536 granted to an association and unit owners through recorded governing documents is
537 extinguished in any portion of the common areas and facilities the unit owners sell, convey,
538 transfer, or otherwise dispose of, if:

539 (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the
540 portion of the common areas and facilities, comply with:

541 (i) the provisions of this section; and

542 (ii) Section 10-9a-606 or 17-27a-606; and

543 (b) the sale, conveyance, transfer, or other disposition of the portion of the common
544 areas and facilities results in a person other than the association or a unit owner owning the
545 portion of the common areas and facilities.

546 (4) This section applies to an association of unit owners regardless of when the
547 association of unit owners is created.

548 Section 7. Section **57-8-39** is amended to read:

549 **57-8-39. Limitation on requirements for amending governing documents --**
550 **Limitation on contracts.**

551 (1) (a) (i) To amend the governing documents, the governing documents may not
552 require:

553 (A) for an amendment adopted after the period of administrative control, the vote or
554 approval of unit owners with more than 67% of the voting interests;

555 (B) the approval of any specific unit owner; or

556 (C) the vote or approval of lien holders holding more than 67% of the first position
557 security interests secured by a mortgage or trust deed in the association of unit owners.

558 (ii) Any provision in the governing documents that prohibits a vote or approval to
559 amend any part of the governing documents during a particular time period is invalid.

560 (b) Subsection (1)(a) does not apply to an amendment affecting only:

561 (i) the undivided interest of each unit owner in the common areas and facilities, as
562 expressed in the declaration;

563 (ii) unit boundaries; or

564 (iii) unit owners' voting rights.

565 (2) (a) A contract for services such as garbage collection, maintenance, lawn care, or
566 snow removal executed on behalf of the association of unit owners during a period of
567 administrative control is binding beyond the period of administrative control unless terminated
568 by the management committee after the period of administrative control ends.

569 (b) Subsection (2)(a) does not apply to golf course and amenity management, utilities,
570 cable services, and other similar services that require an investment of infrastructure or capital.

571 (3) Voting interests under Subsection (1) are calculated in the manner required by the
572 governing documents.

573 (4) (a) A unit owner is considered to vote in favor of a proposed amendment to the
574 governing documents if:

575 (i) the association satisfies the notice requirements described in this Subsection (4);

576 (ii) the unit owner does not respond before the deadline described in Subsection

577 (4)(c)(iii);

578 (iii) the unit owner does not vote on the proposed amendment:

579 (A) in the meeting in which the vote occurs; or

580 (B) by written ballot in accordance with Section 16-6a-709;

581 (iv) at least 36% of the voting interests, excluding the voting interests of the

582 management committee members, vote in the meeting ~~§~~→ or by written ballot ←~~§~~ on the
582a proposed amendment; and

583 (v) 67% of voting interests that vote on the proposed amendment vote in favor of the

584 proposed amendment, or a lower threshold if provided in the governing documents.

585 (b) (i) A proposed amendment to the governing documents is adopted if the total
586 voting interests represented by the presumptive votes described in Subsection (4)(a) and the
587 affirmative votes satisfy the threshold in the governing documents required for an amendment.

588 (ii) An amendment to the governing documents that is adopted as a result of one or
589 more presumptive votes described in Subsection (4)(a) may not take effect before 14 days after
590 the day on which the vote on the amendment occurs.

591 (iii) An association may overturn an amendment to the governing documents that is
592 adopted as a result of one or more presumptive votes described in Subsection (4)(a) if:

593 (A) the association convenes a meeting for the purpose of voting to overturn the
594 amendment; and

595 (B) at least 51% of the total voting interests vote to overturn the amendment.

596 (c) Before an association considers a unit owner's vote on a proposed amendment to
597 the governing documents as a favorable vote in accordance with Subsection (4)(a), the
598 association shall provide the unit owner:

599 (i) written notice, as described in this Subsection (4)(c), at least 60 days before the day
600 on which the association votes on the proposed amendment; and

601 (ii) if the unit owner does not respond to the written notice within 30 days after the day
602 on which the notice is sent, a second written notice that includes the information described in
603 Subsection (4)(c)(iii).

604 (iii) An association shall include the following in a notice under this Subsection (4)(c):

605 (A) a copy of the proposed amendment;

606 (B) if the vote will occur at a meeting, the time, date, and location of the meeting
607 where the vote on the proposed amendment will occur;

608 (C) a deadline by which the unit owner must respond to the notice and indicate whether
609 the unit owner supports the proposed amendment;

610 (D) the name and contact information for the individual designated to receive a
611 response described in Subsection (4)(c)(iii)(C); and

612 (E) a statement that failure to respond by the deadline described in Subsection
613 (4)(c)(iii)(C) ~~shall~~ **may have** ~~the~~ **has** ~~the~~ **the** effect of voting in favor of the proposed amendment.

614 (d) (i) An association may send a notice described in Subsection (4)(c) electronically or

- 770 (i) the association satisfies the notice requirements described in this Subsection (4);
771 (ii) the lot owner does not respond before the deadline described in Subsection
772 (4)(c)(iii);
773 (iii) the lot owner does not vote on the proposed amendment:
774 (A) in the meeting in which the vote occurs; or
775 (B) by written ballot in accordance with Section 16-6a-709;
776 (iv) at least 36% of voting interests, excluding the voting interests of the members of
777 the board of directors, vote in the meeting ~~§~~→ or by written ballot ←~~§~~ on the proposed
777a amendment; and
778 (v) 67% of the voting interests that vote on the proposed amendment vote in favor of
779 the proposed amendment, or a lower threshold if provided in the governing documents.
780 (b) (i) A proposed amendment to the governing documents is adopted if the total
781 voting interests represented by the presumptive votes described in Subsection (4)(a) and the
782 affirmative votes satisfy the threshold in the governing documents required for an amendment.
783 (ii) An amendment to the governing documents that is adopted as a result of one or
784 more presumptive votes described in Subsection (4)(a) may not take effect before 14 days after
785 the day on which the vote on the amendment occurs.
786 (iii) An association may overturn an amendment to the governing documents that is
787 adopted as a result of one or more presumptive votes described in Subsection (4)(a) if:
788 (A) the association convenes a meeting for the purpose of voting to overturn the
789 amendment; and
790 (B) at least 51% of the total voting interests vote to overturn the amendment.
791 (c) Before an association considers a lot owner's vote on a proposed amendment to the
792 governing documents as a favorable vote in accordance with Subsection (4)(a), the association
793 shall provide the lot owner:
794 (i) written notice, as described in this Subsection (4)(c), at least 60 days before the day
795 on which the association votes on the proposed amendment; and
796 (ii) if the lot owner does not respond to the written notice within 30 days after the day
797 on which the notice is sent, a second written notice that includes the information described in
798 Subsection (4)(c)(iii).
799 (iii) An association shall include the following in a notice under this Subsection (4)(c):
800 (A) a copy of the proposed amendment;

801 (B) if the vote will occur at a meeting, the time, date, and location of the meeting
 802 where the vote on the proposed amendment will occur;

803 (C) a deadline by which the lot owner must respond to the notice and indicate whether
 804 the lot owner supports the proposed amendment;

805 (D) the name and contact information for the individual designated to receive a
 806 response described in Subsection (4)(c)(iii)(C); and

807 (E) a statement that failure to respond by the deadline described in Subsection
 808 (4)(c)(iii)(C) ~~§~~→ **[may have] has** ←~~§~~ the effect of voting in favor of the proposed amendment.

809 (d) (i) An association may send a notice described in Subsection (4)(c) electronically or
 810 via certified mail.

811 (ii) If the association sends the notice electronically, the association shall deliver the
 812 notice to the email address that the lot owner provides to the board of directors.

813 (iii) If the association sends the notice via certified mail, the association shall deliver
 814 the notice to the lot owner's mailing address provided to the board of directors or, if the lot
 815 owner does not provide a mailing address, the address listed in the most recently recorded
 816 instrument containing an address.

817 ~~[(4)]~~ (5) Nothing in this section affects any other rights reserved by the person who
 818 filed the association's original governing documents or a successor in interest.

819 ~~[(5)]~~ (6) This section applies to an association regardless of when the association is
 820 created.

821 Section 10. Section **57-8a-209** is amended to read:

822 **57-8a-209. Rental restrictions.**

823 (1) (a) Subject to Subsections (1)(b), (5), (6), and (10), an association may:

824 (i) create restrictions on the number and term of rentals in an association; or

825 (ii) prohibit rentals in the association.

826 (b) An association that creates a rental restriction or prohibition in accordance with
 827 Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of
 828 covenants, conditions, and restrictions, or by amending the recorded declaration of covenants,
 829 conditions, and restrictions.

830 (2) If an association prohibits or imposes restrictions on the number and term of
 831 rentals, the restrictions shall include:

- 894 (iii) a copy of a renter's or prospective renter's background check; or
 895 (iv) documentation to verify the renter's age; [~~or~~]
 896 (c) pay an additional assessment, fine, or fee because the lot is a rental lot[-];
 897 (d) use a lease agreement provided by the association; ~~§→ or ←§~~
 898 (e) obtain the association's approval of a lease agreement ~~§→ [;] . ←§~~
 899 ~~§→ [(f) use a lease agreement for an initial term longer than six months; or~~
 900 ~~—— (g) otherwise make a rental lot available for an initial term longer than six months.] ←§~~
 901 (9) (a) A lot owner who owns a rental lot shall give an association the documents
 902 described in Subsection (8)(b) if the lot owner is required to provide the documents by court
 903 order or as part of discovery under the Utah Rules of Civil Procedure.
 904 (b) If an association's declaration of covenants, conditions, and restrictions lawfully
 905 prohibits or restricts occupancy of the lots by a certain class of individuals, the association may
 906 require a lot owner who owns a rental lot to give the association the information described in
 907 Subsection (8)(b), if:
 908 (i) the information helps the association determine whether the renter's occupancy of
 909 the lot complies with the association's declaration of covenants, conditions, and restrictions;
 910 and
 911 (ii) the association uses the information to determine whether the renter's occupancy of
 912 the lot complies with the association's declaration of covenants, conditions, and restrictions.
 913 (c) An association that permits at least 35% of the lots in the association to be rental
 914 lots may charge a lot owner who owns a rental lot an annual fee of up to \$200 to defray the
 915 association's additional administrative expenses directly related to a lot that is a rental lot, as
 916 detailed in an accounting provided to the lot owner.
 917 (d) An association may require a lot owner who owns a rental lot and the renter of the
 918 lot owner's rental lot to sign an addendum to a lease agreement provided by the association.
 919 (10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the
 920 rental of an internal accessory dwelling unit, as defined in Section 10-9a-530 or 17-27a-526,
 921 constructed within a lot owner's residential lot, if the internal accessory dwelling unit complies
 922 with all applicable:
 923 (a) land use ordinances;
 924 (b) building codes;

1142 (i) install or keep in place lawn or turf in an area with a width less than eight feet; or
1143 (ii) have more than 50% vegetative coverage, that is not water wise landscaping, on the
1144 [property] lot owner's [property] lot.

1145 (4) (a) Subject to Subsection (4)(b), if an association does not adopt rules as required
1146 by Subsection 57-8a-218(16) and fails to remedy the noncompliance within the time specified
1147 in Subsection (4)(c), a lot owner may file an action in state court for:

1148 (i) injunctive relief requiring the association to comply with the requirements of
1149 Subsection 57-8a-218(16);

1150 (ii) \$500, or the lot owner's actual damages, whichever is greater;

1151 (iii) any other remedy provided by law; and

1152 (iv) reasonable costs and attorney fees.

1153 (b) No fewer than 90 days before the day on which a lot owner files a complaint under
1154 Subsection (4)(a), the lot owner shall deliver written notice described in Subsection (4)(c) to
1155 the association.

1156 (c) The lot owner shall include in a notice described in Subsection (4)(b):

1157 (i) the requirements in Subsection 57-8a-218(16) for adopting water wise landscaping
1158 rules with which the association has failed to comply;

1159 (ii) a demand that the association come into compliance with the requirements; and

1160 (iii) a date, no fewer than 90 days after the day on which the lot owner delivers the
1161 notice, by which the association must remedy the association's noncompliance.

1162 Section 13. Section **57-8a-232** is enacted to read:

1163 **57-8a-232. Sale of common areas.**

1164 (1) ~~§~~→ ~~[Unless]~~ Subject to Subsection 10-9a-606(5) or 17-27a-606(5), unless ←~~§~~
1164a otherwise provided in the governing documents, an association may by an
1165 affirmative vote of at least 67% of the voting interests of the association, elect to sell, convey,
1166 transfer, or otherwise dispose of all or part of the common areas.

1167 (2) An affirmative vote described in Subsection (1) is binding upon all lot owners, and
1168 each lot owner shall execute and deliver the appropriate instruments and perform all acts as
1169 necessary to effect the sale, conveyance, transfer, or other disposition of the common areas.

1170 (3) The general easement of ingress, egress, and use of the common areas and facilities
1171 granted to an association and lot owners through recorded governing documents is
1172 extinguished in any portion of the common areas and facilities the association sells, conveys,