

Utah Community Association Law: The Past, Present and Future

Lincoln W. Hobbs
Hobbs & Olson, L.C.

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The Past

- Utah Condominium Act
 - Utah Code, Chapter 57-8 (1963)
- Utah Revised Nonprofit Corporation Act
 - Utah Code, Chapter 16-6a (2000)
- Utah Community Association Act
 - Utah Code, Chapter 57-8a (2004)

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Utah Condominium Act

According to Wikipedia:

In 1960, the first condominium in the Continental United States was built in Salt Lake City, Utah.^[*citation needed*] Initially designed as a [housing cooperative](#) (Co-op), the Utah Condominium Act of 1960 made it possible for "Graystone Manor" (2730 S 1200 East) to be built as a condominium. The legal counsel for the project, [Keith B. Romney](#) is also credited with authoring the Utah Condominium act of 1960. Romney also played an advisory role in the creation of condominium legislation with every other legislature in the U.S. Business Week hailed Romney as the "Father of Condominiums".^[*citation needed*] He soon after formed a partnership with Don W. Pihl called "Keith Romney Associates", which was widely recognized throughout the 1970s as America's preeminent condominium consulting firm.^[1]

Source: http://en.wikipedia.org/wiki/Condominium#United_States (Accessed June 28, 2009.)

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Utah Condominium Act

- In fact, was actually adopted in 1963
- Has been amended slightly over the years, although most sections remain unchanged
- 2001 amendments imposed restrictions on lien-based fines.
- Significantly amended in 2003, primarily respecting collection of assessments
 - See Utah Code Ann. 57-8-20

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Utah Revised Non-Profit Corporation Act

- Adopted in 2000
- *Park West Condominium Ass'n. v. Deppe*, 2006 UT App. 507:
 - “We conclude that where the Condominium Act is silent concerning the proper procedure for obtaining member approval of measures via mail-in ballot, provisions in the Nonprofit Corporations Act apply to the Association.”

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Utah Community Association Act

- Utah Code Chapter 57-8a
- Adopted in 2004
- Primarily deals with collection-related issues
- 2006 – Added 57-8a-208, regarding fines, which differs significantly from the parallel Condominium Act provision

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Utah Case Law

- *Stevensen 3rd East v. Watts*, 2009 UT App. 137
- *McQueen v. Jordan Pines Townhomes Owners Ass'n, Inc.*, 2009 UT App. 59

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Roads and Easements

- *Town of Leeds v. Prisbey*, 2008 UT 10
- *Wasatch County v. Okleberry*, 2008 UT 10
- *Utah County v. Butler*, 2008 UT 12

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Governance Issues

- *Park West Condominium Ass'n v. Deppe*, 2006 UT App. 507
- *Levanger v. Vincent*, 2000 UT App. 103
- *Reedeker v. Salisbury*, 952 P.2d 577 (Ut. Ct. App. 1998)

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What is a Unit?

- *Flores v. Earnshaw*, 2009 UT App. 90
- *Country Oaks Condominium Management Company v. Jones*, 851 P.2d 640 (Utah 1993)

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Construction Defects

- *American Towers Owners Ass'n. Inc. v. CCI Mechanical*, 930 P.2d 1182 (Utah 1996)
- *Snow Flower Homeowners Ass'n. v. Snow Flower*, 31 P.3d 536 (Utah 2001)

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Confusion

- *Saunders v. Sharp*, 840 P. 2d 796 (Ut. Ct. App. 1992)
 - fn. 1. A "PUD" is a Planned Unit Development, a private residential development having some characteristics in common with a subdivision and condominium, *but not necessarily* subject to the Condominium Ownership Act, Utah Code Ann. § 57--8--1 (1990). See *Saunders*, 793 P.2d at 929 n. 2 for further definition. (Emphasis added.)

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The Uniform Common Interest Ownership Act (UCIOA)

- Several variations; the most recent adopted in the Summer of 2008.

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Previous Introductions of UCIOA

- 2004: HB 0099
- 2005: HB 296

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Proposed Adoption of UCIOA

- The Legislative Action Committee of the Utah Chapter of the Community Associations Institute is anticipating seeking the introduction and adoption of a modified version of UCIOA in the 2010 session of the Utah State Legislature. The LAC is currently editing the proposed legislation.
- Information regarding these activities is available through the Utah Chapter's web site at www.uccai.org; click on the legislation tab.

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