



2021 End of Session Report

CAI's Utah Legislative Action Committee (UT LAC) had an active legislative session. The 18-member committee volunteered hundreds of collective hours to review bills, draft testimony, meet with legislators and other decision-makers, and testify for or against bills. The UT LAC closely monitored 10 bills that would have directly affected community associations. Passed legislation in this report becomes effective May 4, 2021.

HB 63. Impact Fees Amendments. This bill defines terms and modifies provisions regarding the calculation of impact fees making technical and conforming changes.

Status: PASSED

HB 69. Traffic Code Amendments. This bill amends the Traffic Code to clarify the law with regard to a turn signal and objects that might obstruct a driver's view. This bill specifically amends the Traffic Code to clarify that a driver is required to use a turn signal to merge to another lane from a lane that is ending and it also prohibits a driver from operating a vehicle when the driver's view is obstructed by certain objects.

Status: PASSED

HB 82. Single-Family Housing Modifications. This bill modified and defines terms applicable to municipal and county land use development and management and also allows a municipality or county to punish an individual who lists or offers a certain licensed or permitted accessory dwelling unit as a short-term rental. This bill goes on to allow specific circumstances for how an accessory dwelling unit can have physical changes made, be classified as a specific land use, and what restrictions can be made on these units with limited exceptions. This bill also prevents an homeowners association from prohibiting the construction or rental of certain accessory dwelling units.

Status: PASSED

HB 98. Local Government Building Regulation Amendments. This bill amends specific provisions related to local government building regulation. These provisions include allowing a building permit applicant to engage an independent third-party building inspector to conduct inspections in certain circumstances, allowing an independent third-party building inspector to issue a certificate of occupancy to a building permit applicant in certain circumstances, modifying requirements for a building permit application, exempting a construction project involving repairs to certain residential structures damaged by a natural disaster from specified State Construction Code and building permit requirements. This bill finally will prohibit a municipality or county from regulating certain building design elements.

Status: PASSED

HB 374. Restrictive Covenants Amendments. After meetings with the sponsor, house and senate committees, CAI led the efforts to amend the bill to allow for a condominium or community association to amend an association's governing documents to remove a discriminatory restrictive covenant and preventing a county recorder from charging a fee for recording a modification document.

Status: PASSED WITH THE LAC'S AMENDMENTS and Awaiting Governors Signature

SB 31. Condominium and Community Association Regulations Amendments: Security Cameras. This bill prevents a condominium or homeowners association from prohibiting a condominium unit or lot owner from installing a personal security camera on the owner's dwelling unit and makes technical changes to the

Condominium Ownership Act and the Community Association Act.

Status: PASSED

SB 75. Community Association Fund Amendments: Reserve Funds. This bill will amend the Condominium Ownership Act and the Community Association Act regarding the definition of reserve funds to permit the use of reserve funds to cover a budget shortfall during a declared emergency under specific conditions, amending the contents of a reserve fund analysis, permitting the use of reserve funds to pay for daily maintenance expenses without a majority member vote under specific conditions and making technical and conforming changes to the Acts.

Status: PASSED

The following bills were tabled:

HB 71. Residence Lien Restriction and Lien Recovery Fund Act. This bill would have added the term “condominium unit” to the definition of “residence” with the Residence Lien Restriction and Lien Recovery Fund Act and Title 38, Chapter 1a, Part 7, Enforcement of Preconstruction and Construction Liens; and makes technical and conforming changes.

Status: TABLED

HB 431. Nonprofit Corporation Act Amendments. This bill would have clarified which records of a nonprofit corporation a director or member is entitled to inspect and copy.

Status: TABLED

And the following legislation failed this session:

SB 129. Real Property Recording Amendments. This bill would have provided the requirements for a legal description of real property in a document to be recorded with a country record by making technical and conforming changes.

Status: FAILED

Utah Contact Information

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Your Assistance is Needed

Expenses incurred by the LAC are paid for with donations and by Advocacy Fund fees. Corporate contributions are allowed and appreciated. Most community association boards can legally allocate money to support the UT LAC. Please visit www.caionline.org/lacdonate/ and donate to “Utah” to support our continued efforts.

For more information visit www.caionline.org/UTLAC.