

WELCOME
28th
ANNUAL

**Utah Condominium
&
Homeowners Association
Seminar
2021**

1

Presenters

Taylor Jones Helgesen, Houtz & Jones
Justin Metcalfe American Family Insurance
 - November 10th
Mike McCauley McCauley & Associates, CPA
 - November 17th

2

Legal Year in Review

New 2021 laws
Appellate Court Cases

3

New 2021 Laws

Security Cameras:
U.C.A 57-8-8.1 and 57-8a-218

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;

4

UCA 57-8-8.1(6) & 57-8a-218 (14)

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

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

5

New 2021 Laws

Discrimination:
U.C.A. 57-21-6.1:

Any provision in a previously recorded written instrument relating to real property that expresses any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, source of income, disability, sexual orientation, or gender identity is void.

6

UCA 57-21-6.1

(5)(a) If a written instrument described in Subsection (2) is a governing document, an association may, in accordance with this section, amend the association's governing documents to remove a provision described in Subsection (2).

(b)(i) If an owner believes an association's governing documents include a provision described in Subsection (2), the owner may submit a written request to remove the provision.

(ii) Within 90 days after the day on which the board receives a written request, the board:

(A) shall investigate a claim that the association's governing documents include a provision described in Subsection (2); and

(B) if the board determines the association's governing documents include a provision described in Subsection (2), may remove the provision from the governing documents by amending the association's governing documents through a majority vote of the board, regardless of any contrary provision in the association's governing documents.

7

UCA 57-8-7.5 and 57-8a-211

Reserve Fund:

This bill:

- ▶ amends the definition of reserve funds to permit the use of reserve funds to cover a budget shortfall during a declared emergency under certain conditions;
- ▶ amends the contents of a reserve fund analysis;
- ▶ permits the use of reserve funds to pay for daily maintenance expenses without a majority member vote under certain conditions; and

8

ACCESSORY DWELLING UNIT

57-8a-218 (15)

(a) Except as provided in Subsection (15)(b), a rule may not prohibit the owner of a residential lot from constructing an internal accessory dwelling unit, as defined in Section 10-9a-530, within the owner's residential lot.

(b) Subsection (15)(a) does not apply if the construction would violate:

- (i) a local land use ordinance;
- (ii) a building code;
- (iii) a health code; or
- (iv) a fire code

9

ASSESSORY DWELLING UNIT

10-9a-530: Internal accessory dwelling units.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

- (i) within a primary dwelling;
- (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
- (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) "Primary dwelling" means a single-family dwelling that:

- (i) is detached; and
- (ii) is occupied as the primary residence of the owner of record.

10

ASSESSORY DWELLING UNIT

Requirements-

1. Dwelling must be a detached home.
2. ADU must be within existing footprint of home.
3. Must be the homeowner's primary residence.
4. Must be rented for at least 30 consecutive days.
5. Must comply with local ordinances (building codes, health and fire codes).
6. Must have ingress and egress window in bedroom.

11

Appellate Court Cases

12

Topics of the Day

Fair Housing

13

Topics of the Day

Pets
-
Nuisance Animals

14

HOAs & Pets

Sixty-seven percent of U.S. households,
or about 85 million families,
own a pet.

2019-2020 National Pet Owners Survey
American Pet Products Association

15

Number of U.S. Households That Own a Pet, by Type of Animal

(millions)

Pet	Number
Bird	5.7
Cat	42.7
Dog	63.4
Horse	1.6
Freshwater fish	11.5
Saltwater fish	1.6
Reptile	4.5
Small animal	5.4

Source: American Pet Products Association's 2019-2020 National Pet Owners Survey.

16

HOAs & Pets

The number of dog-bite and related injury claims in 2020 fell by 4.6% from the previous year, to 16,990 from 17,800.

The average cost **paid** out for **dog bite claims** nationwide was \$50,245 in 2020 up from \$44,760 in 2019.

17

HOAs & Pets

UCA 18-1-1(1)(a) "A person who owns or keeps a dog is liable for an injury caused by the dog, regardless of whether:

- (i) the dog is vicious or mischievous; or
- (ii) the owner knows the dog is vicious or mischievous.

What liability does an HOA have if a dog bites a person in the common area?

18

HOAs & Pets

DNA dog identification of a dog's leftovers, and fines.

19

Topics of the Day

Airbnb/VRBO
-
Rentals

20

Topics of the Day

Security Cameras

21

**Security Cameras
and
HOAs**

When should an HOA permit owners to install cameras in common areas?

Does the Association operate security cameras?

Why? Who gets to view footage?
Privacy concerns?

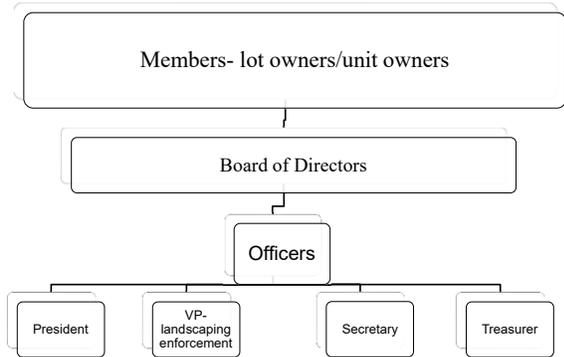
22

Topics of the Day

Solar Panels

23

HOA Corporate Structure



24

Elections

Board of Directors Elected by Members		Officers Elected by Board (generally)
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25

Elections

Board of Directors Elected by Members		Officers Elected by Board
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Which Hat are You Wearing?

26

Board or Officer?

Execute Contracts

27

Board or Officer?

**Call Special Meeting
of Owners**

28

Board or Officer?

Remove the President

29

Board or Officer?

Assess Fines

30

Board or Officer?

**Interface with
Association's
Legal Counsel**

31

**End of
Session 1**

**See you next
Wednesday!**

For Questions or Comments, contact Taylor Jones:

tjones@utahattorneys.com
(801)479-4777

32
