



## 2020 End of Session Report

CAI's Utah Legislative Action Committee (UT LAC) had an active legislative session. The 17-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 11 bills that would have directly affected community associations. Below is a brief overview:

**SB 183 Restricting community associations of the ability to collect assessments through non-judicial foreclosure.** After many meetings with the sponsor, house and senate committees, lobbyists and industry representatives, a compromise was reached which allowed for non-judicial foreclosures to remain, except in the case of collecting fines. However, a non-judicial foreclosure for assessments cannot be commenced if the assessment lien does not include a delinquent assessment more than 180 days past its due date. The UT LAC engaged 342 advocates to email to their legislators in support of this bill.

**Status: FAILED**

**HB 155. Requiring associations to provide to the seller of the unit all the associations recorded governing documents.** Though this seems innocent on its face, it may turn on its head long-standing Utah law which provides that, "A recorded document imparts notice of its contents. . ." In other words, when an association accidentally omits a recorded governing document, the person may claim reliance on the records provided to avoid compliance with the omitted document. This, notwithstanding the general rule that a recorded document imparts notice of its contents to the general public. H.B. 155 in its original form was actually much more onerous and fortunately LAC was able to narrow the scope of its application.

**Status: FAILED**

**HB 223 Limiting the statute of repose on improvements to real property construction defects from six years to three years.** After lengthy discussions with the sponsor and the parties advancing this legislation, the sponsor came to a realization that a three year statute of repose was not consistent with the majority of states and that it would actually work to the detriment of general contractors and others. In response, the Bill was amended to increase the period of repose beyond six years where a provider failed to perform under express contractual or warranty obligation later than the six-year period.

**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/](http://www.caionline.org/lacdonate/) and donate to "Utah" to support our continued efforts.

For more information visit [www.caionline.org/UTLAC](http://www.caionline.org/UTLAC).