



SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor



Office of the Homeowners'  
Association Ombudsman  
UTAH DEPARTMENT OF COMMERCE

MARGARET W. BUSSE  
Executive Director

ERIN RIDER  
Division Director

## **OFFICE OF THE HOMEOWNERS' ASSOCIATION OMBUDSMAN** **ADVISORY OPINION NO. 2025-03**

Applicant Name: Phillip Knight  
Association Name: Sagewood Village Homeowners' Association  
Association Type: Community Association  
Advisory Opinion Date: October 27, 2025  
Advisory Opinion Drafter: Christoffer T. Binning, Esq.

### **INTRODUCTION & BACKGROUND FACTS**

A dispute has arisen between Phillip Knight (“Mr. Knight”) and the Sagewood Village Homeowners’ Association (the “Association”) regarding the parking of Mr. Knight’s trailer on his property. The Master Declaration of Covenants, Conditions, and Restrictions for Sagewood Village, dated February 12, 2019 (the “CC&Rs”), along with the Sagewood Master Association Rules and Architectural Guidelines, dated February 12, 2019 (the “Rules”) restricts the parking of trailers, motor homes, RVs, boats, and snowmobiles to concrete pads located behind the front of the house and screened by a six-foot fence, except during loading or unloading.

On September 8, 2025, the Association issued a Courtesy Notice to Mr. Knight about a “Trailer/boat/RV” parked at his home. In response, Mr. Knight moved the trailer, which he describes as a utility trailer, from his RV pad to his driveway in an attempt to comply with the notice. A dispute began over whether parking the trailer in the driveway was permissible. Mr. Knight cited [Utah Code § 57-8a-218\(20\)\(a\)](#), claiming state law prevents the Association from restricting an owner’s ability to park an operable vehicle in their driveway. Mr. Knight also notes that [H.B. 217 Homeowners' Association Amendments](#), passed by the Utah Legislature during its 2025 General Session (“HB 217”), precipitated this statutory update. The Association, however, maintains that the vehicle is a travel trailer and that the same statute allows it to restrict such parking. Mr. Knight disagrees, asserting his vehicle is registered as a utility trailer and not as a travel trailer intended for use as a temporary dwelling. Having certified that he exhausted all dispute resolution methods, Mr. Knight requested an Advisory Opinion from the Office of the Homeowners’ Association Ombudsman (the “Office”). Since the dispute remains unresolved, the Office issues this Advisory Opinion under [Utah Code § 13-79-104](#).

### **ANALYSIS & OPINION**

The dispute concerns whether the Association’s CC&Rs and Rules restricting trailer parking in driveways are enforceable under Utah law. The Association claims its CC&Rs prohibit such parking and that its relevant Rule is valid under an exception provided in Utah law. [Utah Code § 57-8a-218\(20\)\(a\)](#) generally prohibits rules restricting the parking of operable vehicles, unless the vehicle falls under a limited

number of exceptions. The Association contends Mr. Knight's trailer should be classified as such an exception, making it subject to the Rule. Mr. Knight argues his vehicle is a "utility trailer" protected by Utah law, claiming it does not meet the legal definition of any of the vehicles exempted from the law.

Section 10.5 of the CC&Rs requires various vehicles, including trailers, to be "parked, stored, or located...on a concrete pad and behind fencing" unless the parking is either temporary or of a customary nature. It also requires compliance with any rules or regulations adopted for enforcing the parking restrictions set forth in Section 10.5. There is no dispute between the parties that parking the trailer in the driveway is not temporary; however, under the plain language of Section 10.5, which defines customary parking as "the parking of operable vehicles within the garage, driveway, or designated parking space for the respective Unit," Mr. Knight's trailer parking qualifies as customary. As such, the only remaining issue is whether the Rules can restrict trailer parking in the driveway.

Section 10.4 of the Rules adopts restrictions for the parking of trailers, specifically that "parking of trailers, motor homes, recreational vehicles, campers, boats, snow mobiles or other recreational type vehicle (an "RV") is permitted on concrete pads located behind the front plane of the Dwelling, behind 6-foot high fencing screening the RV from view." Prior to 2025, Utah law would have deferred this question entirely to the Association. However, with the passage of [HB 217](#), subsection (20) was added to [Utah Code § 57-8a-218](#). Generally, statutory amendments are only applied prospectively unless explicitly stated to be retroactive. *Waddoups v. Noorda*, 2013 UT 64, ¶ 6, which is the case here. [Utah Code § 57-8a-218\(25\)](#) states that "this section applies to an association regardless of when the association is created;" therefore, the parking restrictions in [Utah Code § 57-8a-218\(20\)](#) are retroactive and binding on the Association and must be evaluated in the context of this Advisory Opinion. Both parties appear to agree with the determination that the statute applies retroactively as well, as they both explicitly reference and rely on [Utah Code § 57-8a-218\(20\)\(a\)](#) in their analyses.

2

A close look at [Utah Code § 57-8a-218\(20\)\(a\)](#) states that an Association rule may not restrict the parking of an operable vehicle within an owner's driveway unless the vehicle is a (1) commercial vehicle, (2) motor home, or (3) recreational vehicle trailer. Thus, the question is whether Mr. Knight's trailer qualifies as any excluded vehicle under the statute. The definition of "commercial vehicle," as applicable to [Utah Code § 57-8a-218\(20\)\(a\)](#), is found in [Utah Code § 72-9-102](#), which states that a "commercial vehicle" is a motor vehicle, including a tow truck, used for business purposes to transport property or passengers, and it is characterized by specific federal or state criteria, including a gross vehicle weight of 10,001 pounds or more, the capacity to transport more than eight passengers for compensation or more than 15 without, or the transportation of placarded hazardous materials. Based on the information provided by the parties, there is no evidence to support the idea that Mr. Knight's trailer qualifies as a commercial vehicle under the relevant definition.

The definitions for both a "motor home" and a "recreational vehicle trailer," as outlined in [Utah Code § 57-8a-218\(20\)\(a\)](#), can be found in [Utah Code § 13-20-2](#). This section states that a "motor home" is a "self-propelled vehicular unit, primarily designed as a temporary dwelling for travel, recreational, and vacation use," while defining a "recreational vehicle trailer" as "a travel trailer, camping trailer, or fifth wheel trailer." Although [Utah Code § 13-20-2](#) does not define "travel trailer," "camping trailer," or "fifth wheel trailer," a consolidated definition of all three appears in [Utah Code § 41-1a-102\(90\)](#), which describes them as "a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle." Mr. Knight asserts that his trailer does not qualify as any of these exceptions and instead

meets the criteria for a trailer as defined under [Utah Code § 41-1a-102\(87\)](#) as “a vehicle without motive power and designed for carrying persons or property and being drawn by a motor vehicle.”

Because Mr. Knight’s trailer is not self-propelled, it does not meet the legal definition of a motor home under Utah law. Therefore, the only exception to the rule in [Utah Code § 57-8a-218\(20\)\(a\)](#) would be if Mr. Knight’s trailer qualifies as a recreational vehicle trailer. The crucial requirement for a trailer to be classified as a travel trailer, camping trailer, or fifth wheel trailer—and thus a recreational vehicle trailer—is that it is designed to serve as a temporary dwelling for recreational or vacation purposes. Mr. Knight’s trailer is not intended to be used as a temporary dwelling. Therefore, Mr. Knight’s trailer does not qualify as a recreational vehicle trailer under Utah law. As a result, the trailer fits the legal definition of a trailer under [Utah Code § 41-1a-102\(87\)](#). Since the trailer is operable, the Association cannot, by rule, prevent Mr. Knight from parking it in his driveway, as outlined in [Utah Code § 57-8a-218\(20\)\(a\)](#). Importantly, however, [Utah Code § 57-8a-218\(20\)\(b\)](#) does allow the Association to require, through rule, that Mr. Knight park the trailer in his garage, to the extent he is able, before parking it on the driveway, but the Association would need to amend its rules to impose such a requirement.

### CONCLUSION

After carefully reviewing the arguments and relevant statutes, the Office concludes that Mr. Knight’s trailer does not meet the legal definitions of a “commercial vehicle,” “motor home,” or “recreational vehicle trailer,” as it is not used for business purposes, is not self-propelled, and is not intended as a temporary dwelling. Therefore, the trailer falls under the general definition of an operable vehicle protected by [Utah Code § 57-8a-218\(20\)\(a\)](#). Similarly, under the Association’s CC&Rs, Mr. Knight parking his operable trailer in his driveway constitutes customary parking, which is permitted. Accordingly, the Association’s attempts to prohibit Mr. Knight from parking his trailer in his driveway are illegal under Utah law and the Association’s CC&Rs.

  
[Erin Rider \(Oct 27, 2025 16:15:39 MDT\)](#)

**Erin Rider**  
*Director*



## **INFORMATION REGARDING ADVISORY OPINIONS**

This document is an Advisory Opinion issued by the Office of the Homeowners' Association Ombudsman as an alternative dispute resolution method pursuant to [Utah Code § 13-79-104](#). The Office's jurisdiction is limited to alleged violations of state statutes, as outlined in [Utah Code § 13-79-103](#) and [Utah Code § 13-79-104](#). The opinions here are based on a review of the specific facts provided and may not correspond with outcomes in other cases where circumstances or laws differ. This opinion is not legal advice, does not establish an attorney-client relationship, and does not represent the official views of the State of Utah or the Department of Commerce. All parties are encouraged to seek legal counsel to protect their interests.

While this Advisory Opinion is not legally binding on any party, it could have potential consequences if the matter proceeds to litigation. Under Utah law, the opinion and related findings are not admissible as evidence in court, except for the specific purpose of evaluating attorney fees and costs. If a cause of action discussed in this opinion is litigated and resolved according to it, the prevailing party may recover reasonable attorney fees and court costs incurred from the date this opinion was issued. A court may also impose a civil penalty if it finds that the opposing party knowingly and intentionally violated the law. The decision to grant such awards rests within the discretion of the court.

## **NOTICE TO ASSOCIATIONS**

Condominium Associations must register with the Department of Commerce through the Office of the Homeowners' Association Ombudsman under [Utah Code § 57-8-13.1](#), and Community Associations must register under [Utah Code § 57-8a-105](#). Due to an updated registration system, any association that registered prior to September 2025 is required to complete a new registration, regardless of whether they have previously registered with the Department of Commerce. All associations must also renew their registration annually. Information about this process and the registration application is available at <https://commerce.utah.gov/hoa/new-registration/>.