



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

ADVISORY OPINION NO. 2026-10

<u>Applicant Name:</u>	Monarch Meadows Owners' Association
<u>Homeowner Name:</u>	Andrew King
<u>Association Type:</u>	Community Association
<u>Governing Statutes:</u>	Utah Community Association Act Utah Revised Nonprofit Corporation Act
<u>Advisory Opinion Date:</u>	03/20/2026

LEGEND OF DEFINED TERMS

Association	Monarch Meadows Owners' Association
CC&Rs	Monarch Meadows Amended and Restated Declaration of Restrictions
Board	Board of Directors
Governing Documents	The Declaration (CC&Rs), Bylaws, and Rules/Policies of the Association
Mr. King	Andrew King
Office	Office of the Homeowners' Association Ombudsman

Summaries of each legal question are included at the start of each section. These summaries aim to provide a clear and straightforward answer to the question and should be read in conjunction with the complete analysis.

INTRODUCTION & BACKGROUND FACTS

A dispute has arisen between the Association and Mr. King regarding the interpretation and enforcement of the CC&Rs as they pertain to vehicle parking and property structures. The Association maintains that Mr. King is in violation of established parking capacity limits and asserts its authority to regulate vehicles on both private driveways and adjacent public rights-of-way. Conversely, Mr. King contends that his detached workshop should be classified as additional "garage bays" under the CC&Rs, thereby increasing his allowable vehicle limit.¹ The material facts and timeline, as presented to the Office, are as follows:

- The original architectural blueprints were drafted for Mr. King's lot within the Association in February 2019, depicting a 600-square-foot garage and an additional 360-square-foot garage.
- Sometime in 2022, a detached garage was constructed on Mr. King's property without formal architectural approval.
- In May 2025, the Association sent an initial letter of noncompliance to Mr. King regarding the number of vehicles parked in his driveway. Mr. King argues that he did not receive this letter until August 2025, as he was out of the state for his employment.
- The Association issued a "Warning & 1st Notice of Violation" regarding the parking dispute on August 27, 2025, instructing the owner to cure the violation within 72 hours to avoid a \$50 fine.
- The Association issued a "2nd Notice of Violation" to Mr. King's property on September 6, 2025.
- On September 18, 2025, Mr. King attended a Board Meeting to dispute the notices, stating that he had sufficient garage parking spaces as defined under the CC&Rs to be in compliance with the Association's parking requirements. Mr. King also argued that his commercial vehicle was exempt from parking rules as it was parked on the public street.
- On January 8, 2026, the Board presented findings regarding CC&Rs and county laws during a meeting. Mr. King stated that Utah law prohibited the Association from regulating street parking and alleged that enforcement of the restrictions violated his civil rights.
- The Association submitted its request for an Advisory Opinion to the Office on January 13, 2026.

Since the dispute remains unresolved, the Office issues this Advisory Opinion pursuant to [Utah Code § 13-79-104](#).

¹ Mr. King also raised claims of violations of federal fair housing and disability statutes. The Office does not address these allegations under [Utah Code § 13-79-104\(7\)\(a\)\(iii\)](#) as they fall outside the Office's jurisdiction. The Association also raised concerns and allegations about the construction of the garage/workshop without the Association's permission. However, the Association acknowledges that this occurred more than one year before they submitted the request to the Office. Accordingly, the Office lacks jurisdiction to address this issue under [Utah Code § 13-79-104\(2\)\(a\)\(iii\)](#).

ANALYSIS OF QUESTIONS PRESENTED & GOVERNING LEGAL PRINCIPLES

This dispute raises the following legal question for the Office: (1) Can an association restrict parking on driveways or limit the number of vehicles visible from the street?

1. [Can an Association Restrict Parking on Driveways or Limit the Number of Vehicles Visible from the Street?](#)

Summary: Under Utah law, homeowners' associations generally cannot use their rules or governing documents to stop residents from parking working vehicles in their own driveways. While associations can still restrict commercial vehicles, motor homes, and recreational vehicle trailers, or require that garage spaces be filled before using the driveway, they cannot impose blanket parking limits that go beyond these specific legal exceptions. In this case, the Association cannot limit the number of cars Mr. King parks in his driveway simply based on the number of garage bays he has. Unless the Association is specifically restricting statutorily restricted vehicle types or requiring him to fill his large garage first, its attempt to limit his driveway parking violates Utah law.

General Legal Principle: [Utah Code § 57-8a-212\(2\)](#) provides that an association's declaration can contain provisions related to, among other things, "any restriction on the use of a lot." This authority, however, is not unlimited. While [Utah Code § 57-8a-212\(2\)](#) allows for usage restrictions to be contained in an association's declaration, as a matter of practice, many restrictions related to the usage of a homeowner's property are contained within their rules, which are governed by [Utah Code § 57-8a-218](#). [Utah Code § 57-8a-218\(24\)](#) states in its entirety that "a declaration, or an amendment to a declaration, may vary any of the requirements of Subsections (1), (2), (6), and (8) through (14), except Subsection (1)(b)(ii)." As stated in [Advisory Opinion 2025-10](#), [Section 218\(24\)](#) is intended to restrict an association's declaration from containing any of the restrictions contained in [Utah Code § 57-8a-218](#) except for those specifically enumerated as exemptions under [Section 218\(24\)](#). [Utah Code § 57-8a-218\(25\)](#) additionally clarifies that the limitations expressed in [Section 218](#) apply "regardless of when the association is created," thereby requiring an association to update its governing documents in accordance with any changes that occur within [Section 218](#) from year to year.

In 2025, the Utah Legislature added [Subsection 20](#) to [Utah Code § 57-8a-218](#), which states that an association may not restrict, by rule, "an individual from parking an operable vehicle in a driveway where the vehicle has a legal right to park" unless the vehicle is (1) a commercial vehicle, (2) a motor home, or (3) a recreational vehicle trailer. However, because [Subsection 20](#) is not one of those subject to modification under [Utah Code § 57-8a-218\(24\)](#), an association also cannot restrict an individual from parking in a driveway through its declaration unless it is one of the exceptions stated above. 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. 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.” Notwithstanding these limitations on an association, however, under [Utah Code § 57-8a-218\(20\)\(b\)](#), an association may require an individual to park in a garage before parking elsewhere, including the driveway.

Application to Matter: In this matter, the Association argues that it may prohibit Mr. King from parking more than 3 vehicles in his driveway under the CC&Rs. Section 3.6 of the CC&Rs provides that the number of vehicles that can be visibly parked on a lot may not exceed the number of garage bays plus one. The Association has interpreted this provision to mean that, because Mr. King’s home is designed and built with a standard 2-car garage, he is not permitted to have more than 3 vehicles visibly parked in his driveway. Mr. King argues that because he has a workshop/garage behind his home that can accommodate approximately 6-9 vehicles, he is allowed to park more than the 3 vehicles the Association says are allowed in his driveway. Ultimately, however, the number of garage bays the lot may or may not have does not matter in resolving the issue.

As discussed above, the Association does not have the authority to restrict Mr. King from parking operable vehicles in his driveway, where he is otherwise allowed to park, with a few exceptions. While the Association cannot generally prohibit Mr. King from parking operable vehicles in the driveway, they can prohibit him from parking commercial vehicles, motor homes, and recreational vehicle trailers in the driveway. Additionally, the Association may require that all vehicles park in the garage spaces before they are allowed to park in the driveway or other locations within the Association. Therefore, it is perfectly fine for the Association to prohibit Mr. King from parking commercial vehicles, recreational vehicle trailers, or motorhomes in his driveway, or to require Mr. King to first park vehicles in the approximately 8-10 garage bays Mr. King claims his garages will hold before parking on the driveway. Anything beyond these limitations is a violation of Utah law.²

² During the 2026 Utah Legislative General Session, additional changes were made to the Community Association Act through [SB122](#), which could change the conclusions reached in this Advisory Opinion. The changes to this legislation are scheduled to take effect on May 6, 2026. Until that time, the law as written above, is correct.

CONCLUSION

Based on the information provided by the parties and the governing Utah statutes, the Office concludes as follows:

1. **Parking Restrictions:** The Association cannot limit the number of cars Mr. King parks in his driveway simply based on the number of garage bays he has. Unless the Association is specifically targeting statutorily restricted vehicle types or requiring him to fill his large garage first, its attempt to limit his driveway parking violates Utah law.



Erin Rider (Mar 20, 2026 11:25:27 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 court's discretion.

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/>.