



Amending Your Condo Association's Governing Documents

A Guide for Homeowners and Board
Members

Your Association Runs on These Five Documents

A condo association's governing documents are the official rules that control how the property is managed. Utah law defines five types:

1 Declaration (CC&Rs)
The master document — defines the property, units, common areas, and owner rights.

3 Condominium Plat
The recorded survey map showing unit and common area boundaries.

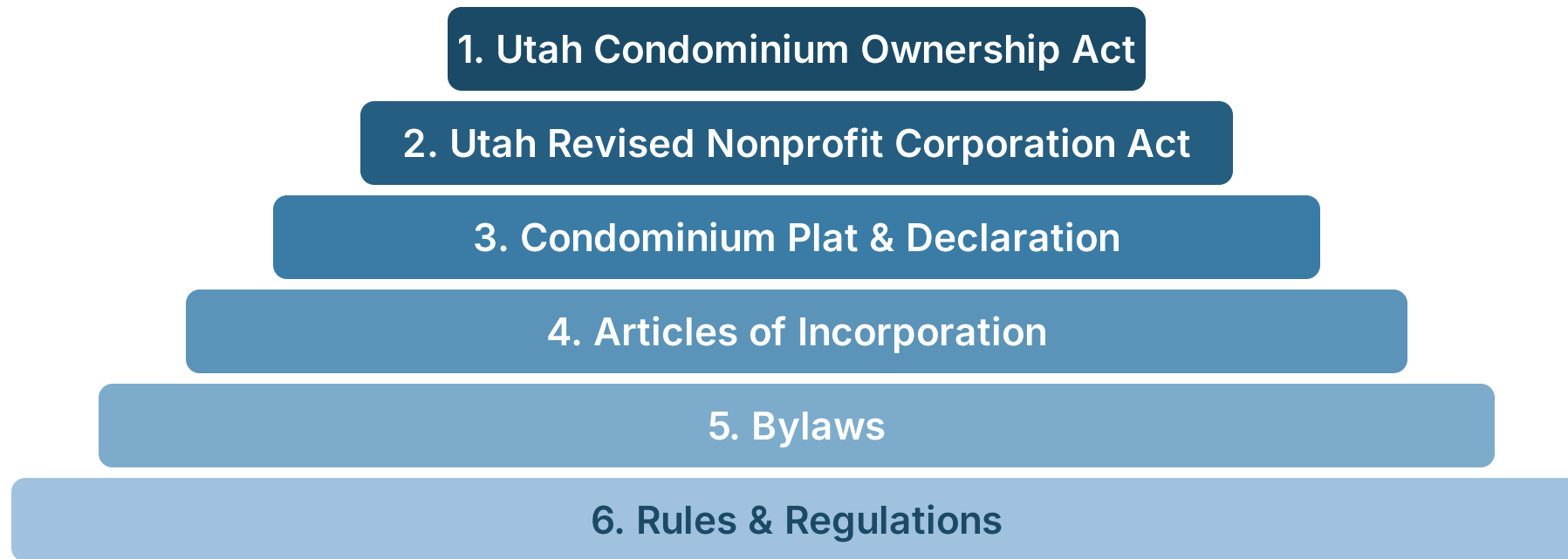
5 Rules & Regulations
Day-to-day rules for using units and common areas.

2 Bylaws
Sets up how the association operates: meetings, elections, and management.

4 Articles of Incorporation
Creates the association as a legal nonprofit corporation.

When Documents Conflict, This Order Controls

Not all governing documents carry the same weight. When there is a conflict, Utah law sets a clear order of priority — higher documents always win.



Key Point: Before amending any document, check whether a higher document allows or

Amending the Declaration Requires a Homeowner Vote

The Declaration is the most important governing document. It can only be changed by a vote of the unit owners — the board alone cannot amend it.

- **Who can propose:** Any unit owner or group of owners
- **Board cannot amend:** The management committee (board) has no authority to amend the declaration
- **Quorum required:** At least **51% of voting interests** must be present at the meeting
- **Minimum vote required:** A majority of voting interests, unless the declaration requires more (but never more than **67%**)
- **Who votes:** All unit owners
- **Must be recorded:** The amendment is not valid until it is recorded with the county recorder

1 Propose → 2 Vote → 3 Record

Some Declaration Changes Have Higher Vote Requirements

Certain changes to the declaration require more than a simple majority because they affect fundamental property rights.

Type of Change	Vote Required
Change to undivided interest in common areas	2/3 of all unit owners
Change to unit boundaries	Governed by declaration terms
Change to unit owners' voting rights	Governed by declaration terms
Rental restrictions or prohibitions	Must follow declaration amendment process
Removal of property from the Act	All unit owners must agree

Key Point: Always check your specific declaration for any higher vote requirements it may set.

Bylaws Can Be Amended by the Board or by Owners

Bylaws govern how the association operates day to day. Unlike the declaration, the board of directors (management committee) may be able to amend the bylaws — but only within limits.

Path 1: Board Action

- The board may amend bylaws on its own unless the bylaws or articles of incorporation reserve that power to the members.
- The board cannot make changes that would affect member voting rights or membership class rights.

Path 2: Member Vote

- Members may always amend the bylaws, even if the board can also amend them.
- A member vote follows the same process as amending the declaration (notice, meeting, vote, record).

IMPORTANT: Any amendment to the bylaws MUST be recorded with the county recorder to be valid.

Source: Utah Code § 57-8-15; Utah Code §§ 16-6a-1010, 16-6a-1003

Changing the Plat Requires a New Recorded Survey

The condominium plat is the official survey map of the property. It shows unit boundaries, common areas, and other physical features. Amending the plat is more complex than amending other documents.

When an Amendment is Needed

- Converting "convertible land" or "convertible space" into new units or common areas
- Adding land to an expandable condominium
- Withdrawing land from a contractible condominium
- Reallocation of undivided interests after units are added or removed

Key Requirements

- Must be prepared by a **registered Utah land surveyor**
- Must be **recorded simultaneously** with the related declaration amendment
- After 5 years from the original declaration, converting convertible land requires a **3/4 vote** of unit owners

Source: Utah Code §§ 57-8-13, 57-8-13.2, 57-8-13.4

Articles of Incorporation Are Amended Through the State

If your association is organized as a nonprofit corporation, it has Articles of Incorporation on file with the Utah Division of Corporations. These are separate from the recorded governing documents.

1 Propose

The board of directors, or members holding at least 10% of voting interests, may propose an amendment.

3 Vote

Members vote; a majority of votes cast is required unless the articles or bylaws require a higher threshold.

2 Notice

The association must give proper notice to all members of the meeting, including a copy or summary of the proposed amendment.

4 File

The amendment is filed with the Utah Division of Corporations (does NOT need to be recorded with the county recorder).

Rules Are the Easiest to Change — But Still Have Limits

Rules and regulations are the day-to-day operating rules of the association (e.g., pool hours, pet policies, parking rules). They are adopted and amended by the **management committee (board)** — no owner vote is required.

How to Amend Rules

- ✓ The board adopts or amends rules by a majority vote at a board meeting
- ✓ Rules must be **reasonable**
- ✓ Rules cannot conflict with the declaration, bylaws, or Utah law
- ✓ Certain matters can only be addressed in the declaration, not in rules (e.g., rental restrictions beyond a 6-month minimum lease term)

What Rules Cannot Do

- ✗ Override the declaration or bylaws
- ✗ Require a vote threshold higher than what the law allows
- ✗ Prohibit certain protected activities (e.g., displaying a for-sale sign, installing an EV charger in an assigned space)

Every Amendment Follows the Same Basic Steps

Regardless of which document you are amending, the general process is the same.

1

Check Your Documents

Read your current governing documents to find the amendment procedure and vote threshold required.

2

Draft the Amendment

Write out the exact proposed change. Be specific and clear.

3

Give Notice

Notify all unit owners of the meeting where the vote will take place. Notice must include a copy or summary of the proposed amendment.

4

Hold the Vote

At the meeting, a quorum must be present (at least 51% of voting interests for declaration amendments). The amendment must receive the required number of votes.

5

Record (or File)

- For the **declaration and bylaws**: Record the signed amendment with the **county recorder** — it is not valid until recorded.
- For **articles of incorporation**: File with the **Utah Division of Corporations**.
- For **rules**: No recording required.

Source: Utah Code §§ 57-8-12, 57-8-15, 57-8-39; Utah Code § 16-6a-1005

Lender Approval: What You Need to Know

Some amendments require lender approval; Utah law makes the process easier.

1

Send Notice

Send written notice by **certified or registered mail** to the address in the recorded deed.



2

Wait 60 Days

If no written response within **60 days**, the lender's consent is presumed.



3

Reassignments

If the lender says the interest was assigned, notify the new holder.

Tip: Check your declaration to confirm if lender approval is required.

Utah Law Sets Guardrails on the Amendment Process

Even if your governing documents say otherwise, Utah law limits what can be required to pass an amendment.

What the Law Prohibits

- Requiring **more than 67%** of voting interests to approve an amendment (after the period of administrative control)
- Requiring the approval of **any specific individual owner**
- Requiring lender approval from lenders holding **more than 67%** of first-position mortgages
- Prohibiting a vote on amendments during any specific time period

Board Limits & Owner Rights

What the Board Cannot Do

- The management committee (board) **cannot amend the declaration** — ever.

What Owners Can Always Do

- Owners can always vote to amend the bylaws, even if the board also has that power.

Which Document? Which Process?

Document	Who Votes?	Min. Vote to Pass	Must Be Recorded?
Declaration	Unit owners	Majority (up to 67% max)	Yes — county recorder
Bylaws	Board or owners	Majority (board) or per bylaws (owners)	Yes — county recorder
Condominium Plat	Varies by change type	Up to 3/4 for some changes	Yes — county recorder
Articles of Incorporation	Unit owners (members)	Majority of votes cast	No — file with state
Rules & Regulations	Board only	Board majority	No



Questions? The HOA Ombudsman Is Here to Help.

The Utah Office of the Homeowners' Association Ombudsman provides free educational resources and assistance for homeowners and HOA board members.

Website: hoa.utah.gov

Phone: (801) 530-6670

Email: hoaoffice@utah.gov

Note: The Ombudsman provides general information and education. For legal advice about your specific situation, consult a licensed Utah attorney.