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Office of the Homeowners'
Association Ombudsman
UTAH DEPARTMENT OF COMMERCE

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ADVISORY OPINION NO. 2026-15

<u>Applicant Name:</u>	Sheldon Harris
<u>Association Name:</u>	Steeplechase Owners Association
<u>Association Type:</u>	Community Association
<u>Governing Statutes:</u>	Utah Community Association Act Utah Revised Nonprofit Corporation Act
<u>Advisory Opinion Date:</u>	

LEGEND OF DEFINED TERMS

Association	Steeplechase Owners Association
CC&Rs	Declaration of Covenants, Conditions, and Restrictions of Steeplechase, Phases I and II, recorded May 15, 2002, as subsequently amended
Board	Board of Directors
Governing Documents	The Declaration (CC&Rs), Bylaws, and Rules/Policies of the Association
Mr. Harris	Sheldon Harris
Office	Office of the Homeowners' Association Ombudsman
Rules	Rules and Regulations for Steeplechase HOA, dated December 2025, as subsequently amended

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 Mr. Harris and the Association regarding the scope of the Association's authority to regulate parking on public streets and the procedural requirements for issuing fines. Mr. Harris challenges the legality of the Association's parking restrictions on public roads and expresses concerns about the validity of a fine issued without prior warning.¹ Conversely, the Association maintains that its parking regulations are enforceable under the CC&Rs and Utah law and asserts that its enforcement actions are consistent with its governing authority. The material facts and timeline, as presented to the Office, are as follows:

- On May 15, 2002, the Association's CC&Rs were recorded with Salt Lake County, including Article IV, Section 2(h), which restricted vehicle parking on subdivision streets if there was sufficient parking on an owner's lot and required street-parked vehicles to be moved within 24 hours.
- On December 10, 2025, the Association published the Rules, which restated and expanded upon the CC&R parking restrictions and established fines for violations.
- On December 19, 2025, Mr. Harris emailed the Association at the designated address to challenge the legality of the new parking rules regarding the enforcement of civil penalties on public, city-owned streets.
- On January 8, 2026, Mr. Harris submitted his request for an Advisory Opinion to the Office.

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

¹ Mr. Harris has also raised concerns about homeowners being locked out of a Board meeting in 2024. However, the Office does not opine on this issue pursuant to [Utah Code § 13-79-104\(2\)\(a\)\(iii\)](#) as it occurred more than one year before the submission of the advisory opinion request.

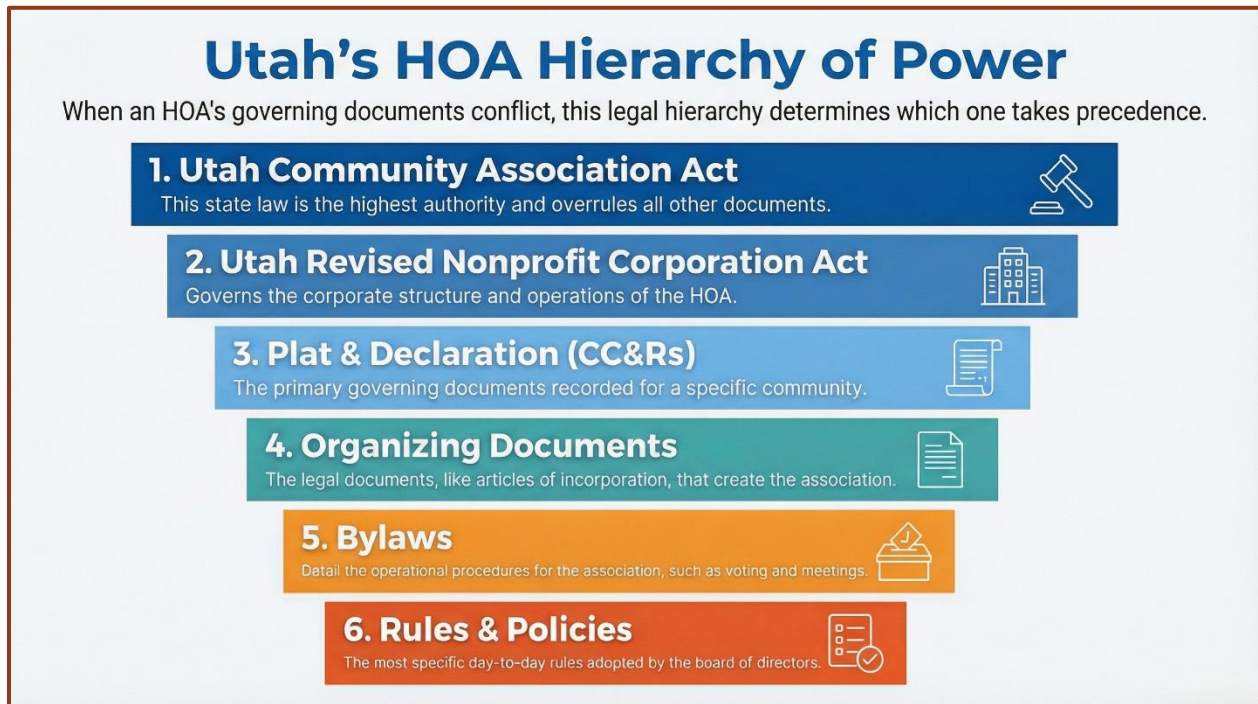
ANALYSIS OF QUESTIONS PRESENTED & GOVERNING LEGAL PRINCIPLES

This dispute raises the following legal question for the Office: (1) What are the limits of an association’s authority regarding parking restrictions?

1. What are the Limits of an Association’s Authority Regarding Parking Restrictions?

Summary: Utah law allows community associations to create and amend rules through a specific process that requires advance notice and a meeting at which homeowners can provide input. However, Utah law strictly prohibits associations from imposing any restrictions on the use of public streets, and this legal ban overrides any contrary language in an association’s governing documents, regardless of when the association's CC&Rs were recorded. Consequently, the Association cannot enforce its parking restrictions.

General Legal Principle: Community associations in Utah are subject to multiple sections within the Utah code, as well as the association’s governing documents (the declaration, bylaws, rules, policies, guidelines, and resolutions). [Utah Code § 57-8a-228\(5\)](#) outlines the hierarchy of these laws and documents, including which controls over the others in the event of a conflict, as follows:



[Utah Code § 57-8a-217\(1\)\(a\)](#) grants an association’s board the authority to “adopt, amend, modify, cancel, limit, create exceptions to, or expand the rules of the association,” subject to the restrictions and limitations contained in [Utah Code § 57-8a-217\(1\)\(b\)](#). Before a board may adopt or otherwise change an association’s rules, [Utah Code § 57-8a-217\(2\)](#) requires that an association provide notice to homeowners at least 15 days before the board meeting where the proposed rule will be considered, and that there be an opportunity for homeowners to offer input during that meeting. Additionally, a copy of the adopted rules must be provided to all homeowners in accordance with [Utah Code § 57-8a-214](#) within 15 days after the board meeting. Because proposed rule changes must be addressed at a board meeting, an association must also comply with the requirements of [Utah Code § 57-8a-226\(2\)\(b\)](#), which requires an association to

include in its notice the date and time of the meeting, the location of the meeting, and information regarding electronic access and communication, if permitted.

While Utah law allows an association to impose rules, it also contains separate requirements for restrictions and usage that can be contained in an association's declaration. [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 making void and unenforceable any provision that conflicts with the statutory limitations, regardless of when they were adopted or recorded. Similarly, because any provision that conflicts with the statutory limitations is void and unenforceable, any fines based on those invalid provisions cannot be imposed or collected against homeowners.

[Utah Code § 57-8a-218\(22\)\(b\)](#) provides that "a rule may not impose a requirement or restriction on the use of a public street, as defined in [Section 10-20-102](#)." [Utah Code § 10-20-102\(64\)](#) identifies a public street as "a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way." Because [Utah Code § 57-8a-218\(22\)\(b\)](#) is not one of the provisions that can be modified by an association's declaration under [Utah Code § 57-8a-218\(24\)](#), an association is prohibited from imposing requirements or restrictions on homeowners related to parking or the use of public streets in any of its governing documents.²

Application to Matter: In this matter, Mr. Harris argues that the Association is attempting to enforce parking restrictions on public streets, which it lacks the authority to do. Specifically, Mr. Harris points to a provision within the Rules which states, "No vehicle shall be parked on any street in the subdivision unless there is insufficient parking space on the lot owner's property, in which case it can be parked in a location that does not create a nuisance or hazard. Regardless, any vehicle parked on the street must be moved within 24 hours. Consistent overnight parking on the street is not permitted. Unless otherwise approved, storage of any equipment or vehicles in common areas or community streets is not permitted." The Association contends that the prohibition on street parking has been contained in Article IV, Section 2(h) of CC&Rs since they were recorded in 2002, and the Rules merely restate this restriction. The Association also argues that because the underlying restrictions are contained within the CC&Rs, which are private agreements that run with the land, they are enforceable even if the street is public. Finally, the Association argues that because Draper City independently regulates street parking, the Association may also enforce similar restrictions that may be more stringent than the City's, so long as they do not contradict the ordinance.

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.

Article IV, Section 2(h) of the CC&Rs provides that “no vehicle shall be parked on any street in the subdivision unless there is insufficient parking space on the individual lot owner’s property. Regardless, any vehicle parked on the street must be moved within 24 hours.” [Utah Code § 57-8a-217](#) allows the Association to adopt rules that are in line with, or expand upon, the requirements and restrictions contained in the CC&Rs, so long as they follow the procedures outlined above. However, while the Association has broad authority regarding usage restrictions contained in both the CC&Rs and the rules, as identified above, Utah law imposes limits on that authority when public streets are involved. Because [Utah Code § 57-8a-218\(22\)\(b\)](#) prohibits the Association from imposing requirements or restrictions, including parking prohibitions, regarding the use of public streets through rules, the Association violated Utah law by adopting the public street restrictions in the Rules. Additionally, because the Association is not permitted to vary these prohibitions through CC&Rs under [Utah Code § 57-8a-218\(24\)](#), the same public street restrictions and limitations contained in Article IV, Section 2(h) of the CC&Rs are also violations of Utah law and cannot be enforced against homeowners.³

³ If the Association or other homeowners believe the conduct of a homeowner related to parking violates the requirements and restrictions of Draper City, they must address those concerns with the City, who maintains the sole right and discretion to enforce its municipal ordinances.

CONCLUSION

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

1. **Parking Restrictions:** The Association's attempt to enforce parking restrictions on public streets is illegal because Utah Code prevents the Association from regulating public rights-of-way, a protection that remains in effect regardless of when the Association's CC&Rs were recorded. Consequently, the Association cannot enforce its parking restrictions.


Erin Rider (Apr 14, 2026 15:30:17 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/>.