

## ON THE HILL

### 2012 Legislation



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**T**his year is starting out to be another important year for legislation affecting community associations. House Bill 56 would empower the Utah ombudsman's office to investigate disputes between homeowners and associations and advocate for homeowners in those disputes.

It would further require associations to engage in nonbinding mediation and arbitration, all conducted by the ombudsman's office. In essence, the ombudsman is acting as the lawyer for the owner in a dispute while also acting as the judge and jury! Most importantly, although associations cannot seek help or advice from the ombudsman's office, they pay the bill with a new tax on all associations.

While the bill is intended to address legitimate concerns, the LAC committee members have very serious concerns about the cost imposed on associations both with the annual fee and the arbitration and mediation requirements. There are also many problems with unfairness in the drafting.

We are in direct communications with the sponsor and we have expressed these and other concerns, including the fact that this type of dispute resolution process removes disputes from the community and would supersede the dispute resolution procedures already built into every community association. In addition to this bill, the LAC is working on updates and revisions for last year's legislation and adding further provisions of UCIOA into the Community Association Act.

The ombudsman bill is just one of many bills that the LAC is responding to that would otherwise have no input from our industry, but for the volunteer service of the LAC members and the contributions to the LAC that support our lobbying efforts.

The trials and successes of prior years contribute to our overall strategy and approach to legislation and the legislative process. We continue to build both credibility and relationships that further the influence of the LAC. The LAC remains the front line and the only line of defense for our industry in the legislative process.

Please get your contributions mailed in today, in any amount, to do your part in this effort that benefits us all. If you want to receive communications about pending legislation, contact [executivedirector@utahlac.com](mailto:executivedirector@utahlac.com) and have your email address added to the *LacLink* today.

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