

**Homeowners' Association Requirements**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Walt Brooks**

---

---

**LONG TITLE****General Description:**

This bill amends provisions relating to homeowners' associations.

**Highlighted Provisions:**

This bill:

▸ increases the monetary amount a unit or lot owner may request if an association fails to properly make records available for examination;

▸ amends provisions relating to the period of administrative control for associations of lot owners; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**57-8-17**, as last amended by Laws of Utah 2022, Chapter 439

**57-8a-227**, as last amended by Laws of Utah 2022, Chapter 439

**57-8a-502**, as last amended by Laws of Utah 2016, Chapter 210

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **57-8-17** is amended to read:

**57-8-17 . Records -- Availability for examination.**

(1)(a) Subject to Subsection (1)(b) and regardless of whether the association of unit owners is incorporated under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, an association of unit owners shall keep and make available to unit owners:

- (i) each record identified in Subsections 16-6a-1601(1) through (5), [~~in accordance with~~] in the manner described in Sections 16-6a-1601, 16-6a-1602, 16-6a-1603,

- 32 16-6a-1605, 16-6a-1606, and 16-6a-1610; and
- 33 (ii) a copy of the association's:
- 34 (A) governing documents;
- 35 (B) most recent approved minutes;
- 36 (C) most recent budget and financial statement;
- 37 (D) most recent reserve analysis; and
- 38 (E) certificate of insurance for each insurance policy the association of unit
- 39 owners holds.
- 40 (b) An association of unit owners may redact the following information from any
- 41 document the association of unit owners produces for inspection or copying:
- 42 (i) a Social Security number;
- 43 (ii) a bank account number; or
- 44 (iii) any communication subject to attorney-client privilege.
- 45 (2)(a) In addition to the requirements described in Subsection (1), an association of unit
- 46 owners shall:
- 47 (i) make documents available to unit owners in accordance with the association of
- 48 unit owners' governing documents; and
- 49 (ii)(A) if the association of unit owners has an active website, make the
- 50 documents described in Subsections (1)(a)(ii)(A) through (C) available to unit
- 51 owners, free of charge, through the website; or
- 52 (B) if the association of unit owners does not have an active website, make
- 53 physical copies of the documents described in Subsections (1)(a)(ii)(A)
- 54 through (C) available to unit owners during regular business hours at the
- 55 association of unit owners' address registered with the Department of
- 56 Commerce under Section 57-8-13.1.
- 57 (b) Subsection (2)(a)(ii) does not apply to an association as defined in Section 57-19-2.
- 58 (c) If a provision of an association of unit owners' governing documents conflicts with a
- 59 provision of this section, the provision of this section governs.
- 60 (3) In a written request to inspect or copy documents:
- 61 (a) a unit owner shall include:
- 62 (i) the association of unit owners' name;
- 63 (ii) the unit owner's name;
- 64 (iii) the unit owner's property address;
- 65 (iv) the unit owner's email address;

- 66 (v) a description of the documents requested; and  
67 (vi) any election or request described in Subsection (3)(b); and  
68 (b) a unit owner may:  
69 (i) elect whether to inspect or copy the documents;  
70 (ii) if the unit owner elects to copy the documents, request hard copies or electronic  
71 scans of the documents; or  
72 (iii) subject to Subsection (4), request that:  
73 (A) the association of unit owners make the copies or electronic scans of the  
74 requested documents;  
75 (B) a recognized third party duplicating service make the copies or electronic  
76 scans of the requested documents;  
77 (C) the unit owner be allowed to bring any necessary imaging equipment to the  
78 place of inspection and make copies or electronic scans of the documents while  
79 inspecting the documents; or  
80 (D) the association of unit owners email the requested documents to an email  
81 address provided in the request.  
82 (4)(a) An association of unit owners shall comply with a request described in  
83 Subsection (3).  
84 (b) If an association of unit owners produces the copies or electronic scans:  
85 (i) the copies or electronic scans shall be legible and accurate; and  
86 (ii) the unit owner shall pay the association of unit owners the reasonable cost of the  
87 copies or electronic scans and for time spent meeting with the unit owner, which  
88 may not exceed:  
89 (A) the actual cost that the association of unit owners paid to a recognized third  
90 party duplicating service to make the copies or electronic scans; or  
91 (B) 10 cents per page and \$15 per hour for the employee's, manager's, or other  
92 agent's time making the copies or electronic scans.  
93 (c) If a unit owner requests a recognized third party duplicating service make the copies  
94 or electronic scans:  
95 (i) the association of unit owners shall arrange for the delivery and pick up of the  
96 original documents; and  
97 (ii) the unit owner shall pay the duplicating service directly.  
98 (d) Subject to Subsection (9), if a unit owner requests to bring imaging equipment to the  
99 inspection, the association of unit owners shall provide the necessary space, light, and

- 100 power for the imaging equipment.
- 101 (5) If, in response to a unit owner's request to inspect or copy documents, an association of  
102 unit owners fails to comply with a provision of this section, the association of unit  
103 owners shall pay:
- 104 (a) the reasonable costs of inspecting and copying the requested documents;
- 105 (b) for items described in Subsections (1)(a)(ii)(A) through (C), \$25 to the unit owner  
106 who made the request for each day the request continues unfulfilled, beginning the  
107 sixth day after the day on which the unit owner made the request; and
- 108 (c) reasonable attorney fees and costs incurred by the unit owner in obtaining the  
109 inspection and copies of the requested documents.
- 110 (6)(a) In addition to any remedy in the association of unit owners' governing documents  
111 or as otherwise provided by law, a unit owner may file an action in court under this  
112 section if:
- 113 (i) subject to Subsection (9), an association of unit owners fails to make documents  
114 available to the unit owner in accordance with this section, the association of unit  
115 owners' governing documents, or as otherwise provided by law; and
- 116 (ii) the association of unit owners fails to timely comply with a notice described in  
117 Subsection (6)(d).
- 118 (b) In an action described in Subsection (6)(a):
- 119 (i) the unit owner may request:
- 120 (A) injunctive relief requiring the association of unit owners to comply with the  
121 provisions of this section;
- 122 (B) [~~\$500~~] \$1,000 or actual damage, whichever is greater; or
- 123 (C) any other relief provided by law; and
- 124 (ii) the court shall award costs and reasonable attorney fees to the prevailing party,  
125 including any reasonable attorney fees incurred before the action was filed that  
126 relate to the request that is the subject of the action.
- 127 (c)(i) In an action described in Subsection (6)(a), upon motion by the unit owner  
128 made in accordance with Subsection (6)(b), notice to the association of unit  
129 owners, and a hearing in which the court finds a likelihood that the association of  
130 unit owners failed to comply with a provision of this section, the court shall order  
131 the association of unit owners to immediately comply with the provision.
- 132 (ii) The court shall hold a hearing described in Subsection (6)(c)(i) within 30 days  
133 after the day on which the unit owner files the motion.

- 134 (d) At least 10 days before the day on which a unit owner files an action described in  
135 Subsection (6)(a), the unit owner shall deliver a written notice to the association of  
136 unit owners that states:
- 137 (i) the unit owner's name, address, telephone number, and email address;
  - 138 (ii) each requirement of this section with which the association of unit owners has  
139 failed to comply;
  - 140 (iii) a demand that the association of unit owners comply with each requirement with  
141 which the association of unit owners has failed to comply; and
  - 142 (iv) a date by which the association of unit owners shall remedy the association of  
143 unit owners' noncompliance that is at least 10 days after the day on which the unit  
144 owner delivers the notice to the association of unit owners.
- 145 (7)(a) The provisions of Section 16-6a-1604 do not apply to an association of unit  
146 owners.
- 147 (b) The provisions of this section apply regardless of any conflicting provision in Title  
148 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 149 (8) A unit owner's agent may, on the unit owner's behalf, exercise or assert any right that  
150 the unit owner has under this section.
- 151 (9) An association of unit owners is not liable for identifying or providing a document in  
152 error, if the association of unit owners identified or provided the erroneous document in  
153 good faith.

154 Section 2. Section **57-8a-227** is amended to read:

155 **57-8a-227 . Records -- Availability for examination.**

- 156 (1)(a) Subject to Subsection (1)(b) and regardless of whether the association is  
157 incorporated under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, an  
158 association shall keep and make available to lot owners:
- 159 (i) each record identified in Subsections 16-6a-1601(1) through (5), [~~in accordance~~  
160 ~~with~~] in the manner described in Sections 16-6a-1601, 16-6a-1602, 16-6a-1603,  
161 16-6a-1605, 16-6a-1606, and 16-6a-1610; and
  - 162 (ii) a copy of the association's:
    - 163 (A) governing documents;
    - 164 (B) most recent approved minutes;
    - 165 (C) most recent budget and financial statement;
    - 166 (D) most recent reserve analysis; and
    - 167 (E) certificate of insurance for each insurance policy the association holds.

- 168 (b) An association may redact the following information from any document the  
169 association produces for inspection or copying:
- 170 (i) a Social Security number;
  - 171 (ii) a bank account number; or
  - 172 (iii) any communication subject to attorney-client privilege.
- 173 (2)(a) In addition to the requirements described in Subsection (1), an association shall:
- 174 (i) make documents available to lot owners in accordance with the association's  
175 governing documents; and
  - 176 (ii)(A) if the association has an active website, make the documents described in  
177 Subsections (1)(a)(ii)(A) through (C) available to lot owners, free of charge,  
178 through the website; or
  - 179 (B) if the association does not have an active website, make physical copies of the  
180 documents described in Subsections (1)(a)(ii)(A) through (C) available to lot  
181 owners during regular business hours at the association's address registered  
182 with the Department of Commerce under Section 57-8a-105.
- 183 (b) Subsection (2)(a)(ii) does not apply to an association as defined in Section 57-19-2.
- 184 (c) If a provision of an association's governing documents conflicts with a provision of  
185 this section, the provision of this section governs.
- 186 (3) In a written request to inspect or copy documents:
- 187 (a) a lot owner shall include:
    - 188 (i) the association's name;
    - 189 (ii) the lot owner's name;
    - 190 (iii) the lot owner's property address;
    - 191 (iv) the lot owner's email address;
    - 192 (v) a description of the documents requested; and
    - 193 (vi) any election or request described in Subsection (3)(b); and
  - 194 (b) a lot owner may:
    - 195 (i) elect whether to inspect or copy the documents;
    - 196 (ii) if the lot owner elects to copy the documents, request hard copies or electronic  
197 scans of the documents; or
    - 198 (iii) subject to Subsection (4), request that:
      - 199 (A) the association make the copies or electronic scans of the requested  
200 documents;
      - 201 (B) a recognized third party duplicating service make the copies or electronic

- 202 scans of the requested documents;
- 203 (C) the lot owner be allowed to bring any necessary imaging equipment to the
- 204 place of inspection and make copies or electronic scans of the documents while
- 205 inspecting the documents; or
- 206 (D) the association email the requested documents to an email address provided in
- 207 the request.
- 208 (4)(a) An association shall comply with a request described in Subsection (3).
- 209 (b) If an association produces the copies or electronic scans:
- 210 (i) the copies or electronic scans shall be legible and accurate; and
- 211 (ii) the lot owner shall pay the association the reasonable cost of the copies or
- 212 electronic scans and for time spent meeting with the lot owner, which may not
- 213 exceed:
- 214 (A) the actual cost that the association paid to a recognized third party duplicating
- 215 service to make the copies or electronic scans; or
- 216 (B) 10 cents per page and \$15 per hour for the employee's, manager's, or other
- 217 agent's time.
- 218 (c) If a lot owner requests a recognized third party duplicating service make the copies
- 219 or electronic scans:
- 220 (i) the association shall arrange for the delivery and pick up of the original
- 221 documents; and
- 222 (ii) the lot owner shall pay the duplicating service directly.
- 223 (d) If a lot owner requests to bring imaging equipment to the inspection, the association
- 224 shall provide the necessary space, light, and power for the imaging equipment.
- 225 (5) Subject to Subsection (9), if, in response to a lot owner's request to inspect or copy
- 226 documents, an association fails to comply with a provision of this section, the
- 227 association shall pay:
- 228 (a) the reasonable costs of inspecting and copying the requested documents;
- 229 (b) for items described in Subsections (1)(a)(ii)(A) through (C), \$25 to the lot owner
- 230 who made the request for each day the request continues unfulfilled, beginning the
- 231 sixth day after the day on which the lot owner made the request; and
- 232 (c) reasonable attorney fees and costs incurred by the lot owner in obtaining the
- 233 inspection and copies of the requested documents.
- 234 (6)(a) In addition to any remedy in the association's governing documents or otherwise
- 235 provided by law, a lot owner may file an action in court under this section if:

- 236 (i) subject to Subsection (9), an association fails to make documents available to the  
237 lot owner in accordance with this section, the association's governing documents,  
238 or as otherwise provided by law; and
- 239 (ii) the association fails to timely comply with a notice described in Subsection (6)(d).
- 240 (b) In an action described in Subsection (6)(a):
- 241 (i) the lot owner may request:
- 242 (A) injunctive relief requiring the association to comply with the provisions of this  
243 section;
- 244 (B) [~~\$500~~] \$1,000 or actual damage, whichever is greater; or
- 245 (C) any other relief provided by law; and
- 246 (ii) the court shall award costs and reasonable attorney fees to the prevailing party,  
247 including any reasonable attorney fees incurred before the action was filed that  
248 relate to the request that is the subject of the action.
- 249 (c)(i) In an action described in Subsection (6)(a), upon motion by the lot owner made  
250 in accordance with Subsection (6)(b), notice to the association, and a hearing in  
251 which the court finds a likelihood that the association failed to comply with a  
252 provision of this section, the court shall order the association to immediately  
253 comply with the provision.
- 254 (ii) The court shall hold a hearing described in Subsection (6)(c)(i) within 30 days  
255 after the day on which the lot owner files the motion.
- 256 (d) At least 10 days before the day on which a lot owner files an action described in  
257 Subsection (6)(a), the lot owner shall deliver a written notice to the association that  
258 states:
- 259 (i) the lot owner's name, address, telephone number, and email address;
- 260 (ii) each requirement of this section with which the association has failed to comply;
- 261 (iii) a demand that the association comply with each requirement with which the  
262 association has failed to comply; and
- 263 (iv) a date by which the association shall remedy the association's noncompliance  
264 that is at least 10 days after the day on which the lot owner delivers the notice to  
265 the association.
- 266 (7)(a) The provisions of Section 16-6a-1604 do not apply to an association.
- 267 (b) The provisions of this section apply regardless of any conflicting provision in Title  
268 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 269 (8) A lot owner's agent may, on the lot owner's behalf, exercise or assert any right that the



270 lot owner has under this section.

271 (9) An association is not liable for identifying or providing a document in error, if the  
272 association identified or provided the erroneous document in good faith.

273 Section 3. Section **57-8a-502** is amended to read:

274 **57-8a-502 . Period of administrative control.**

275 (1) [~~Unless otherwise provided for in a declaration,~~] For an association comprised of 300  
276 lots or greater a period of administrative control terminates on[~~the first to occur of the~~  
277 ~~following~~]:

278 (a) the date provided in the declaration; or

279 [~~(a)~~] (b) the first to occur of the following, if the declaration does not provide a date:

280 (i) 60 days after 75% of the lots that may be created are conveyed to lot owners other  
281 than a declarant;

282 [~~(b)~~] (ii) seven years after all declarants have ceased to offer lots for sale in the  
283 ordinary course of business; or

284 [~~(c)~~] (iii) the day the declarant, after giving written notice to the lot owners, records an  
285 instrument voluntarily surrendering all rights to control activities of the  
286 association.

287 (2) For an association comprised of fewer than 300 lots, a period of administrative control  
288 terminates on the first to occur of the following:

289 (a) 60 days after 75% of the lots are conveyed to lot owners other than a declarant;

290 (b) one year after all declarants have ceased to offer lots for sale in the ordinary course  
291 of business; or

292 (c) the day the declarant, after giving written notice to the lot owners, records an  
293 instrument voluntarily surrendering all rights to control activities of the association.

294 [~~(2)~~] (3)(a) A declarant may voluntarily surrender the right to appoint and remove a  
295 member of the board before the period of administrative control terminates under  
296 Subsection (1).

297 (b) Subject to Subsection [~~(2)(a)~~] (3)(a), the declarant may require, for the duration of the  
298 period of administrative control, that actions of the association or board, as specified  
299 in a recorded instrument executed by the declarant, be approved by the declarant  
300 before they become effective.

301 (c) During a period of administrative control, except as provided in Subsection [~~(2)(a),~~]  
302 (3)(a), a declarant may appoint the declarant's officers, employees, or agents as  
303 members of the board.

304 [~~(3)~~] (4)(a) Upon termination of the period of administrative control, the lot owners shall  
305 elect a board consisting of an odd number of at least three members, a majority of  
306 whom shall be lot owners.

307 (b) Unless the declaration provides for the election of officers by the lot owners, the  
308 board shall elect officers of the association.

309 (c) The board members and officers shall take office upon election or appointment.

310 Section 4. **Effective date.**

311 This bill takes effect on May 7, 2025.