

## Utah HOA Records Requirements

Records that must be kept by an HOA and provided to an owner as specified

| Record  | Must be kept: <sup>i</sup> |                     | Permanent record | Owner must have 'proper purpose' <sup>ii</sup> | Deadline to provide to requesting owner <sup>iii</sup> |  | Provide to all owners annually | Penalty for failing to provide to owner |
|---|----------------------------|---------------------|------------------|--|--|--|--------------------------------|---|
|   | on website                 | at principal office |                  |  | upon demand  | by <i>sixth business day</i> <sup>iv</sup> |                                |   |
| (1) All <b>governing documents</b> , including: <ul style="list-style-type: none"> <li>• CC&amp;Rs (declaration),</li> <li>• articles of incorporation,</li> <li>• bylaws,</li> <li>• the recorded plat of the development,</li> <li>• rules, and</li> <li>• board resolutions relating to the rights, limitations, and obligations of owners.</li> </ul> | X                          | X                   |                  |  | X <sup>v</sup>   |  |                                | C, A, \$, \$\$                          |
| (2) <b>Minutes.</b>   |                            |                     |                  |  |  |  |                                |   |
| a. The most recent approved minutes.  | X                          |                     |                  |  | X <sup>v</sup>   |  |                                | C, A, \$, \$\$                          |
| b. Minutes of all owner meetings for a period of three years.   |                            | X                   |                  |  |  | X  |                                | C, A                                    |
| c. Minutes of all other owner meetings and board meetings.  |                            |                     | X                |  | X <sup>vi</sup>  |  |                                | C, A                                    |
| (3) <b>Financial Records.</b>   |                            |                     |                  |  |  |  |                                |   |
| a. The most recent budget.  | X                          |                     |                  |  | X <sup>v</sup>   |  |                                | C, A, \$, \$\$                          |
| b. The most recent financial statement.   | X                          |                     |                  |  | X <sup>v</sup>   |  |                                | C, A, \$, \$\$                          |
| c. All financial statements for the last three years, if any, that show in reasonable detail the assets and liabilities and results of the operations of the association.   |                            | X                   |                  |  |  | X  |                                | C, A                                    |
| d. "Appropriate accounting records" (Utah Code § <u>16-6a-1601(2)</u> ).  |                            |                     |                  | X  |  | X  |                                | C, A                                    |

C = Costs of viewing/copying/scanning the documents. A = Attorney fees and costs. \$ = \$25 per day. \$\$ = \$500 or actual damage.

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|--|---------------|---------------------|------------------|----------------------------------|---|------------------------------|--------------------------------|---|
|  | on website    | at principal office |                  |                                  | upon demand                             | by <i>sixth business day</i> |                                |   |
| <b>(4) Actions/Decisions Made without a Meeting.</b>   |               |                     |                  |                                  |   |                              |                                |   |
| a. A record of all actions taken without a meeting by the owners or the board (or a committee of board in place of board).           |               |                     | X                |                                  | X <sup>vi</sup>                         |                              |                                | C, A                                    |
| b. A record of all actions taken by the owners without a meeting in last three years.  |               | X                   |                  |                                  |   | X                            |                                | C, A                                    |
| <b>(5) Insurance.</b> The certificate of insurance for each insurance policy the association holds.                                  |               |                     |                  |                                  | X <sup>vi</sup>                         |                              |                                | C, A                                    |
| <b>(6) Communications to Owners.</b> All written communications to owners generally as owners in the last three years.               |               | X                   |                  |                                  |   | X                            |                                | C, A                                    |
| <b>(7) Board Member List.</b> A list of the names and business or home addresses of the current board members and officers.          |               | X                   |                  |                                  |   | X                            |                                | C, A                                    |
| <b>(8) Membership List.</b> A list of the association members' names, addresses and number of votes each has, in alphabetical order. |               | X                   |                  | X                                |   | X                            |                                | C, A                                    |
| a. Membership list prepared in connection with a meeting or action by written ballot. <sup>vii</sup>                                 |               | X,<br>at meeting    |                  |                                  | X <sup>viii</sup>                       |                              |                                | C, A                                    |
| <b>(9) Annual Report.</b> A copy of the association's annual renewal with the Utah Div of Corporations.                              |               | X                   |                  |                                  |   | X                            |                                | C, A                                    |
| <b>(10) Reserve Analysis and Update.</b> Most recent.  |               |                     |                  |                                  | X                                       |                              |                                | C, A, \$\$ <sup>ix</sup>                |
| <b>(11) Summary of Reserve Analysis or Update.</b>   |               |                     |                  |                                  |   |                              | X                              | C, A, \$\$ <sup>ix</sup>                |
| <b>(12) Waivers.</b> A record of all waivers of notices of meetings of members, board or a committee.                                |               |                     | X                |                                  | X <sup>vi</sup>                         |                              |                                | C, A                                    |

C = Costs of viewing/copying/scanning the documents. A = Attorney fees and costs. \$ = \$25 per day. \$\$ = \$500 or actual damage.

**NOTE:** An association must make documents available to owners in accordance with the association's governing documents, but if a provision of an association's governing documents conflicts with a statute, the statute governs.

- <sup>i</sup> Where Records Must be Kept. An association is required to keep and make available to owners a copy of certain records, free of charge, on the association's website, or, if the association does not have an active website, it must make physical copies of the documents available to owners during regular business hours at the association's address registered with the Utah Department of Commerce's [HOA Registry](#). Otherwise, records may be kept electronically as long as the electronic records are capable of being transmitted to, or viewed by, others, such as via email from an electronic storage medium or via website. Utah Code §§ [57-8-17](#), [57-8a-227](#), [16-6a-1601](#)(4). "Registered address" means the association's address registered with the Utah [HOA Registry](#). "Principal office" means the address of the association listed on the association's [corporate registration](#) with the Utah Division of Corporations (not to be confused with the separate HOA Registry).
- <sup>ii</sup> "Proper purpose" means a purpose reasonably related to the member's interest as a member of the association. Utah Code § [16-6a-1602](#)(4). In order to view a record when a proper purpose is required:
- (1) the request by the owner must be made in good faith and for a proper purpose,
  - (2) the owner must describe with reasonable particularity the purpose and the records the owner desires to inspect, and
  - (3) the records must be directly connected with the described purpose.
- <sup>iii</sup> Providing Records. An owner may choose:
- (1) to view and copy the records in person (including that the owner be allowed to bring any necessary imaging equipment to the place of inspection and make copies or electronic scans of the documents while inspecting the documents),
  - (2) to receive the records electronically, and that either the association or a third party duplicating service make the electronic scans of the requested documents, or
  - (3) to receive hard copies of the records, and that either the association or a third party duplicating service make the copies of the requested documents. Utah Code §§ [57-8-17](#) and [57-8a-227](#).
- <sup>iv</sup> See Utah Code § [16-6a-1602](#)(1) and (2).
- <sup>v</sup> Penalties accrue after *five calendar days*. See Utah Code §§ [57-8a-227](#)(2)(a)(ii) and (5)(b), and [57-8-17](#)(2)(a)(ii) and (5)(b).
- <sup>vi</sup> There is no particular deadline established in a statute for an association to provide these records.
- <sup>vii</sup> Unless the bylaws exempt the association from the following requirements, the membership list must be current whenever a member meeting or action by written ballot without a meeting is conducted, and
- <sup>viii</sup> must be made available to members beginning the earlier of: (1) 10 days before the meeting, or (2) two business days after notice of the meeting is given, and continuing through the meeting and any adjournment of the meeting. The list must be available at the association's principal office or at a place identified in the notice of the meeting in the city where the meeting will be held. Finally, the list must be available at the meeting. See Utah Code § [16-6a-710](#). See also Index, [membership list](#) at CounselOurHOA.com for more details.
- <sup>ix</sup> See the penalties to an association in Utah Code §§ [57-8a-211](#)(8) and [57-8-7.5](#)(8).

See Index, [records](#) at CounselOurHOA.com