

Effective 7/1/2015

57-8-57 Management committee meetings -- Open meetings.

- (1)
 - (a) At least 48 hours before a meeting, the association of unit owners shall give written notice of the meeting via email to each unit owner who requests notice of a meeting, unless:
 - (i) notice of the meeting is included in a meeting schedule that was previously provided to the unit owner; or
 - (ii)
 - (A) the meeting is to address an emergency; and
 - (B) each management committee member receives notice of the meeting less than 48 hours before the meeting.
 - (b) A notice described in Subsection (1)(a) shall:
 - (i) be delivered to the unit owner by email, to the email address that the unit owner provides to the management committee or the association of unit owners;
 - (ii) state the time and date of the meeting;
 - (iii) state the location of the meeting; and
 - (iv) if a management committee member may participate by means of electronic communication, provide the information necessary to allow the unit owner to participate by the available means of electronic communication.
- (2)
 - (a) Except as provided in Subsection (2)(b), a meeting shall be open to each unit owner or the unit owner's representative if the representative is designated in writing.
 - (b) A management committee may close a meeting to:
 - (i) consult with an attorney for the purpose of obtaining legal advice;
 - (ii) discuss ongoing or potential litigation, mediation, arbitration, or administrative proceedings;
 - (iii) discuss a personnel matter;
 - (iv) discuss a matter relating to contract negotiations, including review of a bid or proposal;
 - (v) discuss a matter that involves an individual if the discussion is likely to cause the individual undue embarrassment or violate the individual's reasonable expectation of privacy; or
 - (vi) discuss a delinquent assessment or fine.
- (3)
 - (a) At each meeting, the management committee shall provide each unit owner a reasonable opportunity to offer comments.
 - (b) The management committee may limit the comments described in Subsection (3)(a) to one specific time period during the meeting.
- (4) A management committee member may not avoid or obstruct the requirements of this section.
- (5) Nothing in this section shall affect the validity or enforceability of an action of a management committee.
- (6) The provisions of this section do not apply during the period of administrative control.
- (7) The provisions of this section apply regardless of when the condominium project's initial declaration was recorded.
- (8)
 - (a) Subject to Subsection (8)(d), if an association of unit owners fails to comply with a provision of Subsections (1) through (4) and fails to remedy the noncompliance during the 90-day period described in Subsection (8)(d), a unit owner may file an action in court for:
 - (i) injunctive relief requiring the association of unit owners to comply with the provisions of Subsections (1) through (4);
 - (ii) \$500 or actual damages, whichever is greater; or

- (iii) any other relief provided by law.
- (b) In an action described in Subsection (8)(a), the court may award costs and reasonable attorney fees to the prevailing party.
- (c) Upon motion from the unit owner, notice to the association of unit owners, and a hearing in which the court finds a likelihood that the association of unit owners has failed to comply with a provision of Subsections (1) through (4), the court may order the association of unit owners to immediately comply with the provisions of Subsections (1) through (4).
- (d) At least 90 days before the day on which a unit owner files an action described in Subsection (8)(a), the unit owner shall deliver a written notice to the association of unit owners that states:
 - (i) the unit owner's name, address, telephone number, and email address;
 - (ii) each requirement of Subsections (1) through (4) with which the association of unit owners has failed to comply;
 - (iii) a demand that the association of unit owners comply with each requirement with which the association of unit owners has failed to comply; and
 - (iv) a date by which the association of unit owners shall remedy the association of unit owners' noncompliance that is at least 90 days after the day on which the unit owner delivers the notice to the association of unit owners.

Enacted by Chapter 387, 2015 General Session