

Cheryl K. Acton proposes the following substitute bill:

HOA Board Education Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

LONG TITLE

General Description:

This bill establishes education requirements for members of a homeowners' association board.

Highlighted Provisions:

This bill:

- defines terms;
- requires that a homeowners' association board member complete education requirements;
- requires that a homeowners' association board member or secretary maintain a record of completing the education requirements for at least four years;
- requires that a homeowners' association board member report completion of the education requirements to the homeowners' association;
- provides a remedy for an owner for when a homeowners' association board member fails to meet the education requirements;
- describes how a homeowners' association board member may remedy noncompliance with education requirements;
- authorizes a board of a homeowners' association to remove a board member who fails to remedy noncompliance;
- creates a standard for a person that offers education requirements;
- requires that the Department of Commerce maintain a list of persons ~~that~~ → [authorized to]

that ← ~~that~~ offer

education requirements; and

- provides that the requirements enacted by this bill do not take effect until after the period of administrative control.

Money Appropriated in this Bill:

None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **57-8-61**, Utah Code Annotated 1953

33 **57-8a-503**, Utah Code Annotated 1953

34

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

36 Section 1. Section **57-8-61** is enacted to read:

37 **57-8-61 . Management committee education requirements.**

38 (1) As used in this section:

39 (a) "Management committee education" means online or in-person training that covers
40 one or more of the following topics:

41 (i) relevant statutes governing an association of unit owners;

42 (ii) governing documents;

43 (iii) fiduciary duties and duty of care;

44 (iv) ethics and leadership;

45 (v) rule creation and enforcement;

46 (vi) management committee meeting procedures;

47 (vii) financial responsibilities;

48 (viii) maintenance responsibilities;

49 (ix) risk management and insurance;

50 (x) management committee member roles and responsibilities;

51 (xi) conflict resolution and community building; or

52 (xii) reserve analysis.

53 (b) "Secretary" means an individual on the management committee who:

54 (i) maintains management committee records; and

55 (ii) keeps management committee meeting minutes.

56 (2)(a) A management committee member shall complete a minimum of one hour of
57 management committee education:

58 (i) within 90 days after the day on which the management committee member begins
59 service on the management committee; and

60 (ii) each subsequent calendar year after the first calendar year that the management
61 committee member serves on the management committee.

- 62 (b) Within a reasonable time after completing the education requirement described in
 63 Subsection (2)(a), a management committee member shall provide the record of the
 64 management committee member's compliance with Subsection (2)(a) to:
 65 (i) the secretary; or
 66 (ii) if the management committee does not have a secretary, to each member of the
 67 management committee.
- 68 (c) A management committee member violates Subsection (2)(a) if:
 69 (i) the management committee member served on a management committee during
 70 the preceding year; and
 71 (ii)(A) on January 1, the management committee member did not complete the
 72 one ~~hour~~ → [hours] hour ← ~~hour~~ of management committee
 72a education for the preceding calendar
 73 year; or
 74 (B) if the management committee member began serving on the management
 75 committee fewer than 90 days before December 31 of the preceding year, the
 76 management committee member did not complete the one hour of management
 77 committee education within 90 days.
- 78 (d) A management committee member that serves on more than one management
 79 committee shall complete the one hour of management committee education a
 80 minimum of once per calendar year.
- 81 (3) An association of unit owners shall:
 82 (a) maintain an up-to-date record of each management committee member's compliance
 83 with Subsection (2)(a); and
 84 (b) make the record described in Subsection (3)(a) available to a unit owner at a
 85 reasonable time after the unit owner's request.
- 86 (4)(a) Subject to Subsections (4)(b) and (4)(e), if a management committee member
 87 does not comply with Subsection (2)(a), a unit owner may file an action against the
 88 association of unit owners in a court with jurisdiction for:
 89 (i) injunctive relief:
 90 (A) requiring the management committee member to comply with the
 91 requirements of this section within 90 days after the day on which the court
 92 issues the order; and
 93 (B) removing the management committee member from the management
 94 committee if the management committee member does not comply with the

95 requirements of this section within 90 days after the day on which the court
96 issues the order;

97 (ii) \$250;

98 (iii) any other remedy provided by law; and

99 (iv) reasonable costs and attorney fees to the prevailing party.

100 (b) Before the unit owner files a complaint under Subsection (4)(a):

101 (i) a unit owner shall request the record described in Subsection (3)(a) from:

102 (A) the association of unit owners in accordance with Section 57-8-17; or

103 (B) the management committee member who is the subject of the request; and

104 (ii) if the management committee member or association of unit owners does not

105 provide a record of the management committee member's compliance with

106 Subsection (2)(a), a unit owner shall deliver a written notice described in

107 Subsection (4)(c) in person to:

108 (A) the secretary, or if the management committee does not have a secretary, to a

109 member of the management committee who is not the management committee

110 member who is the subject of the request; and

111 (B) to the management committee member who is the subject of the request.

112 (c) The notice described in Subsection (4)(b)(ii) shall state:

113 (i) that after making a request described in Subsection (4)(b)(i), the management

114 committee member or the association of unit owners did not provide the unit

115 owner the record described in Subsection (3)(a);

116 (ii) a demand for:

117 (A) the record described in Subsection (3)(a); or

118 (B) the management committee member to remedy noncompliance with

119 Subsection (2)(a), as described in Subsection (4)(d); and

120 (iii) a date, at least 90 days from the day on which the unit owner delivers the notice,

121 by which the management committee member or the association of unit owners

122 shall comply with the demand.

123 (d) A management committee member remedies noncompliance with Subsection (2)(a)

124 by completing at least two hours of management committee education.

125 (e)(i) A unit owner may bring an action under this Subsection (4) only if:

126 (A) the management committee member has not remedied noncompliance in

127 accordance with Subsection (4)(d) within the time period described in

128 Subsection (4)(c);

- 129 (B) the management committee does not remove the management committee
 130 member from the management committee as described in Subsection (6); and
 131 (C) the management committee member or the association of unit owners has not
 132 provided the record described in Subsection (3)(a).
- 133 (ii) A unit owner shall bring an action under this Subsection (4) no more than ~~four~~ [
 133a four] ~~two~~ ←~~four~~
 134 years after the day on which the calendar year for which the unit owner alleges a
 135 violation ends.
- 136 (5) A secretary or management committee member shall maintain all records related to this
 137 section for at least four calendar years after the day on which the secretary or
 138 management committee member receives the record.
- 139 (6)(a) Notwithstanding the provisions in Sections 16-6a-808 and 16-6a-809 and the
 140 governing documents of the association of lot owners relating to the removal of
 141 management committee members, the management committee may vote to remove a
 142 management committee member who does not remedy noncompliance in accordance
 143 with Subsection (4)(d) within the time period described in Subsection (4)(c).
- 144 (b)(i) If the management committee votes to remove the management committee
 145 member as described in Subsection (6)(a), the management committee shall give
 146 written notice describing the result of the vote to each unit owner no later than 90
 147 days after the day on which the vote occurs.
- 148 (ii) The management committee shall hold the vote described in Subsection (6)(a) no
 149 later than 30 days after the day on which the time period described in Subsection
 150 (4)(c) expires.
- 151 (7) A person that ~~four~~ → [~~purports to offer~~] offers ←~~four~~ management
 151a committee education shall ~~four~~ → [-] :
 151b (a) ←~~four~~ ensure that the
 152 training the person offers covers one or more of the topics described in Subsection (1) ~~four~~ → [-]
 152a ; and
 152b (b) submit a statement to the Department of Commerce on a form the Department of
 152c Commerce provides attesting that the person offers management committee
 152d education. ←~~four~~
- 153 (8) The Department of Commerce shall:
 154 (a) maintain a list of persons that ~~four~~ → [~~purport to offer management committee~~

- 154a education] submit a statement under Subsection (7)(b) ←Ĥ ; Ĥ→ [
 154b and] ←Ĥ
- 155 (b) make the list described in Subsection (8)(a) available upon request Ĥ→ [.]
- 155a ; and
- 155b (c) make publicly available a form on which a person may attest that the person
 155c offers management committee education. ←Ĥ
- 156 (9) The requirements of this section do not take effect until the day after the day on which
 157 the period of administrative control ends.
- 158 Section 2. Section **57-8a-503** is enacted to read:
- 159 **57-8a-503 . Board education requirements.**
- 160 (1) As used in this section:
- 161 (a) "Board education" means online or in-person training that covers one or more of the
 162 following topics:
- 163 (i) relevant statutes governing an association of lot owners;
 164 (ii) governing documents;
 165 (iii) fiduciary duties and duty of care;
 166 (iv) ethics and leadership;
 167 (v) rule creation and enforcement;
 168 (vi) board meeting procedures;
 169 (vii) financial responsibilities;
 170 (viii) maintenance responsibilities;
 171 (ix) risk management and insurance;
 172 (x) board member roles and responsibilities;
 173 (xi) conflict resolution and community building; or
 174 (xii) reserve analysis.
- 175 (b) "Secretary" means an individual on the board who:
- 176 (i) maintains board records; and
 177 (ii) keeps board meeting minutes.
- 178 (2)(a) A board member shall complete a minimum of one hour of board education:
- 179 (i) within 90 days after the day on which the board member begins service on the
 180 board; and
- 181 (ii) each subsequent calendar year after the first calendar year that the board member
 182 serves on the board.
- 183 (b) Within a reasonable time after completing the education requirement described in

- 184 Subsection (2)(a), a board member shall provide the record of the board member's
185 compliance with Subsection (2)(a) to:
- 186 (i) the secretary; or
187 (ii) if the board does not have a secretary, to each member of the board.
- 188 (c) A board member violates Subsection (2)(a) if:
- 189 (i) the board member served on a board during the preceding year; and
190 (ii)(A) on January 1, the board member did not complete the one hour of board
191 education for the preceding calendar year; or
192 (B) if the board member began serving on the board fewer than 90 days before
193 December 31 of the preceding year, the board member did not complete the
194 one hour of board education within 90 days.
- 195 (d) A board member that serves on more than one board shall complete the one hour of
196 board education a minimum of once per calendar year.
- 197 (3) An association of lot owners shall:
- 198 (a) maintain an up-to-date record of each board member's compliance with Subsection
199 (2)(a); and
- 200 (b) make the record described in Subsection (3)(a) available to a lot owner at a
201 reasonable time after the lot owner's request.
- 202 (4)(a) Subject to Subsections (4)(b) and (4)(e), if a board member does not comply with
203 Subsection (2)(a), a lot owner may file an action against the association of lot owners
204 in a court with jurisdiction for:
- 205 (i) injunctive relief:
- 206 (A) requiring the board member to comply with the requirements of this section
207 within 90 days after the day on which the court issues the order; and
208 (B) removing the board member from the board if the board member does not
209 comply with the requirements of this section within 90 days after the day on
210 which the court issues the order;
- 211 (ii) \$250;
- 212 (iii) any other remedy provided by law; and
- 213 (iv) reasonable costs and attorney fees to the prevailing party.
- 214 (b) Before the lot owner files a complaint under Subsection (4)(a):
- 215 (i) a lot owner shall request the record described in Subsection (3)(a) from:
- 216 (A) the association in accordance with Section 57-8a-227; or
217 (B) the board member who is the subject of the request; and

- 218 (ii) if the board member or association does not provide a record of the board
 219 member's compliance with Subsection (2)(a), a lot owner shall deliver a written
 220 notice described in Subsection (4)(c) in person to:
 221 (A) the secretary, or if the board does not have a secretary, to a member of the
 222 board who is not the board member who is the subject of the request; and
 223 (B) to the board member who is the subject of the request.
- 224 (c) The notice described in Subsection (4)(b)(ii) shall state:
 225 (i) that after making a request described in Subsection (4)(b)(i), the board member or
 226 the association did not provide the lot owner the record described in Subsection
 227 (3)(a);
 228 (ii) a demand for:
 229 (A) the record described in Subsection (3)(a); or
 230 (B) the board member remedy noncompliance with Subsection (2)(a), as described
 231 in Subsection (4)(d); and
 232 (iii) a date, at least 90 days from the day on which the lot owner delivers the notice,
 233 by which the board member or the association shall comply with the demand.
- 234 (d) A board member remedies noncompliance with Subsection (2)(a) by completing at
 235 least two hours of board education.
- 236 (e)(i) A lot owner may bring an action under this Subsection (4) only if:
 237 (A) the board member has not remedied noncompliance in accordance with
 238 Subsection (4)(d) within the time period described in Subsection (4)(c);
 239 (B) the board does not remove the board member from the board as described in
 240 Subsection (6); and
 241 (C) the board member or the association has not provided the record described in
 242 Subsection (3)(a).
- 243 (ii) A lot owner shall bring an action under this Subsection (4) no more than ~~four~~ [
 243a ~~four~~ two ← four
 244 years after the day on which the calendar year for which the lot owner alleges a
 245 violation ends.
- 246 (5) A secretary or board member shall maintain all records related to this section for at least
 247 four calendar years after the day on which the secretary or board member receives the
 248 record.
- 249 (6)(a) Notwithstanding the provisions in Sections 16-6a-808 and 16-6a-809 and the
 250 governing documents of the association relating to the removal of board members,

251 the board may vote to remove a board member who does not remedy noncompliance
 252 in accordance with Subsection (4)(d) within the time period described in Subsection
 253 (4)(c).

254 (b)(i) If the board votes to remove the board member as described in Subsection
 254a (6)(a),

255 the board shall give written notice describing the result of the vote to each lot
 256 owner no later than 90 days after the day on which the vote occurs.

257 (ii) The board shall hold the vote described in Subsection (6)(a) no later than 30 days
 258 after the day on which the time period described in Subsection (4)(c) expires.

259 (7) A person that ~~is~~ **[purports to offer]** ~~offers~~ ~~board education shall~~ ~~:~~ :

259a ~~(a)~~ ~~ensure that the training the person~~

260 ~~offers covers one or more of the topics described in Subsection (1)~~ ~~:~~ :

260a ~~;~~ **and**

260b ~~(b)~~ **submit a statement to the Department of Commerce on a form the Department of**

260c **Commerce provides attesting that the person offers board education.** ~~:~~ :

261 (8) The Department of Commerce shall:

262 (a) maintain a list of persons that ~~is~~ **[purport to offer board education]**

262a **submit a statement under Subsection (7)(b)** ~~:~~ ~~;~~ ~~and~~ ~~:~~ ~~:~~

263 (b) make the list described in Subsection (8)(a) available upon request ~~is~~ ~~:~~

263a ~~;~~ **and**

263b (c) **make publicly available a form on which a person may attest that the person**

263c **offers board education.** ~~:~~ :

264 (9) The requirements of this section do not take effect until the day after the day on which
 265 the period of administrative control ends.

266 Section 3. **Effective Date.**

267 This bill takes effect on July 1, 2026.