

# HB0262S01 compared with HB0262

{Omitted text} shows text that was in HB0262 but was omitted in HB0262S01

inserted text shows text that was not in HB0262 but was inserted into HB0262S01

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## HOA Board Education Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Cheryl K. Acton**

Senate Sponsor:

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### 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 {~~three~~} four years;
- requires that a homeowners' association board member report completion of the education requirements to the homeowners' association {~~secretary~~} ;
- 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;

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- 19       ▶ authorizes a board of a homeowners' association to remove a board member who fails to  
19       remedy noncompliance;  
19       ▶ creates a standard for a person that offers education requirements; {and}  
20       ▶ requires that the Department of Commerce maintain a list of persons authorized to offer  
20       education requirements{-} ; and  
24       ▶ provides that the requirements enacted by this bill do not take effect until after the period  
24       of administrative control.

### 26 Money Appropriated in this Bill:

27       None

28       This bill provides a special effective date.

31 ENACTS:

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

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

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

36       Section 1. Section 1 is enacted to read:

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

34       (1) As used in this section:

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

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

38       (ii) governing documents;

39       (iii) fiduciary duties and duty of care;

40       (iv) ethics and leadership;

41       (v) rule creation and enforcement;

42       (vi) management committee meeting procedures;

43       (vii) financial responsibilities;

44       (viii) maintenance responsibilities;

45       (ix) risk management and insurance;

46       (x) management committee member roles and responsibilities; {or}

47       (xi) conflict resolution and community building{-} ; or

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- 52 (xii) reserve analysis.
- 48 (b) "Secretary" means an individual on the management committee who:
- 49 (i) maintains management committee records; and
- 50 (ii) keeps management committee meeting minutes.
- 51 (2)
- . (a) A management committee member shall complete a minimum of one hour of management  
committee education {per calendar year.} :
- 58 (i) within 90 days after the day on which the management committee member begins service on the  
management committee; and
- 60 (ii) each subsequent calendar year after the first calendar year that the management committee  
member serves on the management committee.
- 62 (b) Within a reasonable time after completing the education requirement described in Subsection (2)(a),  
a management committee member shall provide the record of the 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 management  
committee.
- 53 ~~{(b)}~~ (c) A management committee member violates ~~{this}~~ Subsection ~~{(2)}~~ (2)(a) if:
- 54 (i) ~~{in the preceding year.}~~ the management committee member served on a management committee  
during the preceding year; and
- 71 (ii)
- 56 ~~{(ii)}~~ (A) on January 1, the management committee member did not complete the one hours of  
management committee education ~~{described in Subsection (2)(a)}~~ for the preceding calendar  
year~~{.}~~; or
- 74 (B) if the management committee member began serving on the management committee fewer than  
90 days before December 31 of the preceding year, the management committee member did not  
complete the one hour of management committee education within 90 days.
- 58 ~~{(e)}~~ (d) A management committee member that serves on more than one management committee shall  
complete the one hour of management committee education ~~{described in Subsection (2)(a)}~~ a  
minimum of once per calendar year.
- 61 (3) ~~{A management committee member}~~ An association of unit owners shall:

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- 62 (a) maintain an up-to-date record of ~~{the}~~ each management committee member's compliance with  
Subsection ~~{(2)}~~ (2)(a);and
- 64 (b) make the record described in Subsection (3)(a) available to a unit owner at a reasonable time after  
the unit owner's request ~~{;and}~~ .
- 66 ~~{(c) {provide the record of the management committee member's compliance with Subsection (2) to the  
secretary, if the management committee has a secretary.}}~~
- 68 (4)
- . (a) Subject to ~~{Subsection}~~ Subsections (4)(b)and (4)(e), if a management committee member does not  
comply with Subsection ~~{(2), and fails to remedy the noncompliance within the time provided in the  
notice described in Subsection (4)(c)}~~ (2)(a), a unit owner may file an action against the association  
of unit owners in a court with jurisdiction for:
- 89 (i) injunctive relief:
- 72 ~~{(i)}~~ (A) ~~{injunctive relief}~~ requiring the management committee member to comply with the  
requirements of this section ~~{;}~~ within 90 days after the day on which the court issues the order;  
and
- 93 (B) removing the management committee member from the management committee if the management  
committee member does not comply with the requirements of this section within 90 days after the  
day on which the court issues the order;
- 74 (ii) \$250;
- 75 (iii) any other remedy provided by law; and
- 76 (iv) reasonable costs and attorney fees to the prevailing party.
- 77 ~~{(b)}~~ }
- . ~~{(i)}~~ (b) Before the unit owner files a complaint under Subsection (4)(a):
- 78 ~~{(A)}~~ (i) a unit owner shall request the record described in Subsection (3)(a) from ~~{the secretary,  
or if the management committee does not have a secretary, from the management committee  
member; and}~~ .
- 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
- 81 ~~{(B)}~~ (ii) if the management committee member or ~~{the secretary}~~ association of unit owners does  
not provide a record of the management committee member's compliance with Subsection ~~{(2)}~~  
(2)(a), a unit owner shall deliver a written notice described in Subsection (4)(c) in person to

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~~{ the secretary, or if the management committee does not have a secretary, to the management committee member. } :~~

86 ~~{(ii)}~~ (A) ~~{ If a unit owner provides the notice to }~~ the secretary, or if the management committee does not have a secretary ~~{ shall provide the notice to }~~, to a member of the management committee who is not the management committee member ~~{ described in the notice within 24 hours after }~~ who is the ~~{ secretary receives }~~ subject of the ~~{ notice }~~ request; and

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

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

90 (i) that after making a request described in Subsection (4)(b)(i), the management committee member or the ~~{ secretary }~~ association of unit owners did not provide the unit owner the record described in Subsection (3)(a);

93 (ii) a demand~~for~~:

94 (A) ~~{ for }~~ the record described in Subsection (3)(a); or

95 (B) ~~{ that }~~ the management committee member to remedy noncompliance with Subsection ~~{ (2) }~~ (2)(a), as described in Subsection (4)(d); and

97 (iii) a date, at least 90 days from the day on which the unit owner delivers the notice, by which the management committee member or the association of unit owners shall comply with the demand.

99 (d) A management committee member remedies noncompliance with Subsection ~~{ (2) }~~ (2)(a) by completing at least two hours of management committee education.

101 (e)

. (i) A unit owner may bring an action under this Subsection (4) only if ~~{ the management committee member has not }~~ :

103 (A) the management committee member has not remedied noncompliance in accordance with Subsection (4)(d) within the time period described in Subsection (4)(c); ~~{ or }~~

129 (B) the management committee does not remove the management committee member from the management committee as described in Subsection (6); and

105 ~~{(B)}~~ (C) the management committee member or the association of unit owners has not provided the record described in Subsection (3)(a).

106 (ii) A unit owner shall bring an action under this Subsection (4) no more than ~~{ three }~~ four years after the day on which the ~~{ preceding }~~ calendar year for which the unit owner alleges a violation ends.

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(5) A secretary or management committee member shall maintain all records related to this section for at least ~~{three}~~ four calendar years after the day on which the secretary or management committee member receives the record.

139 (6)

(a) Notwithstanding the provisions in Sections 16-6a-808 and 16-6a-809 and the governing documents of the association of lot owners relating to the removal of management committee members, the management committee may vote to remove a management committee member who does not remedy noncompliance in accordance 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 member as described in Subsection (6)(a), the management committee shall give written notice describing the result of the vote to each unit owner no later than 90 days after the day on which the vote occurs.

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

111 ~~{(6)}~~ (7) A person that purports to offer management committee education shall ensure that the training the person offers covers one or more of the topics described in Subsection (1).

113 ~~{(7)}~~ (8) The Department of Commerce shall:

114 (a) maintain a list of persons that ~~{may}~~ purport to offer management committee education; and

115 (b) make the list described in Subsection ~~{(7)(a)}~~ (8)(a) available upon request.

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

158 Section 2. Section 2 is enacted to read:

159 **57-8a-503. Board education requirements.**

118 (1) As used in this section:

119 (a) "Board education" means online or in-person training that covers one or more of the following topics:

121 (i) relevant statutes governing an association of lot owners;

122 (ii) governing documents;

123 (iii) fiduciary duties and duty of care;

124 (iv) ethics and leadership;

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- 125 (v) rule creation and enforcement;  
126 (vi) board meeting procedures;  
127 (vii) financial responsibilities;  
128 (viii) maintenance responsibilities;  
129 (ix) risk management and insurance;  
130 (x) board member roles and responsibilities; {or}  
131 (xi) conflict resolution and community building{-}; or  
174 (xii) reserve analysis.
- 132 (b) "Secretary" means an individual on the board who:  
133 (i) maintains board records; and  
134 (ii) keeps board meeting minutes.  
135 (2)  
. (a) A board member shall complete a minimum of one hour of board education {per calendar year.} :  
179 (i) within 90 days after the day on which the board member begins service on the board; and  
181 (ii) each subsequent calendar year after the first calendar year that the board member serves on the  
board.
- 183 (b) Within a reasonable time after completing the education requirement described in Subsection (2)(a),  
a board member shall provide the record of the board member's 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.
- 137 {(b)} (c) A board member violates {this-} Subsection {(2)-} (2)(a) if:  
138 (i) {in the preceding calendar year,} the board member served on a board during the preceding  
{calendar} year; and  
190 (ii)  
140 {(ii)} (A) on January 1, the board member did not complete the one hour of board education {described  
in Subsection (2)(a)} for the preceding calendar year{:} ; or
- 192 (B) if the board member began serving on the board fewer than 90 days before December 31 of the  
preceding year, the board member did not complete the one hour of board education within 90 days.
- 142 {(e)} (d) A board member that serves on more than one board shall complete the one hour of board  
education {described in Subsection (2)(a)} a minimum of once per calendar year.

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- 144 (3) ~~{ A board member }~~ An association of lot owners shall:
- 145 (a) maintain an up-to-date record of ~~{ the }~~ each board member's compliance with Subsection ~~{ (2) }~~ (2)  
(a);and
- 146 (b) make the record described in Subsection (3)(a) available to a lot owner at a reasonable time after the  
lot owner's request~~{ ;and }~~.
- 148 ~~{ (c) { provide the record of the board member's compliance with Subsection (2) to the secretary, if the  
board has a secretary. } }~~
- 150 (4)
- (a) Subject to ~~{ Subsection }~~ Subsections (4)(b)and (4)(e), if a board member does not comply with  
Subsection ~~{ (2), and fails to remedy the noncompliance within the time provided in the notice  
described in Subsection (4)(c) }~~ (2)(a), a lot owner may file an action against the association of lot  
owners in a court with jurisdiction for:
- 205 (i) injunctive relief:
- 154 ~~{ (i) }~~ (A) { injunctive relief } requiring the board member to comply with the requirements of this  
section~~{ ; }~~ 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 comply with the  
requirements of this section within 90 days after the day on which the court issues the order;
- 156 (ii) \$250;
- 157 (iii) any other remedy provided by law; and
- 158 (iv) reasonable costs and attorney feesto the prevailing party.
- 159 ~~{ (b) }~~
- ~~{ (i) }~~ (b) Before the lot owner files a complaint under Subsection (4)(a):
- 160 ~~{ (A) }~~ (i) a lot owner shall request the record described in Subsection (3)(a) from { the secretary, or  
if the board does not have a secretary, from the board member; and } :
- 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
- 162 ~~{ (B) }~~ (ii) if the board member or { the secretary } association does not provide a record of the  
board member's compliance with Subsection ~~{ (2) }~~ (2)(a), a lot owner shall deliver a written  
notice described in Subsection (4)(c) in person to ~~{ the secretary, or if the board does not have a  
secretary, to the board member. }~~ :

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- {(ii)} (A) ~~{If a lot owner provides notice to }~~ the secretary, or if the board does not have a secretary ~~{shall provide the notice- }~~, to a member of the board ~~{member described in- }~~ who is not the ~~{notice within 24 hours after the secretary receives- }~~ board member who is the subject of the {notice-} request; and
- 223 (B) to the board member who is the subject of the request.
- 169 (c) The notice described in Subsection (4)(b)(ii) shall state:
- 170 (i) that after making a request described in Subsection (4)(b)(i), the board member or the ~~{secretary- }~~ association did not provide the lot owner the record described in Subsection (3)(a);
- 173 (ii) a demandfor:
- 174 (A) ~~{for }~~ the record described in Subsection (3)(a); or
- 175 (B) ~~{that }~~ the board member remedy noncompliance with Subsection ~~{(2)}~~ (2)(a), as described in Subsection (4)(d); and
- 177 (iii) a date, at least 90 days from the day on which the lot owner delivers the notice, by which the board member or the association shall comply with the demand.
- 179 (d) A board member remedies noncompliance with Subsection ~~{(2)}~~ (2)(a) by completing at least two hours of board education.
- 181 (e)
- . (i) A lot owner may bring an action under this Subsection (4) only if ~~{the board member has not }~~ :
- 183 (A) the board member has not remedied noncompliance in accordance with Subsection (4)(d) within the time period described in Subsection (4)(c); ~~{or }~~
- 239 (B) the board does not remove the board member from the board as described in Subsection (6); and
- 185 ~~{(B)}~~ (C) the board member or the association has not provided the record described in Subsection (3)(a).
- 186 (ii) A lot owner shall bring an action under this Subsection (4) no more than ~~{three- }~~ four years after the day on which the ~~{preceding- }~~ calendar year for which the lot owner alleges a violation ends.
- 188 (5) A secretary or board member shall maintain all records related to this section for at least ~~{three- }~~ four calendar years after the day on which the secretary or board member receives the record.
- 249 (6)
- . (a) Notwithstanding the provisions in Sections 16-6a-808 and 16-6a-809 and the governing documents of the association relating to the removal of board members, the board may vote to remove a board

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member who does not remedy noncompliance in accordance with Subsection (4)(d) within the time period described in Subsection (4)(c).

254 (b)

(i) If the board votes to remove the board member as described in Subsection (6)(a), the board shall give written notice describing the result of the vote to each lot 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 after the day on which the time period described in Subsection (4)(c) expires.

191 ~~{(6)}~~ (7) A person that purports to offer board education shall ensure that the training the person offers covers one or more of the topics described in Subsection (1).

193 ~~{(7)}~~ (8) The Department of Commerce shall:

194 (a) maintain a list of persons that ~~{may}~~ purport to offer board education; and

195 (b) make the list described in Subsection ~~{(7)(a)}~~ (8)(a) available upon request.

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

266 Section 3. **Effective date.**

This bill takes effect on July 1, 2026.

2-7-25 3:48 PM