

HOA Board Education Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Cheryl K. Acton

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 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;
- creates a standard for a person that offers education requirements; and
- requires that the Department of Commerce maintain a list of persons authorized to offer education requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

57-8-61, Utah Code Annotated 1953

57-8a-503, Utah Code Annotated 1953

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

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

33 **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
36 one or more of 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.

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
52 management committee education per calendar year.

53 (b) A management committee member violates this Subsection (2) if:

54 (i) in the preceding year, the management committee member served on a
55 management committee during the preceding year; and

56 (ii) on January 1, the management committee member did not complete the education
57 described in Subsection (2)(a) for the preceding calendar year.

58 (c) A management committee member that serves on more than one management
59 committee shall complete the education described in Subsection (2)(a) a minimum of
60 once per calendar year.

61 (3) A management committee member shall:

62 (a) maintain an up-to-date record of the management committee member's compliance
63 with Subsection (2);

64 (b) make the record described in Subsection (3)(a) available to a unit owner at a
65 reasonable time after the unit owner's request; and

- 66 (c) provide the record of the management committee member's compliance with
67 Subsection (2) to the secretary, if the management committee has a secretary.
- 68 (4)(a) Subject to Subsection (4)(b), if a management committee member does not
69 comply with Subsection (2), and fails to remedy the noncompliance within the time
70 provided in the notice described in Subsection (4)(c), a unit owner may file an action
71 in a court with jurisdiction for:
- 72 (i) injunctive relief requiring the management member to comply with the
73 requirements of this section;
- 74 (ii) \$250;
- 75 (iii) any other remedy provided by law; and
- 76 (iv) reasonable costs and attorney fees.
- 77 (b)(i) Before the unit owner files a complaint under Subsection (4)(a):
- 78 (A) a unit owner shall request the record described in Subsection (3)(a) from the
79 secretary, or if the management committee does not have a secretary, from the
80 management committee member; and
- 81 (B) if the management committee member or the secretary does not provide a
82 record of the management committee member's compliance with Subsection (2),
83 a unit owner shall deliver a written notice described in Subsection (4)(c) in
84 person to the secretary, or if the management committee does not have a
85 secretary, to the management committee member.
- 86 (ii) If a unit owner provides the notice to the secretary, the secretary shall provide the
87 notice to the management committee member described in the notice within 24
88 hours after the secretary receives the notice.
- 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
91 committee member or the secretary did not provide the unit owner the record
92 described in Subsection (3)(a);
- 93 (ii) a demand:
- 94 (A) for the record described in Subsection (3)(a); or
- 95 (B) that the management committee member remedy noncompliance with
96 Subsection (2), 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,
98 by which the management committee member shall comply with the demand.
- 99 (d) A management committee member remedies noncompliance with Subsection (2) by

- 100 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
- 102 management committee member has not:
- 103 (A) remedied noncompliance in accordance with Subsection (4)(d) within the time
- 104 period described in Subsection (4)(c); or
- 105 (B) provided the record described in Subsection (3)(a).
- 106 (ii) A unit owner shall bring an action no more than three years after the day on
- 107 which the preceding calendar year ends.
- 108 (5) A secretary or management committee member shall maintain all records related to this
- 109 section for at least three calendar years after the day on which the secretary or
- 110 management committee member receives the record.
- 111 (6) A person that purports to offer management committee education shall ensure that the
- 112 training the person offers covers one or more of the topics described in Subsection (1).
- 113 (7) The Department of Commerce shall:
- 114 (a) maintain a list of persons that may offer management committee education; and
- 115 (b) make the list described in Subsection (7)(a) available upon request.
- 116 Section 2. Section **57-8a-503** is enacted to read:
- 117 **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
- 120 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;
- 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.
- 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
136 calendar year.
- 137 (b) A board member violates this Subsection (2) if:
- 138 (i) in the preceding calendar year, the board member served on a board during the
139 preceding calendar year; and
- 140 (ii) on January 1, the board member did not complete the education described in
141 Subsection (2)(a) for the preceding calendar year.
- 142 (c) A board member that serves on more than one board shall complete the education
143 described in Subsection (2)(a) a minimum of once per calendar year.
- 144 (3) A board member shall:
- 145 (a) maintain an up-to-date record of the board member's compliance with Subsection (2);
- 146 (b) make the record described in Subsection (3)(a) available to a lot owner at a
147 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
149 secretary, if the board has a secretary.
- 150 (4)(a) Subject to Subsection (4)(b), if a board member does not comply with Subsection
151 (2), and fails to remedy the noncompliance within the time provided in the notice
152 described in Subsection (4)(c), a lot owner may file an action in a court with
153 jurisdiction for:
- 154 (i) injunctive relief requiring the board member to comply with the requirements of
155 this section;
- 156 (ii) \$250;
- 157 (iii) any other remedy provided by law; and
- 158 (iv) reasonable costs and attorney fees.
- 159 (b)(i) Before the lot owner files a complaint under Subsection (4)(a):
- 160 (A) a lot owner shall request the record described in Subsection (3)(a) from the
161 secretary, or if the board does not have a secretary, from the board member; and
- 162 (B) if the board member or the secretary does not provide a record of the board
163 member's compliance with Subsection (2), a lot owner shall deliver written
164 notice described in Subsection (4)(c) in person to the secretary, or if the board
165 does not have a secretary, to the board member.
- 166 (ii) If a lot owner provides notice to the secretary, the secretary shall provide the
167 notice to the board member described in the notice within 24 hours after the

- 168 secretary receives the notice.
- 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
- 171 the secretary did not provide the lot owner the record described in Subsection
- 172 (3)(a);
- 173 (ii) a demand:
- 174 (A) for the record described in Subsection (3)(a); or
- 175 (B) that the board member remedy noncompliance with Subsection (2), as
- 176 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,
- 178 by which the board member shall comply with the demand.
- 179 (d) A board member remedies noncompliance with Subsection (2) by completing at least
- 180 two hours of board education.
- 181 (e)(i) A lot owner may bring an action under this Subsection (4) only if the board
- 182 member has not:
- 183 (A) remedied noncompliance in accordance with Subsection (4)(d) within the time
- 184 period described in Subsection (4)(c); or
- 185 (B) provided the record described in Subsection (3)(a).
- 186 (ii) A lot owner shall bring an action no more than three years after the day on which
- 187 the preceding calendar year ends.
- 188 (5) A secretary or board member shall maintain all records related to this section for at least
- 189 three calendar years after the day on which the secretary or board member receives the
- 190 record.
- 191 (6) A person that purports to offer board education shall ensure that the training the person
- 192 offers covers one or more of the topics described in Subsection (1).
- 193 (7) The Department of Commerce shall:
- 194 (a) maintain a list of persons that may offer board education; and
- 195 (b) make the list described in Subsection (7)(a) available upon request.
- 196 **Section 3. Effective Date.**
- 197 This bill takes effect on July 1, 2026.