

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 authorized to 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

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 hours of management committee 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
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 purports to offer management committee education shall ensure that the
152 training the person offers covers one or more of the topics described in Subsection (1).

153 (8) The Department of Commerce shall:

154 (a) maintain a list of persons that purport to offer management committee education; and

155 (b) make the list described in Subsection (8)(a) available upon request.

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
- 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 (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 purports to offer board education shall ensure that the training the person
- 260 offers covers one or more of the topics described in Subsection (1).
- 261 (8) The Department of Commerce shall:
- 262 (a) maintain a list of persons that purport to offer board education; and
- 263 (b) make the list described in Subsection (8)(a) available upon request.
- 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.