

Effective 5/12/2015

57-8-17 Records -- Availability for examination.

- (1)
 - (a) Subject to Subsection (1)(b), an association of unit owners shall keep and make documents available to unit owners in accordance with Sections 16-6a-1601 through 1603, 16-6a-1605, 16-6a-1606, and 16-6a-1610, regardless of whether the association of unit owners is incorporated under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
 - (b) An association of unit owners may redact the following information from any document the association of unit owners produces for inspection or copying:
 - (i) a Social Security number;
 - (ii) a bank account number; or
 - (iii) any communication subject to attorney-client privilege.
- (2)
 - (a) In addition to the requirements described in Subsection (1), an association of unit owners shall make documents available to unit owners in accordance with the association of unit owners' governing documents.
 - (b) If a provision of an association of unit owners' governing documents conflicts with a provision of this section, the provision of this section governs.
- (3) In a request to inspect or copy documents, a unit owner may:
 - (a) elect whether to inspect or copy the documents;
 - (b) if the unit owner elects to copy the documents, request hard copies or electronic scans of the documents; or
 - (c) subject to Subsection (4), request that:
 - (i) the association of unit owners make the copies or electronic scans of the requested documents;
 - (ii) a recognized third party duplicating service make the copies or electronic scans of the requested documents; or
 - (iii) the unit owner be allowed to bring any necessary imaging equipment to the place of inspection and make copies or electronic scans of the documents while inspecting the documents.
- (4)
 - (a) An association of unit owners shall comply with a request described in Subsection (3).
 - (b) If an association of unit owners produces the copies or electronic scans:
 - (i) the copies or electronic scans shall be legible and accurate; and
 - (ii) the unit owner shall pay the association of unit owners the reasonable cost of the copies or electronic scans, which may not exceed:
 - (A) the actual cost that the association of unit owners paid to a recognized third party duplicating service to make the copies or electronic scans; or
 - (B) if an employee, manager, or other agent of the association of unit owners makes the copies or electronic scans, 10 cents per page and \$15 per hour for the employee's, manager's, or other agent's time making the copies or electronic scans.
 - (c) If a unit owner requests a recognized third party duplicating service make the copies or electronic scans:
 - (i) the association of unit owners shall arrange for the delivery and pick up of the original documents; and
 - (ii) the unit owner shall pay the duplicating service directly.
 - (d) If a unit owner requests to bring imaging equipment to the inspection, the association of unit owners shall provide the necessary space, light, and power for the imaging equipment.

- (5) If, in response to a unit owner's request to inspect or copy documents, an association of unit owners fails to comply with a provision of this section, the association of unit owners shall pay:
 - (a) the reasonable costs of inspecting and copying the requested documents; and
 - (b) reasonable attorney fees and costs incurred by the unit owner in obtaining the inspection and copies of the requested documents.
- (6)
 - (a) In addition to any remedy in the association of unit owners' governing documents or as otherwise provided by law, a unit owner may file an action in court under this section if:
 - (i) an association of unit owners fails to make documents available to the unit owner in accordance with this section, the association of unit owners' governing documents, or as otherwise provided by law; and
 - (ii) the association of unit owners fails to timely comply with a notice described in Subsection (6)(d).
 - (b) In an action described in Subsection (6)(a):
 - (i) the unit owner may request:
 - (A) injunctive relief requiring the association of unit owners to comply with the provisions of this section;
 - (B) \$500 or actual damage, whichever is greater; or
 - (C) any other relief provided by law; and
 - (ii) the court shall award costs and reasonable attorney fees to the prevailing party, including any reasonable attorney fees incurred before the action was filed that relate to the request that is the subject of the action.
 - (c)
 - (i) In an action described in Subsection (6)(a), upon motion by 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 failed to comply with a provision of this section, the court shall order the association of unit owners to immediately comply with the provision.
 - (ii) The court shall hold a hearing described in Subsection (6)(c)(i) within 30 days after the day on which the unit owner files the motion.
 - (d) At least 10 days before the day on which a unit owner files an action described in Subsection (6)(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 this section 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 10 days after the day on which the unit owner delivers the notice to the association of unit owners.
- (7)
 - (a) The provisions of Section 16-6a-1604 do not apply to an association of unit owners.
 - (b) The provisions of this section apply regardless of any conflicting provision in Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (8) A unit owner's agent may, on the unit owner's behalf, exercise or assert any right that the unit owner has under this section.

Repealed and Re-enacted by Chapter 325, 2015 General Session

