

Effective 5/7/2025

Superseded 5/6/2026

57-8a-227 Records -- Availability for examination.

- (1)
- (a) Subject to Subsection (1)(b) and regardless of whether the association is incorporated under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, an association shall keep and make available to lot owners:
 - (i) each record identified in Subsections 16-6a-1601(1) through (5), in the manner described in Sections 16-6a-1601, 16-6a-1602, 16-6a-1603, 16-6a-1605, 16-6a-1606, and 16-6a-1610; and
 - (ii) a copy of the association's:
 - (A) governing documents;
 - (B) most recent approved minutes;
 - (C) most recent annual budget and financial statement;
 - (D) most recent reserve analysis;
 - (E) certificate of insurance for each insurance policy the association holds;
 - (F) board meeting minutes from the previous three calendar years;
 - (G) a profit and loss statement for the previous three fiscal years; and
 - (H) a balance sheet for the previous three fiscal years;
 - (b) An association may redact the following information from any document the association 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 shall:
 - (i) make documents available to lot owners in accordance with the association's governing documents; and
 - (ii)
 - (A) if the association has an active website, make the documents described in Subsections (1)(a)(ii)(A) through (C) available to lot owners, free of charge, through the website; or
 - (B) if the association does not have an active website, make physical copies of the documents described in Subsections (1)(a)(ii)(A) through (C) available to lot owners during regular business hours at the association's address registered with the Department of Commerce under Section 57-8a-105.
 - (b) Subsection (2)(a)(ii) does not apply to an association as defined in Section 57-19-2.
 - (c) If a provision of an association's governing documents conflicts with a provision of this section, the provision of this section governs.
- (3) In a written request to inspect or copy documents:
- (a) a lot owner shall include:
 - (i) the association's name;
 - (ii) the lot owner's name;
 - (iii) the lot owner's property address;
 - (iv) the lot owner's email address;
 - (v) a description of the documents requested; and
 - (vi) any election or request described in Subsection (3)(b); and
 - (b) a lot owner may:
 - (i) elect whether to inspect or copy the documents;

- (ii) if the lot owner elects to copy the documents, request hard copies or electronic scans of the documents; or
 - (iii) subject to Subsection (4), request that:
 - (A) the association make the copies or electronic scans of the requested documents;
 - (B) a recognized third party duplicating service make the copies or electronic scans of the requested documents;
 - (C) the lot 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; or
 - (D) the association email the requested documents to an email address provided in the request.
- (4)
- (a) An association shall comply with a request described in Subsection (3) within two weeks after the day on which the association receives the request.
 - (b) If an association produces the copies or electronic scans:
 - (i) the copies or electronic scans shall be legible and accurate;
 - (ii) the lot owner shall pay the association the reasonable cost of the copies and for time spent meeting with the lot owner, which may not exceed:
 - (A) the actual cost that the association paid to a recognized third party duplicating service to make the copies or electronic scans; or
 - (B) 10 cents per page and \$20 per hour for the employee's, manager's, or other agent's time; and
 - (iii) the association may not charge the lot owner for any costs associated with fulfilling a request for electronic transmission of the documents described in Subsection (3).
 - (c) If a lot owner requests a recognized third party duplicating service make the copies or electronic scans:
 - (i) the association shall arrange for the delivery and pick up of the original documents; and
 - (ii) the lot owner shall pay the duplicating service directly.
 - (d) If a lot owner requests to bring imaging equipment to the inspection, the association shall provide the necessary space, light, and power for the imaging equipment.
 - (e) An association may fulfill the request described in Subsection (3) by posting the documents described in Subsection (3) to the association's website or online owner portal.
- (5) Subject to Subsection (9), if, in response to a lot owner's request to inspect or copy documents, an association fails to comply with a provision of this section, the association shall pay:
- (a) the reasonable costs of inspecting and copying the requested documents;
 - (b) for items described in Subsections (1)(a)(ii)(A) through (C), \$25 to the lot owner who made the request for each day the request continues unfulfilled, beginning the sixth day after the day on which the lot owner made the request; and
 - (c) reasonable attorney fees and costs incurred by the lot owner in obtaining the inspection and copies of the requested documents.
- (6)
- (a) In addition to any remedy in the association's governing documents or otherwise provided by law, a lot owner may file an action in court against the association under this section if:
 - (i) subject to Subsection (9), an association fails to make documents available to the lot owner in accordance with this section, the association's governing documents, or as otherwise provided by law; and
 - (ii) the association fails to timely comply with a notice described in Subsection (6)(d).
 - (b) In an action described in Subsection (6)(a):

- (i) the lot owner may request:
 - (A) injunctive relief requiring the association to comply with the provisions of this section;
 - (B) \$1,000 or actual damage, whichever is greater; or
 - (C) any other relief provided by law; and
 - (ii) the court may 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 lot owner made in accordance with Subsection (6)(b), notice to the association, and a hearing in which the court finds a likelihood that the association failed to comply with a provision of this section, the court shall order the association 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 lot owner files the motion.
- (d) At least 10 days before the day on which a lot owner files an action described in Subsection (6)(a), the lot owner shall deliver a written notice to the association that states:
- (i) the lot owner's name, address, telephone number, and email address;
 - (ii) each requirement of this section with which the association has failed to comply;
 - (iii) a demand that the association comply with each requirement with which the association has failed to comply; and
 - (iv) a date by which the association shall remedy the association's noncompliance that is at least 10 days after the day on which the lot owner delivers the notice to the association.
- (7)
- (a) The provisions of Section 16-6a-1604 do not apply to an association.
 - (b) The provisions of this section apply regardless of any conflicting provision in Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (8) A lot owner's agent may, on the lot owner's behalf, exercise or assert any right that the lot owner has under this section.
- (9) An association is not liable for identifying or providing a document in error, if the association identified or provided the erroneous document in good faith.