



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 14, 2023

Mr. Speaker,

The Business and Labor Committee recommends **H.B. 401**, HOMEOWNERS ASSOCIATION REQUIREMENTS, by Representative C. K. Acton, be replaced and reports a favorable recommendation on **1st Sub. H.B. 401**, HOMEOWNERS ASSOCIATION REQUIREMENTS with the following amendments:

1. Page 2, Lines 30 through 51:

- 30 (1) (a) Subject to Subsection (1)(b) and regardless of whether the association of unit
31 owners is incorporated under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation
Act, an
32 association of unit owners shall keep and make available to unit owners:
33 (i) each record identified in Subsections 16-6a-1601(1) through (5), in accordance
with
34 Sections 16-6a-1601, 16-6a-1602, 16-6a-1603, 16-6a-1605, 16-6a-1606, and 16-6a-1610;
[and]
35 (ii) a copy of the association's:
36 (A) governing documents;
37 [~~(B) most recent approved minutes;~~]
38 [~~(C) most recent budget and financial statement;~~]
39 [~~(D)~~] (B) most recent reserve analysis; and
40 [~~(E)~~] (C) certificate of insurance for each insurance policy the association of unit
41 owners holds[-]; and
42 (iii) the following documents that are in the association's possession on May 3,
2023,
43 or created on or after May 3, 2023, for at least two years after the day on which the
document is
44 created:
45 (A) approved minutes; and

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46 (B) budget and financial statement ~~{-}~~ , including the nature and amount
47 of expenditures and account balances.

48 (b) An association of unit owners may redact the following information from any
49 document the association of unit owners produces for inspection or copying:

50 (i) a Social Security number;

51 (ii) a bank account number; or

(iii) any communication subject to attorney-client privilege.

2. Page 6, Line 170 through Page 7, Line 190:

170 (1) (a) Subject to Subsection (1)(b) and regardless of whether the association is
171 incorporated under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, an
172 association shall keep and make available to lot owners:

173 (i) each record identified in Subsections 16-6a-1601(1) through (5), in accordance
174 with

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 budget and financial statement;]~~

~~[(D)]~~ (B) most recent reserve analysis; and

~~[(E)]~~ (C) certificate of insurance for each insurance policy the association holds[-];

and

(iii) the following documents that are in the association's possession on May 3,
2023,

or created on or after May 3, 2023, for at least two years after the day on which the
document is

created:

(A) approved minutes; and

(B) budget and financial statement ~~{-}~~ , including the nature and amount
of expenditures and account balances.

(b) An association may redact the following information from any document the
association produces for inspection or copying:

(i) a Social Security number;



- 189 (ii) a bank account number; or
190 (iii) any communication subject to attorney-client privilege.

Respectfully,

A. Cory Maloy
Chair

Voting: 12-0-3

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