

Utah HOA Records Requirements

Records that must be kept and provided to all owners or to a requesting owner

Record	Must be kept: ¹		Permanent record	Owner must have 'proper purpose' ²	Deadline to give to requesting owner ³			Provide to all owners annually	Penalty for failing to give to requesting owner
	on website	at principal office			by <i>sixth business day</i>	within 2 weeks	must be always available ¹		
(1) All governing documents , including: • CC&Rs (declaration) • articles of incorporation • bylaws • the recorded plat of the development • rules (including policies, guidelines and resolutions relating to owners)	X	X					X		C, A ⁴ , \$ ⁵ , \$\$
(2) Minutes									
a. The most recent approved minutes	X						X		C, A, \$, \$\$
b. Minutes of all owner meetings for three years		X			X				C, A, \$\$
c. Minutes of all other owner meetings and board meetings			X			X			C, A, \$\$
(3) Financial Records									
a. The most recent budget	X						X		C, A, \$, \$\$
b. The most recent financial statement	X						X		C, A, \$, \$\$
c. All financial statements for the last three years, if any, showing in reasonable detail the assets, liabilities and results of the operations of the association		X			X				C, A, \$\$
d. A profit and loss statement and balance sheet for the previous three fiscal years						X			C, A, \$\$
e. "Appropriate accounting records" ⁶				X	X				C, A, \$\$

C = Costs of viewing/copying the documents. A = Attorney fees and costs.⁴ \$ = \$25 per day⁵. \$\$ = \$1,000 or actual damages.

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(4) Actions Taken without a Meeting									
a. A record of all actions taken without a meeting by the owners or the board (or a committee of board in place of board)			X			X			C, A, \$\$
b. A record of actions taken by the owners without a meeting in last three years		X			X				C, A, \$\$
(5) Insurance. Certificate for each policy						X			C, A, \$\$
(6) Communications to Owners. All written communications to owners generally as owners in the last three years		X			X				C, A, \$\$
(7) Board Member List. Names and business or home addresses of board members and officers		X			X				C, A, \$\$
(8) Membership List. A list of the owners’ names, mailing addresses and number of votes each has, in alphabetical order		X		X	X				C, A, \$\$
a. Membership list prepared in connection with a meeting or action by written ballot ⁷		X and at meeting					See fn ⁸		C, A, \$\$
(9) Annual Report. A copy of the annual renewal with the Utah Div of Corporations		X			X				C, A, \$\$
(10) Reserve Analysis and Update. Most recent						X			C, A, \$\$ ⁹
(11) Summary of Reserve Analysis or Update								X	C, A, \$\$ (\$500) ¹⁰
(12) Waivers. A record of all waivers of notices of meetings of members, board or a committee			X			X			C, A, \$\$

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* **Statute Governs:** An association must make documents available to owners in accordance with the association's governing documents, but if a provision of an association's governing documents conflicts with a statute, the statute governs.

1. **Where Records Must be Kept.** An association is required to keep and make available to owners a copy of certain records, free of charge, on the association's website, or, if the association does not have a website, physical copies of the documents must be made available to owners during regular business hours at the association's *registered address*. Otherwise, records may be kept electronically as long as they are capable of being transmitted to, or viewed by, others, such as via email from an electronic storage medium or via website. Utah Code §§ [57-8-17](#), [57-8a-227](#), [16-6a-1601](#)(4).
 - “*Registered address*” means the association's address listed with the Utah [HOA Registry](#).
 - “*Principal office*” means the address of the association listed on the association's [corporate registration](#) with the Utah Division of Corporations (not to be confused with the separate HOA Registry).
2. **“Proper purpose”** means a purpose reasonably related to the owner's interest as a member of the association. Utah Code § [16-6a-1602](#)(4). In order to view a record when a proper purpose is required: (1) the request by the owner must be made in good faith and for a proper purpose, (2) the owner must describe with reasonable particularity the purpose and the records the owner desires to receive, and (3) the records must be directly connected with the described purpose.
3. **Providing Records.** An owner may choose:
 - (1) to view and copy the records in person (including being allowed to bring any necessary imaging equipment and make copies or electronic scans of the documents while viewing the documents),
 - (2) to receive the records electronically, and that either the association or a third-party duplicating service make the electronic scans of the requested documents, or
 - (3) to receive hard copies of the records, and that either the association or a third-party duplicating service make the copies of the requested documents.Utah Code §§ [57-8-17](#) and [57-8a-227](#).
4. **Attorney Fees.** An association must pay an owner's attorney fees and costs incurred in obtaining requested documents after the association fails to comply with the statute. See Utah Code §§ [57-8-17](#)(5) or [57-8a-227](#)(5). In a lawsuit, the court *may* require the losing party to pay the prevailing party's attorney fees and costs. See §§ [57-8-17](#)(6) or [57-8a-227](#)(6).
5. **Daily Penalty.** \$25 per day penalty payable to the owner beginning on *sixth* calendar day after request. See Utah Code §§ [57-8-17](#)(2)(a)(ii) and (5)(b) or [57-8a-227](#)(2)(a)(ii) and (5)(b).
6. **“Appropriate accounting records”** are generally records relevant to audits and financial reviews, as well as records used to prepare financial statements that fairly present the financial condition and transactions of the association, including ledgers, bank statements, invoices, receipts, vouchers, etc. (see e.g., 1984 Model Business Corporation Act, Section 16.01, official comment 2). See Utah Code § [16-6a-1601](#)(2) (an association “shall maintain appropriate accounting records”). However, the Utah Office of the Homeowners' Association Ombudsman has determined that appropriate accounting records are merely “the main financial summary reports that provide an overview of an organization's economic health, such as balance sheets, income statements, and cash flow statements” and do not include records that provide detail on specific transactions, such as the “detailed ledgers, receipts, invoices” that a homeowner had requested in the matter the Ombudsman examined. See [Advisory Opinion No. 2025-01](#).
7. **Membership List Requirements.** Unless the bylaws exempt the association from the following requirements, the membership list must be current whenever a member meeting or action by written ballot without a meeting is conducted, and
8. the membership list must be made available to members: (1) beginning the earlier of: (a) 10 days before the meeting, or (b) two business days after notice of the meeting is given, and continuing through the meeting and any adjournment of the meeting, (2) at the association's *principal office* or at a

place identified in the notice of the meeting in the city where the meeting will be held, (3) at the meeting itself. See Utah Code § [16-6a-710](#). See also Index, [membership list](#) at [CounselOurHOA.com](#) for more details.

9. Penalties under the *Records Statute*. If:

- (1) an owner makes a proper request for the most recent **reserve analysis**,
- (2) the association fails to provide a copy within two weeks,
- (3) the owner sends a proper notice of failure to comply and demand to comply,
- (4) the association fails to provide a copy within 10 days,
- (5) the owner then files a lawsuit,

then the penalties a court may award include \$1,000 or the owner's actual damages (whichever is more) and the owner's attorney fees and costs, among other things. See the records statute in Utah Code §§ 57-8-17 (condo) or 57-8a-227 (community ass'n).

10. Penalties Under the *Reserve Analysis Statute*. If:

- (1) an owner makes a request for the complete **reserve analysis or update**,
- (2) the association fails to provide a copy promptly,
- (3) the owner sends a proper notice of failure to comply and demand to comply,
- (4) the association fails to provide a copy within 90 days,
- (5) the owner then files a lawsuit,

then the penalties a court will award include \$500 or the owner's actual damages (whichever is more) and the owner's attorney fees and costs, among other things. See the reserve fund/reserve analysis statute in Utah Code §§ [57-8-7.5](#)(8) (condo) or [57-8a-211](#)(8) (community ass'n).

See Index, [records](#) at [CounselOurHOA.com](#)