

house bill 99

UTAH OPEN MEETINGS LAW



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Does this picture illustrate the way your association conducts your HOA Board meetings? Have you ever felt like your Board of Directors or Management Committee operates in a vacuum or that you don't know what they are doing? We all become suspicious when business is conducted behind closed doors and especially when it can affect how we live and the value of our home.

First, let's take a look at how you can inform yourself about legislative matters effecting HOA's in Utah. We have an active Legislative Action Committee (LAC) that operates under the Utah Chapter of the Community Association Institute (UCCAI). This group of individuals reviews all legislation that impacts our communities and provides

input to our legislators on your behalf. More importantly, you can become better informed concerning legislative issues by going to any of the following websites: www.utahlac.com , www.uccai.com or www.le.utah.gov .

The specific purpose of this article is to address the salient issues found in the recently passed House Bill 99 Open

Meetings, 57-8-56 (which applies to condominiums) and 57-8a-225 (which applies to non-condominiums) and how these changes may impact you and your association. There are 7 areas outlined that you should be aware of:

1. At least 48 hours before the meeting, the association shall give written notice of the meeting via email to each unit/lot owner who requests notice of the meeting, unless:
 - a. Notice of the meeting is included in a meeting schedule that was previously provided to the unit/lot owner.
 - b. The meeting is to address an emergency and each board member receives notice of the meeting less than 48 hours before the meeting.
 - i. Be delivered by email to the email address provided by the unit/lot owner.
 - ii. State date and time.
 - iii. State location.
 - iv. If board member is allowed to participate electronically, unit/lot owners may also participate by electronic communications (telephone, video and/or web conferencing).

2. The board meeting will be open to each unit/lot owner or unit/lot owner's representative if designated in writing. The board may close a meeting to:

- a. Consult with an attorney for the purpose of obtaining legal advice.
- b. Discuss ongoing or potential litigation, mediation, arbitration or administrative proceedings.
- c. Discuss a personnel matter.
- d. Discuss a matter relating to contract negotiations.
- e. Discuss a matter that involves an individual and their right to privacy.
- f. Discuss delinquent assessment or fine.

3. The board shall provide each unit/lot owner a reasonable opportunity to offer comments.

- a. The board may limit the comments to one specific time period during the meeting.

4. A board member may not avoid or obstruct the requirements of this section.

5. Nothing in this section shall affect the validity or enforceability of an action of a board.

6. The provisions of this section do not apply during the period of administrative control (typically referred to as declarant control).

7. The provisions of this section apply regardless of when the association's first governing document was recorded.

These are specific provisions of HB99 and giving you the essentials necessary for conducting your HOA board meetings in the future. This bill becomes effective on July 1 and will bring transparency to what has sometimes been a restrictive and veiled process. Democracy is not an easy form of government, but by opening the doors and listening to the concerns of those in your community you will be a better and stronger community.