



SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor



Office of the Homeowners'  
Association Ombudsman  
UTAH DEPARTMENT OF COMMERCE

MARGARET W. BUSSE  
Executive Director

ERIN RIDER  
Division Director

### ADVISORY OPINION NO. 2026-02

<u>Applicant Name:</u>	Brian Benson
<u>Association Name:</u>	Pines at Jordan Landing
<u>Association Type:</u>	Condominium Association
<u>Governing Statutes:</u>	<a href="#">Utah Condominium Ownership Act</a> <a href="#">Utah Revised Nonprofit Corporation Act</a>
<u>Advisory Opinion Date:</u>	January 14, 2026

### LEGEND OF DEFINED TERMS

<b>Association</b>	Pines at Jordan Landing
<b>CC&amp;Rs</b>	Declaration of Condominium for Pines at Jordan Landing, dated April 23, 2001, as subsequently amended
<b>Committee</b>	Pines at Jordan Landing Management Committee
<b>Desert Edge</b>	Desert Edge Property Management
<b>Governing Documents</b>	The Declaration (CC&Rs), Bylaws, and Rules/Policies of the Association
<b>Mr. Benson</b>	Brian Benson
<b>Office</b>	Office of the Homeowners' Association Ombudsman
<b>Registry</b>	Utah Homeowners' Association Registry Search, located at <a href="https://services.commerce.utah.gov/hoa/">https://services.commerce.utah.gov/hoa/</a>

Summaries of each legal question are included at the start of each section. These summaries aim to provide a clear and straightforward answer to the question and should be read in conjunction with the complete analysis.

## INTRODUCTION & BACKGROUND FACTS

A dispute has arisen between Mr. Benson and the Association regarding the registration of board member contact information with the Office. Mr. Benson asserts that the listing of property management contact details in place of the individual board members' personal contact information hinders direct communication and does not align with the transparency requirements of Utah statutes. Desert Edge, on behalf of the Association, maintains that the practice of listing management company contact information adheres to established industry norms, which protects the privacy of volunteer board members and prevents discouragement of board service, while ensuring that all homeowner communications are appropriately relayed to the board through the professional intermediaries listed in their stead. The main facts and timeline, as presented to the Office, are as follows:

- On April 23, 2001, the Association was established through the recording of the CC&Rs.
- On May 7, 2025, [Title 13, Chapter 79 of the Utah Code](#) was enacted, which created the Office.
- One responsibility of the Office is to administer and maintain the Registry, which, under [Utah Code § 57-8-13.1](#), all associations are required to submit to and renew annually. [Utah Code § 57-8-13.1\(3\)](#) requires all associations to provide certain information during the registration process, including the contact information for all Committee members.
- As a result of the creation of the Office and the transfer of responsibility for the Registry, on September 8, 2025, a new Registry system was implemented, which required all associations within the state to re-register.
- On or about September 26, 2025, Desert Edge contacted the Office to clarify statutory requirements regarding whether a board member's personal phone number and email address were required.
- On October 27, 2025, Desert Edge registered the Association through the Office's registration system. In the registration, Desert Edge provided their contact information as the contact information for all board members.
- On or about December 16, 2025, Mr. Benson accessed the Registry to identify contact information for the Committee. Mr. Benson discovered that the contact information listed for each board member consisted of contact information for Desert Edge rather than the individual board members.
- On December 17, 2025, Mr. Benson filed his Advisory Opinion request, seeking clarification on Utah law concerning the information requirements for the Registry.

Since the dispute remains unresolved, the Office issues this Advisory Opinion pursuant to [Utah Code § 13-79-104](#).

## ANALYSIS OF QUESTIONS PRESENTED & GOVERNING LEGAL PRINCIPLES

This dispute raises the following legal question for the Office: (1) What information is an association required to provide on the Office's Registry?

### 1. What Information is an Association Required to Provide on the Office's HOA Registry?

**Summary:** Under [Utah Code § 57-8-13.1](#), homeowners' associations must register and renew their registration annually with the Office by providing, at a minimum, specific contact information for the association president, each committee member, and a primary contact for payoff information. In this case, insofar as Desert Edge did not provide contact information as directed by the Committee members, Desert Edge, and therefore the Association, violated these requirements by listing Desert Edge's contact details instead of the individual information specified by each Committee member, as mandated by [Utah Code § 57-8-13.1](#).

**General Legal Principle:** [Utah Code § 57-8-13.1\(2\)](#) requires an association to register with the Office through the state registration system no later than 90 days after the recording of a declaration, and as of 2025, to renew that registration annually. When an association registers with the Office, [Utah Code § 57-8-13.1\(3\)](#) requires the association to provide "the name and address of the association of unit owners; the name, address, telephone number, and, if applicable, email address of the president of the association of unit owners; the name and address of each manager or management committee member; the name, address, telephone number, and, if the contact person wishes to use email or facsimile transmission for communicating payoff information, the email address or facsimile number, as applicable, of a primary contact person who has association payoff information that a closing agent needs in connection with the closing of a unit owner's financing, refinancing, or sale of the owner's unit; and a registration fee set by the [Office]." The exact information provided is up to each individual person, but it must be contact information provided by them or under their direction. As such, when an association registers with the Office, it must provide all the information as outlined below:

3

### HOA Registration: What You Must Provide

Utah law requires all associations of unit owners to register with the Department of Commerce and keep their information current.

-  **PROVIDE ASSOCIATION DETAILS**  
Official, registered name and address of the association.
-  **LIST KEY LEADERSHIP**  
Include the name and address of the association president and each manager or management committee member.
-  **DESIGNATE A PAYOFF CONTACT**  
Provide the name, address, and phone number for a primary contact who handles information for unit sales and refinancing.
-  **SUBMIT FULL CONTACT INFO**  
For the President and Payoff Contact, also provide a telephone number and an email address (if available).
-  **DON'T FORGET THE FEE**  
A registration fee, set by the department, must be included with your submission.

**Application to Matter:** In this case, neither party disputes that the contact information provided on the Registry is that of Desert Edge. In fact, based on the information provided by the parties, it does not appear that Desert Edge ever conferred with the Committee members to confirm what information they would like to list on the Registry. Mr. Benson argues that this violates [Utah Code § 57-8-13.1\(3\)](#), which he claims requires the contact information for each individual, not a single management point of contact. The Association argues that listing the contact information for the management company is a standard industry practice, that doing so protects Committee member privacy, and that it is ultimately irrelevant because the Office has no way to verify its validity. Regardless of whether the Office has a mechanism to verify the information posted on the Registry independently, the Association, and therefore its manager, are obligated to comply with the requirements of [Utah Code § 57-8-13.1](#), including the specific information that must be provided. Industry standards are irrelevant to the determination of whether the Association has complied with the requirements of Utah law unless those standards themselves are legal. [Utah Code § 57-8-13.1\(3\)\(b\)](#) requires the “name, address, telephone number, and, if applicable, email address **of the president** of the association of unit owners,” and [Utah Code § 57-8-13.1\(3\)\(c\)](#) requires the “name and address **of each manager or management committee member.**” The plain language of these provisions is clear. Committee members are free to list whatever contact information they wish, but it must be a valid means of contacting them as representatives of the Association, and should be provided at their direction. While it is perfectly appropriate for the Committee to delegate the task of registration to Desert Edge, it remains the responsibility of the Committee and the Association, and therefore Desert Edge as their agent, to ensure that the information provided is accurate and complete. Accordingly, to the extent the information provided in the Association’s registration was not the information directed to be provided by each Committee member, the Association is in violation of [Utah Code § 57-8-13.1](#).

## CONCLUSION

Based on the information provided by the parties and the governing Utah statutes, the Office concludes as follows:

1. **Association Registration Requirements:** The Association violated the requirements of [Utah Code § 57-8-13.1](#) by listing Desert Edge's contact details instead of the individual information specified by each Committee member, as mandated by the plain language of the statute.



Erin Rider (Jan 14, 2026 11:32:48 PST)

---

**Erin Rider**

*Director*



Office of the Homeowners'  
Association Ombudsman  
UTAH DEPARTMENT OF COMMERCE

## **INFORMATION REGARDING ADVISORY OPINIONS**

This document is an Advisory Opinion issued by the Office of the Homeowners' Association Ombudsman as an alternative dispute resolution method pursuant to [Utah Code § 13-79-104](#). The Office's jurisdiction is limited to alleged violations of state statutes, as outlined in [Utah Code § 13-79-103](#) and [Utah Code § 13-79-104](#). The opinions here are based on a review of the specific facts provided and may not correspond with outcomes in other cases where circumstances or laws differ. This opinion is not legal advice, does not establish an attorney-client relationship, and does not represent the official views of the State of Utah or the Department of Commerce. All parties are encouraged to seek legal counsel to protect their interests.

While this Advisory Opinion is not legally binding on any party, it could have potential consequences if the matter proceeds to litigation. Under Utah law, the opinion and related findings are not admissible as evidence in court, except for the specific purpose of evaluating attorney fees and costs. If a cause of action discussed in this opinion is litigated and resolved according to it, the prevailing party may recover reasonable attorney fees and court costs incurred from the date this opinion was issued. A court may also impose a civil penalty if it finds that the opposing party knowingly and intentionally violated the law. The decision to grant such awards rests within the court's discretion.

## **NOTICE TO ASSOCIATIONS**

Condominium Associations must register with the Department of Commerce through the Office of the Homeowners' Association Ombudsman under [Utah Code § 57-8-13.1](#), and Community Associations must register under [Utah Code § 57-8a-105](#). Due to an updated registration system, any association that registered prior to September 2025 is required to complete a new registration, regardless of whether they have previously registered with the Department of Commerce. All associations must also renew their registration annually. Information about this process and the registration application is available at <https://commerce.utah.gov/hoa/new-registration/>.