

GOOD LANDLORD PROGRAM AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions related to a good landlord program.

Highlighted Provisions:

This bill:

- ▶ defines "residential landlord";
- ▶ prohibits a municipality from requiring a residential landlord to deny tenancy to certain individuals;
- ▶ prohibits a municipality from requiring a residential landlord to provide certain information on or on a contract with a tenant;
- ▶ permits a municipality to require a copy of an agreement between the owner of record of real property and a third-party provider who manages the property;
- ▶ if a residential landlord owns multiple properties, requires a municipality to charge a disproportionate rental fee reduction for each property that is in compliance; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-1-203.5, as enacted by Laws of Utah 2012, Chapter 289

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-1-203.5** is amended to read:

10-1-203.5. Disproportionate rental fee -- Good landlord training program -- Fee reduction.

(1) As used in this section:

33 (a) "Business" means the rental of one or more residential units within a municipality.

34 (b) "Disproportionate rental fee" means a fee adopted by a municipality to recover its
35 disproportionate costs of providing municipal services to residential rental units compared to
36 similarly-situated owner-occupied housing.

37 (c) "Disproportionate rental fee reduction" means a reduction of a disproportionate
38 rental fee as a condition of complying with the requirements of a good landlord training
39 program.

40 (d) "Exempt business" means the rental of a residential unit within a single structure
41 that contains:

42 (i) no more than four residential units; and

43 (ii) one unit occupied by the owner.

44 (e) "Exempt landlord" means a residential landlord who demonstrates to a
45 municipality:

46 (i) completion of any live good landlord training program offered by any other Utah
47 city that offers a good landlord program;

48 (ii) that the residential landlord has a current professional designation of "property
49 manager"; or

50 (iii) compliance with a requirement described in Subsection [~~(4)~~] (6).

51 (f) "Good landlord training program" means a program offered by a municipality to
52 encourage business practices that are designed to reduce the disproportionate cost of municipal
53 services to residential rental units by offering a disproportionate rental fee reduction for any
54 residential landlord who:

55 (i) (A) completes a landlord training program provided by the municipality; or

56 (B) is an exempt landlord;

57 (ii) implements measures to reduce crime in rental housing as specified in a municipal
58 ordinance or policy; and

59 (iii) operates and manages rental housing in accordance with an applicable municipal
60 ordinance.

61 (g) "Municipal services" means:

62 (i) public utilities;

63 (ii) police;

- 64 (iii) fire;
- 65 (iv) code enforcement;
- 66 (v) storm water runoff;
- 67 (vi) traffic control;
- 68 (vii) parking;
- 69 (viii) transportation;
- 70 (ix) beautification; or
- 71 (x) snow removal.
- 72 (h) "Municipal services study" means a study of the cost of all municipal services to
- 73 rental housing that:
- 74 (i) are reasonably attributable to the rental housing; and
- 75 (ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.
- 76 (i) "Residential landlord" means the owner of record of residential real property that is
- 77 leased or rented to another.
- 78 (2) The legislative body of a municipality may charge and collect a disproportionate
- 79 rental fee on a business that causes disproportionate costs to municipal services if the
- 80 municipality:
- 81 (a) has performed a municipal services study; and
- 82 (b) adopts a disproportionate rental fee that does not exceed the amount that is justified
- 83 by the municipal services study on a per residential rental unit basis.
- 84 (3) A municipality may not:
- 85 (a) impose a disproportionate rental fee on an exempt business;
- 86 (b) require a residential landlord to deny tenancy to an individual released from
- 87 probation or parole whose conviction date occurred more than four years before the date of
- 88 tenancy; ~~or~~
- 89 (c) require a residential landlord to deny tenancy to an individual who has been
- 90 convicted of any crime other than the following:
- 91 (i) a felony under Title 58, Chapter 37, Utah Controlled Substances Act;
- 92 (ii) a class A misdemeanor or felony under Title 76, Chapter 5, Offenses Against the
- 93 Person.
- 94 (iii) a felony under Title 76, Chapter 4, Part 4, Enticing a Minor;

95 (iv) a felony under Title 76, Chapter 6, Offenses Against Property;
96 (v) a felony under Title 76, Chapter 10, Part 5, Weapons; or
97 (vi) a felony under Title 76, Chapter 10, Part 12, Pornographic and Harmful Materials
98 and Performances;

99 ~~[(c)]~~ (d) without cause and notice, require a residential landlord to submit to a random
100 building inspection[-];

101 (e) collect from a residential landlord or retain:

102 (i) a tenant's consumer report, as defined in 15 U.S.C. Sec. 1681a, in violation of 15
103 U.S.C. Sec. 1681b as amended;

104 (ii) a tenant's criminal history record information in violation of Section 53-10-108; or

105 (iii) a copy of an agreement between the residential landlord and a tenant regarding the
106 tenant's term of occupancy, rent, or any other condition of occupancy;

107 (f) require that any documents required from the landlord be notarized;

108 (g) prohibit a residential landlord from passing on to the tenant the license or
109 disproportionate fee.

110 (4) Nothing in this Section shall limit a municipality's right to audit and inspect a
111 residential landlord's records to ensure compliance with a disproportionate rental fee reduction
112 program.

113 (5) Notwithstanding Section 10-11-2, a residential landlord may provide the name and
114 address of a person to whom all correspondence regarding the property shall be sent. If a
115 residential landlord provides the name and address in writing, the municipality shall provide all
116 further correspondence regarding the property to the designated person. The municipality may
117 also provide copies of notices to the residential landlord.

118 ~~[(4)]~~ (6) In addition to a requirement or qualification described in Subsection (1)(e), a
119 municipality may recognize a landlord training described in its ordinance.

120 ~~[(5)]~~ (7) (a) If a municipality adopts a good landlord program, the municipality shall
121 provide an appeal procedure affording due process of law to a residential landlord who is
122 denied a disproportionate rental fee reduction.

123 (b) A municipality may not adopt a new disproportionate rental fee unless the
124 municipality provides a disproportionate rental fee reduction.

125 (8) If a property manager whose business includes more than one property within a

126 municipality, excluding an exempt business on a property, completes, unless exempt, a
127 landlord training program in accordance with Subsection (1)(f)(i)(A), but fails to implement
128 measures to reduce crime as described in Subsection (1)(f)(ii) on a property or fails to operate
129 and manage a property in accordance with Subsection (1)(f)(iii), the municipality:

130 (a) may charge a disproportionate rental fee for each property for which the property
131 manager failed to implement measures to reduce crime under Subsection (1)(f)(ii) or failed to
132 operate and manage the rental housing in accordance with applicable municipal ordinance
133 under Subsection (1)(f)(iii); and

134 (b) shall charge a disproportionate rental fee reduction to any remaining property for
135 which the property manager has complied with Subsections (1)(f)(ii) and (iii).