

Superseded 5/10/2016

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

- (1) As used in this section:
- (a) "Business" means the rental of one or more residential units within a municipality.
 - (b) "Disproportionate rental fee" means a fee adopted by a municipality to recover its disproportionate costs of providing municipal services to residential rental units compared to similarly-situated owner-occupied housing.
 - (c) "Disproportionate rental fee reduction" means a reduction of a disproportionate rental fee as a condition of complying with the requirements of a good landlord training program.
 - (d) "Exempt business" means the rental of a residential unit within a single structure that contains:
 - (i) no more than four residential units; and
 - (ii) one unit occupied by the owner.
 - (e) "Exempt landlord" means a residential landlord who demonstrates to a municipality:
 - (i) completion of any live good landlord training program offered by any other Utah city that offers a good landlord program;
 - (ii) that the residential landlord has a current professional designation of "property manager"; or
 - (iii) compliance with a requirement described in Subsection (4).
 - (f) "Good landlord training program" means a program offered by a municipality to encourage business practices that are designed to reduce the disproportionate cost of municipal services to residential rental units by offering a disproportionate rental fee reduction for any landlord who:
 - (i)
 - (A) completes a landlord training program provided by the municipality; or
 - (B) is an exempt landlord;
 - (ii) implements measures to reduce crime in rental housing as specified in a municipal ordinance or policy; and
 - (iii) operates and manages rental housing in accordance with an applicable municipal ordinance.
 - (g) "Municipal services" means:
 - (i) public utilities;
 - (ii) police;
 - (iii) fire;
 - (iv) code enforcement;
 - (v) storm water runoff;
 - (vi) traffic control;
 - (vii) parking;
 - (viii) transportation;
 - (ix) beautification; or
 - (x) snow removal.
 - (h) "Municipal services study" means a study of the cost of all municipal services to rental housing that:
 - (i) are reasonably attributable to the rental housing; and
 - (ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.
- (2) The legislative body of a municipality may charge and collect a disproportionate rental fee on a business that causes disproportionate costs to municipal services if the municipality:
- (a) has performed a municipal services study; and

- (b) adopts a disproportionate rental fee that does not exceed the amount that is justified by the municipal services study on a per residential rental unit basis.
- (3) A municipality may not:
 - (a) impose a disproportionate rental fee on an exempt business;
 - (b) require a landlord to deny tenancy to an individual released from probation or parole whose conviction date occurred more than four years before the date of tenancy; or
 - (c) without cause and notice, require a landlord to submit to a random building inspection.
- (4) In addition to a requirement or qualification described in Subsection (1)(e), a municipality may recognize a landlord training described in its ordinance.
- (5)
 - (a) If a municipality adopts a good landlord program, the municipality shall provide an appeal procedure affording due process of law to a landlord who is denied a disproportionate rental fee reduction.
 - (b) A municipality may not adopt a new disproportionate rental fee unless the municipality provides a disproportionate rental fee reduction.