

HB0422S02 compared with HB0422

~~{Omitted text}~~ shows text that was in HB0422 but was omitted in HB0422S02
inserted text shows text that was not in HB0422 but was inserted into HB0422S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Municipality Regulation of Open House Amendments**
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: R. Neil Walter
Senate Sponsor: Calvin R. Musselman

2
3 **LONG TITLE**

4 **General Description:**

5 This bill prohibits a municipality from regulating an open house.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines the term "open house";
- 9 ▶ provides that the governing body of a municipality may not regulate an open house differently
10 than a residential use;
- 11 ▶ provides that any ordinance regulating an open house ~~{, other }~~ differently than a ~~{ generally~~
12 ~~applicable building code or fire code ordinance, }~~ residential use is void; and
13 ~~{ provides that an affirmative defense in an action for punitive damages over the~~
14 ~~enforcement of an invalid ordinance is not available if the invalid ordinance relates to an open~~
15 ~~house; and }~~
16 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

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16 **Other Special Clauses:**

17 This bill provides a special effective date.

19 AMENDS:

20 **10-3-702** , as last amended by Laws of Utah 2010, Chapter 378 , as last amended by Laws of Utah
21 2010, Chapter 378

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

23 Section 1. Section **10-3-702** is amended to read:

24 **10-3-702. Extent of power exercised by ordinance.**

25 (1) As used in this section, "open house" means an event held by a homeowner, including an event in
association with a real estate agent, architect, builder, or developer, to showcase a home, including
the outdoor landscaping around the home.

28 (2)

27 ~~{(1)}~~ (a) ~~{As used in this section, "open house" means an event held by a homeowner{ H→ } { }~~
~~{, including an event} { } { ←H } { in association with a real estate agent, architect, builder, or~~
~~developer} { H→ } { } {,} { } { ←H } { to showcase a } { H→ } { } [___ The] Except as provided in
Subsection (2)(b), the governing body of a municipality may pass any ordinance to regulate, require,
prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this
act or any other provision of law.~~

32 (b)

(i) The governing body of a municipality may not regulate an open house differently than a residential
use.

34 (ii) Any ordinance regulating an open house differently than a residential use is void.

35 (3)

(a) An officer of the municipality may not be convicted of a criminal offense where [he] the officer
relied on or enforced an ordinance [he] the officer reasonably believed to be a valid ordinance.

38 (b) It shall be a defense [to] in any action for punitive damages [that] over the enforcement of an invalid
ordinance if the official: { }

40 (i) acted in good faith in enforcing an ordinance; or

41 (ii) [that he] enforced an ordinance on advice of legal counsel.

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~~{ {new or} } { } { ←H } { H→ } { } {f} {remodeled} {f} { } { ←H } {home, including the outdoor landscaping around the home.}~~

30 (2)

~~{(a)} {f} { } {The} {f} { {Except as provided in Subsection (1)(b), the } } {governing body} { {of a municipality } } may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law.}~~

34 (b)

~~{(i) The governing body of a municipality may not regulate an open house.}~~

35 ~~{(ii) Any ordinance regulating an open house, other than a generally applicable building code or fire code ordinance, is void.}~~

37 (3)

~~{(a)} {An officer of the municipality may not be convicted of a criminal offense where} {f} {he} {f} { {the officer} } {relied on or enforced an ordinance} {f} {he} {f} { {the officer} } {reasonably believed to be a valid ordinance.}~~

40 ~~{(b)} {f} {It shall be a} {f} { {Except as provided in Subsection (3)(e), an official may claim an affirmative} } {defense} {f} {to} {f} { {in} } {any action for punitive damages} {f} {that} {f} { {over the enforcement of an invalid ordinance if} } {the official} { {:-} } {-}~~

43 ~~{(i)} {acted in good faith in enforcing an ordinance} { {:-} } {-or}~~

44 ~~{(ii)} {f} {that he} {f} {enforced an ordinance on advice of legal counsel.}~~

45 ~~{(e) There is no affirmative defense available in an action for punitive damages over the enforcement of an invalid ordinance if the invalid ordinance relates to an open house.}~~

42 Section 2. **Effective date.**

This bill takes effect:

49 (1) except as provided in Subsection (2), May 7, 2025; or

50 (2) if approved by two-thirds of all members elected to each house:

51 (a) upon approval by the governor;

52 (b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

54 (c) in the case of a veto, the date of veto override.

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