

# HB0422S02 compared with HB0422S01

{Omitted text} shows text that was in HB0422S01 but was omitted in HB0422S02  
inserted text shows text that was not in HB0422S01 but was inserted into HB0422S02

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

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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            ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15            None

16 **Other Special Clauses:**

17            This bill provides a special effective date.

19 AMENDS:

**HB0422S01**

## HB0422S01 compared with HB0422S02

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

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

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

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

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(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.

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(2)

(a) [~~—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.

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(b)

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

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

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(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.

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

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

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

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### Section 2. **Effective date.**

This bill takes effect:

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

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

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(a) upon approval by the governor;

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

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

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