

1 **Municipality Regulation of Open House Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor:

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;
- 10 ▶ provides that any ordinance regulating an open house, other than a generally applicable
- 11 building code or fire code ordinance, is void;
- 12 ▶ provides that an affirmative defense in an action for punitive damages over the
- 13 enforcement of an invalid ordinance is not available if the invalid ordinance relates to an
- 14 open house; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill provides a special effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **10-3-702**, as last amended by Laws of Utah 2010, Chapter 378

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

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

26 **10-3-702 . Extent of power exercised by ordinance.**

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

30 (2)(a) [The-] Except as provided in Subsection (1)(b), the governing body of a

31 municipality may pass any ordinance to regulate, require, prohibit, govern, control or
32 supervise any activity, business, conduct or condition authorized by this act or any
33 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
36 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 [
38 he] the officer relied on or enforced an ordinance [~~he~~] the officer reasonably believed
39 to be a valid ordinance.

40 (b) [~~It shall be a~~] Except as provided in Subsection (3)(c), an official may claim an
41 affirmative defense [tø] in any action for punitive damages [that] over the enforcement
42 of an invalid ordinance if the official:

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

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

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

47 Section 2. **Effective Date.**

48 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
53 Utah Constitution, Article VII, Section 8; or

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