

Calvin R. Musselman proposes the following substitute bill:

Municipality Regulation of Open House Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill prohibits a municipality from regulating an open house.

Highlighted Provisions:

This bill:

- defines the term "open house";
- provides that the governing body of a municipality may not regulate an open house differently than a residential use;
- provides that any ordinance regulating an open house differently than a residential use is void; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

(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.

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

29 municipality may pass any ordinance to regulate, require, prohibit, govern, control or
30 supervise any activity, business, conduct or condition authorized by this act or any
31 other provision of law.

32 (b)(i) The governing body of a municipality may not regulate an open house
33 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 [
36 he] the officer relied on or enforced an ordinance [~~he~~] the officer reasonably believed
37 to be a valid ordinance.

38 (b) It shall be a defense [to] in any action for punitive damages [~~that~~] over the
39 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.

42 Section 2. **Effective Date.**

43 This bill takes effect:

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

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

46 (a) upon approval by the governor;

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

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