

GOOD LANDLORD AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Curtis S. Bramble

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10	Susan Duckworth	Karen Kwan	Mark A. Wheatley
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LONG TITLE

General Description:

This bill modifies provisions related to disproportionate rental fees.

Highlighted Provisions:

This bill:

- ▶ prohibits a municipality from requiring a residential landlord to deny tenancy to an individual based on the individual's criminal history.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-1-203.5, as last amended by Laws of Utah 2016, Chapter 86

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

29 Section 1. Section **10-1-203.5** is amended to read:

30 **10-1-203.5. Disproportionate rental fee -- Good landlord training program -- Fee**
31 **reduction.**

32 (1) As used in this section:

33 (a) "Business" means the rental of one or more residential units within a municipality.

34 (b) "Disproportionate rental fee" means a fee adopted by a municipality to recover its
35 disproportionate costs of providing municipal services to residential rental units compared to
36 similarly-situated owner-occupied housing.

37 (c) "Disproportionate rental fee reduction" means a reduction of a disproportionate
38 rental fee as a condition of complying with the requirements of a good landlord training
39 program.

40 (d) "Exempt business" means the rental of a residential unit within a single structure
41 that contains:

42 (i) no more than four residential units; and

43 (ii) one unit occupied by the owner.

44 (e) "Exempt landlord" means a residential landlord who demonstrates to a
45 municipality:

46 (i) completion of any live good landlord training program offered by any other Utah
47 city that offers a good landlord program;

48 (ii) that the residential landlord has a current professional designation of "property
49 manager"; or

50 (iii) compliance with a requirement described in Subsection (6).

51 (f) "Good landlord training program" means a program offered by a municipality to
52 encourage business practices that are designed to reduce the disproportionate cost of municipal
53 services to residential rental units by offering a disproportionate rental fee reduction for any
54 residential landlord who:

55 (i) (A) completes a landlord training program provided by the municipality; or

56 (B) is an exempt landlord;
57 (ii) implements measures to reduce crime in rental housing as specified in a municipal
58 ordinance or policy; and
59 (iii) operates and manages rental housing in accordance with an applicable municipal
60 ordinance.

61 (g) "Municipal services" means:

- 62 (i) public utilities;
- 63 (ii) police;
- 64 (iii) fire;
- 65 (iv) code enforcement;
- 66 (v) storm water runoff;
- 67 (vi) traffic control;
- 68 (vii) parking;
- 69 (viii) transportation;
- 70 (ix) beautification; or
- 71 (x) snow removal.

72 (h) "Municipal services study" means a study of the cost of all municipal services to
73 rental housing that:

- 74 (i) are reasonably attributable to the rental housing; and
- 75 (ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.

76 (i) "Residential landlord" means:

- 77 (i) the owner of record of residential real property that is leased or rented to another; or
- 78 (ii) a third-party provider that has an agreement with the owner of record to manage the
79 owner's real property.

80 (2) The legislative body of a municipality may charge and collect a disproportionate
81 rental fee on a business that causes disproportionate costs to municipal services if the
82 municipality:

- 83 (a) has performed a municipal services study; and

84 (b) adopts a disproportionate rental fee that does not exceed the amount that is justified
85 by the municipal services study on a per residential rental unit basis.

86 (3) A municipality may not:

87 (a) impose a disproportionate rental fee on an exempt business;

88 (b) require a residential landlord to deny tenancy to an individual [~~released from~~
89 ~~probation or parole whose conviction date occurred more than four years before the date of~~
90 ~~tenancy~~] based on the individual's criminal history unless a halfway house, as that term is
91 defined in Section 51-9-412, is located within the municipality;

92 (c) without cause and notice, require a residential landlord to submit to a random
93 building inspection;

94 (d) unless agreed to by a residential landlord and in compliance with state and federal
95 law, collect from a residential landlord or retain:

96 (i) a tenant's consumer report, as defined in 15 U.S.C. Sec. 1681a, in violation of 15
97 U.S.C. Sec. 1681b as amended;

98 (ii) a tenant's criminal history record information in violation of Section 53-10-108; or

99 (iii) a copy of an agreement between the residential landlord and a tenant regarding the
100 tenant's term of occupancy, rent, or any other condition of occupancy;

101 (e) require that any documents required from the landlord be notarized; or

102 (f) prohibit a residential landlord from passing on to the tenant the license or
103 disproportionate fee.

104 (4) Nothing in this section shall limit:

105 (a) a municipality's right to audit and inspect an exempt residential landlord's records to
106 ensure compliance with a disproportionate rental fee reduction program; or

107 (b) the right of a municipality with a short-term or vacation rental ordinance to review
108 an owner's rental agreement to verify compliance with the municipality's ordinance.

109 (5) Notwithstanding Section 10-11-2, a residential landlord may provide the name and
110 address of a person to whom all correspondence regarding the property shall be sent. If the
111 landlord provides the name and address in writing, the municipality shall provide all further

112 correspondence regarding the property to the designated person. The municipality may also
113 provide copies of notices to the residential landlord.

114 (6) In addition to a requirement or qualification described in Subsection (1)(e), a
115 municipality may recognize a good landlord training program described in its ordinance.

116 (7) (a) If a municipality adopts a good landlord program, the municipality shall provide
117 an appeal procedure affording due process of law to a residential landlord who is denied a
118 disproportionate rental fee reduction.

119 (b) A municipality may not adopt a new disproportionate rental fee unless the
120 municipality provides a disproportionate rental fee reduction.

121 (8) A property manager who represents an owner of property that qualifies for a
122 municipal disproportionate rental fee may not be restricted from simultaneously representing
123 another owner of property that does not qualify for a municipal disproportionate rental fee.