

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 \hat{H} → , including

27a an event $\leftarrow \hat{H}$ in

28 association with a real estate agent, architect, builder, or developer \hat{H} → , $\leftarrow \hat{H}$ to showcase a

\hat{H} → [new

- 28a or
- 29 remodeled] ←~~H~~ 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.