

GOOD LANDLORD PROGRAM REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts language related to municipal requirements of a landlord.

Highlighted Provisions:

This bill:

▶ prohibits a municipality from requiring a landlord to deny tenancy based on an individual's criminal record.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-1-203.5, as enacted by Laws of Utah 2012, Chapter 289

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

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

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

(1) As used in this section:

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



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

31 (c) "Disproportionate rental fee reduction" means a reduction of a disproportionate
32 rental fee as a condition of complying with the requirements of a good landlord training
33 program.

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

- 36 (i) no more than four residential units; and
- 37 (ii) one unit occupied by the owner.

38 (e) "Exempt landlord" means a residential landlord who demonstrates to a
39 municipality:

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

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

44 (iii) compliance with a requirement described in Subsection (4).

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

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

50 (B) is an exempt landlord;

51 (ii) implements measures to reduce crime in rental housing as specified in a municipal
52 ordinance or policy; and

53 (iii) operates and manages rental housing in accordance with an applicable municipal
54 ordinance.

55 (g) "Municipal services" means:

56 (i) public utilities;

57 (ii) police;

58 (iii) fire;

- 59 (iv) code enforcement;
- 60 (v) storm water runoff;
- 61 (vi) traffic control;
- 62 (vii) parking;
- 63 (viii) transportation;
- 64 (ix) beautification; or
- 65 (x) snow removal.
- 66 (h) "Municipal services study" means a study of the cost of all municipal services to
- 67 rental housing that:
 - 68 (i) are reasonably attributable to the rental housing; and
 - 69 (ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.
- 70 (2) The legislative body of a municipality may charge and collect a disproportionate
- 71 rental fee on a business that causes disproportionate costs to municipal services if the
- 72 municipality:
 - 73 (a) has performed a municipal services study; and
 - 74 (b) adopts a disproportionate rental fee that does not exceed the amount that is justified
 - 75 by the municipal services study on a per residential rental unit basis.
 - 76 (3) A municipality may not:
 - 77 (a) impose a disproportionate rental fee on an exempt business;
 - 78 (b) require a landlord to deny tenancy to an individual [~~released from probation or~~
 - 79 ~~parole whose conviction date occurred more than four years before the date of tenancy]~~ based
 - 80 on the individual's criminal record; or
 - 81 (c) without cause and notice, require a landlord to submit to a random building
 - 82 inspection.
 - 83 (4) In addition to a requirement or qualification described in Subsection (1)(e), a
 - 84 municipality may recognize a landlord training described in its ordinance.
 - 85 (5) (a) If a municipality adopts a good landlord program, the municipality shall provide
 - 86 an appeal procedure affording due process of law to a landlord who is denied a
 - 87 disproportionate rental fee reduction.
 - 88 (b) A municipality may not adopt a new disproportionate rental fee unless the
 - 89 municipality provides a disproportionate rental fee reduction.

Legislative Review Note
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Office of Legislative Research and General Counsel