

***Superseded 5/12/2015***

**57-21-3 Exemptions -- Sale by private individuals -- Nonprofit organizations -- Noncommercial transactions.**

- (1) This chapter does not apply to any single-family dwelling unit sold or rented by its owner if:
  - (a) the owner is not a partnership, association, corporation, or other business entity;
  - (b) the owner does not own any interest in four or more single-family dwelling units held for sale or lease at the same time;
  - (c) during a 24-month period, the owner does not sell two or more single-family dwelling units in which the owner was not residing or was not the most recent resident at the time of sale;
  - (d) the owner does not retain or use the facilities or services of any real estate broker or salesperson; and
  - (e) the owner does not use any discriminatory housing practice under Subsection 57-21-5(2) in the sale or rental of the dwelling.
- (2) This chapter does not apply to a temporary or permanent residence facility operated by a nonprofit or charitable organization, including any dormitory operated by a public or private educational institution, if the discrimination is by sex or familial status for reasons of personal modesty or privacy or in the furtherance of a religious institution's free exercise of religious rights under the First Amendment of the United States Constitution.
- (3) This chapter, except for Subsection 57-21-5(2), does not apply to the rental of a room in the dwelling by an owner-occupant of a single-family dwelling to another person if the dwelling is designed for occupancy by four or fewer families, and the owner-occupant resides in one of the units.
- (4) This chapter does not prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings it owns or operates for primarily noncommercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in the religion is restricted by race, color, sex, or national origin.
- (5) This chapter does not prohibit a private club not open to the public, including fraternities and sororities associated with institutions of higher education, from limiting the rental or occupancy of lodgings to members or from giving preference to its members, but only if it owns or operates the lodgings as an incident to its primary purpose and not for a commercial purpose.
- (6) This chapter does not prohibit distinctions based on inability to fulfill the terms and conditions, including financial obligations, of a lease, rental agreement, contract of purchase or sale, mortgage, trust deed, or other financing agreement.
- (7) This chapter does not prohibit any nonprofit educational institution from:
  - (a) requiring its single students to live in housing approved, operated, or owned by the institution;
  - (b) segregating housing that the institution approves, operates, or owns on the basis of sex or familial status or both for reasons of personal modesty or privacy, or in the furtherance of a religious institution's free exercise of religious rights under the First Amendment of the United States Constitution; or
  - (c) otherwise assisting others in making sex-segregated housing available to students as may be permitted by regulations implementing the federal Fair Housing Amendments Act of 1988 and Title IX of the Education Amendments of 1972.
- (8) This chapter does not prohibit any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (9) The provisions pertaining to familial status do not apply to the existence, development, sale, rental, advertisement, or financing of any apartment complex, condominium, or other housing

development designated as housing for older persons, as defined by Title VIII of the Civil Rights Act of 1968, as amended.